

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

ANNUAL COMPLIANCE REPORT, 2008

Docket No. ACR2008

REPLY OF THE UNITED STATES POSTAL SERVICE TO THE TIME WARNER
RESPONSE TO THE POSTAL SERVICE
MOTION ON PROTECTIVE CONDITIONS
(December 19, 2008)

On December 12, 2008, the Postal Service filed a motion seeking the establishment of protective conditions for certain core costing materials in its ACR filing, along with a proposed draft of such protective conditions. Earlier today, December 19, Time Warner responded, and included with its response an alternative set of proposed protective conditions. The Postal Service hereby replies to that response. A motion for leave to file this reply was filed separately today.

Time Warner appears to agree with the Postal Service regarding the general purpose of the motion, but suggests some alterations in the proposed protective conditions. The first effect of these alterations would be to extend the trigger event for the end of access to the protected materials from the issuance of the FY 2008 ACD to the issuance of the FY 2009 ACD. The second effect would be to allow, at the discretion of the Postal Service, a further extension beyond issuance of the FY 2009 ACD, conditional upon execution of further certification

and agreement with terms stated by the Postal Service. The suggestions of Time Warner would have no effect on the range of individuals eligible to obtain access, or the content of the set of materials covered. Instead, the intent is simply to allow those eligible to retain access to the materials for a longer period of time (an additional year), and to create the opportunity for further extensions.

Without necessarily agreeing with every statement made by Time Warner in support of its suggested alterations, the Postal Service sees benefits to those suggestions. In general, the Postal Service would be concerned with protective conditions which are not anchored to a particular proceeding. But one of the features of the PAEA is that, unlike the irregular occurrence of proceedings under the PRA, a very predictable regulatory schedule has been established. Under circumstances in which the ACR/ACD cycle from one year will be followed exactly one year later by an identical cycle, and further in which materials produced for the first cycle will maintain at least some of their relevance until the completion of the subsequent cycle, the approach suggested by Time Warner appears reasonable. It should achieve the objective of allowing reasonable access, without increasing the administrative burden. Equally importantly, it should avoid excessive attenuation of the connection between access to the material, and the examination of a relatively-well defined set of issues relevant to a particular proceeding (or, in this instance, a series of similar proceedings).

Consequently, the Postal Service views the modifications to the proposed protective conditions suggested by Time Warner to appropriately address legitimate concerns raised regarding the Postal Service's initial proposals, and

therefore urges the Commission to incorporate the Time Warner suggestions into any protective conditions it establishes in response to the Postal Service's motion.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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CERTIFICATE OF SERVICE

I hereby certify that I have this date served the foregoing document in accordance with Section 12 of the Rules of Practice and Procedure.

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