

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Ruth Y. Goldway Chairman;
Tony L. Hammond Vice Chairman;
Mark Acton;
Dan G. Blair; and
Nanci E. Langley

Annual Compliance Report, 2009

Docket No. ACR2009

ORDER CONCERNING VALPAK OPPOSITION TO POSTAL SERVICE
APPLICATION FOR NONPUBLIC TREATMENT

(Issued January 29, 2010)

On January 15, 2010, Valpak Direct Marketing Systems, Inc. and Valpak Dealers' Association, Inc. (Valpak) filed a motion for the Commission to issue an information request.¹

On January 22, 2010, the Postal Service filed in response to Valpak's motion. The Response contains sections that are redacted, and the Postal Service attached to

¹ Valpak Direct Marketing Systems, Inc. and Valpak Dealers' Association, Inc. Motion for Issuance of Commission Information Request Concerning Certain Costs Related to Negotiated Service Agreements, January 15, 2010 (Valpak Motion).

the Response an application for nonpublic treatment for the redacted portions.² The application for nonpublic treatment attached to the Postal Service Response explains the Postal Service's reasons for redacting a portion of its response.

On January 26, 2010, Valpak filed in opposition to the Postal Service's application for nonpublic treatment.³ In its filing, Valpak requests that the Commission deny the Postal Service's application for nonpublic treatment. *Id.*

The Valpak Memorandum in Opposition is not stylized as a motion, and does not reference the Commission's rules for the treatment of nonpublic materials. However, the relief Valpak seeks, the unsealing of the redacted portions of the Postal Service Response, makes it appropriate for the Commission to treat the filing as a motion requesting early termination of nonpublic status pursuant to 39 CFR 3007.31.

Accordingly, the Commission intends to treat Valpak's filing as a motion requesting early termination of nonpublic status. The Postal Service must immediately notify any third party that may have an interest implicated by Valpak's filing. The Postal Service or any other interested person may file a response to the filing with 7 days of this Order. After responses, if any, are filed, the Commission will issue an order determining the appropriate degree of protection, if any, to be accorded the materials claimed to be nonpublic by the Postal Service.

² United States Postal Service Response to Valpak Direct Marketing Systems, Inc. and Valpak Dealers' Association, Inc. Motion for Issuance of Commission Information Request Concerning Certain Costs Related to Negotiated Service Agreements, January 22, 2010 (Response).

³ Valpak Direct Marketing Systems, Inc. and Valpak Dealers' Association, Inc. Opposition to Postal Service Application for Nonpublic Treatment, January 26, 2010 (Valpak Memorandum in Opposition).

It is Ordered:

1. Valpak Direct Marketing Systems, Inc. and Valpak Dealers' Association, Inc. Opposition to Postal Service Application for Nonpublic Treatment, filed January 26, 2010, shall be treated as a motion pursuant to 39 CFR 3007.31.
2. The Postal Service shall immediately notify any third party who may have a proprietary interest in this matter.
3. The Postal Service and any other interested persons shall file responses by February 5, 2010.

By the Commission.

Judith M. Grady
Acting Secretary