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

In the Matter of: Pleasant Ridge Station Little Rock, AR 72212 (Lou Schickel, Petitioner)	Docket No. A2011-8

UNITED STATES POSTAL SERVICE NOTICE OF FILING AND APPLICATION FOR NON-PUBLIC STATUS
(April 26, 2011)

On April 19, 2011, the Commission issued Commission Information Request No.1, requesting that "the Postal Service … provide the Administrative Record supporting its final determination to close the Pleasant Ridge Station."

The Postal Service maintains its position that it has no obligation to provide the complete administrative record because the Commission lacks jurisdiction to hear Petitioner's appeal.[1] The Postal Service renews its assertion,

[1] Because Pleasant Ridge Station is not a Post Office, the Postal Service submits that Commission jurisdiction under 39 U.S.C. § 404(d) does not attach. In addition, it is the Postal Service's position that the procedural requirements of 39 U.S.C. § 404(d) do not apply because the discontinuance of Pleasant Ridge Station does not qualify as a closure as envisioned by 39 U.S.C. § 404(d). *See* Notice of United States Postal Service, PRC Docket No. A2011-8 (March 2, 2011).

as stated in previous "A" series dockets,[2] that the content of an administrative record, or whether an administrative record exists at all, has no bearing on whether the Commission has subject matter jurisdiction to hear an appeal of a station or branch discontinuance. The Postal Service understands that the existence of subject matter jurisdiction depends upon the scope of Commission authority bestowed by Congress, and not on any activity conducted by the Postal Service.

Because this docket involves a facility classified as a station, and not a Post Office, the Postal Service did not apply the same procedures as provided for discontinuance of Post Offices under 39 U.S.C. Part 241.3. Rather, it performed a study pursuant to specially crafted procedures for stations and branches. Nevertheless, in response to the Commission's Information Request, the Postal Service has assembled an administrative record that it believes satisfies the § 404(d) requirements, and demonstrates a consideration of all necessary factors, including the effect on postal services, the community, and employees, and the estimated economic savings. Comments of United States Postal Service, PRC Docket No. A2011-8 (April 11, 2011) at 2-5.

Without waiving its position stated above and in its Notice[3] and Comments,[4] the Postal Service today responds to Commission Information Request No. 1 by filing an administrative record. As set forth in its Application for Non-Public treatment, filed concurrently with this Notice as Attachment 1, the

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[2] *See*, *e.g.,* Reply of United States Postal Service in Response to Eugene Area Local No. 679 of the American Postal Workers Union, AFL-CIO Motion to Compel and Revise Procedural Schedule, PRC Docket No. A2011-4 (February 2, 2011).
[3] Notice of United States Postal Service, PRC Docket No. A2011-8 (March 2, 2011).
[4] Comments of United States Postal Service, PRC Docket No. A2011-8 (April 11, 2011).

Postal Service files a non-public[5] version of the administrative record under seal to protect certain commercial information of the Postal Service, as well as personal identifiable information of individual customers.

Respectfully submitted,

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[5] The Postal Service will also file a public version of the administrative record.

ATTACHMENT 1

APPLICATION OF THE UNITED STATES POSTAL SERVICE FOR NON-PUBLIC TREATMENT OF MATERIALS
(April 26, 2011)

In accordance with 39 C.F.R. § 3007.21 and Order No. 225,[1] the United States Postal Service (Postal Service) applies for non-public treatment of certain materials filed under seal with the Commission. The Pleasant Ridge Station Administrative Record includes financial and customer information related to operations at the Pleasant Ridge Station 72212, and other postal retail facilities in close proximity to Pleasant Ridge Station.

(1) The rationale for claiming that the materials are non-public, including the specific statutory basis for the claim, and a statement justifying application of the provision(s);

The materials designated as non-public consist of information of a commercial nature that under good business practice would not be publicly disclosed. In the Postal Service's view, this information would be exempt from mandatory disclosure pursuant to 39 U.S.C. § 410(c)(2) and 5 U.S.C. § 552(b)(3). Materials designated as non-public also include personally identifiable information (PII) that was redacted in conformity with 39 U.S.C. § 410(c)(1) and 5 U.S.C. § 552(b)(6). Because the portions of the materials that the Postal Service applies to file under seal fall within the scope of information not required to be publicly disclosed, the Postal Service asks the Commission to support its determination that these materials qualify as exempt from public disclosure and grant its application for their non-public treatment.

[1] PRC Order No. 225, Final Rules Establishing Appropriate Confidentiality Procedures, PRC Docket No. RM2008-1 (June 19, 2009).

(2) Identification, including name, phone number, and email address for any third-party who is known to have a proprietary interest in the materials, or if such an identification is sensitive, contact information for a Postal Service employee who shall provide notice to that third party;

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(3) A description of the materials claimed to be non-public in a manner that, without revealing the materials at issue, would allow a person to thoroughly evaluate the basis for the claim that they are non-public;

The non-public material contains commercial information of the Postal Service, such as income, costs, and staffing at affected facilities. In addition, the PII of individual customers, including names, addresses, and contact information, is treated as non-public in this filing. The Postal Service maintains that the non-public portions of these materials should remain confidential.

(4) Particular identification of the nature and extent of commercial harm alleged and the likelihood of such harm;

If the information that the Postal Service seeks to protect from disclosure due to its confidential nature was disclosed publicly, the Postal Service considers it quite likely that it would suffer harm. Revealing Postal Service financial information would enable competitors to focus marketing efforts on particular Postal Service locations with many potential customers for the competitor. In particular, stations and branches are located in urban areas where competition with private commercial receiving agencies is quite common. The Postal Service considers it highly probable that, if this information were made public, local competitors would take advantage of it. In addition, although the harm

concerning disclosure of PII about customers is not “commercial” in nature, the Postal Service notes that the disclosure of the PII of its customers would expose these customers to an increased risk of invasions of privacy and the greater possibility of identity theft and related crimes.

(5) At least one specific hypothetical, illustrative example of each alleged harm;

Harm: Revealing facility-specific financial information would enable competitors to target the location for sales and marketing purposes.

Hypothetical: Facility-specific financial information at a particular location is revealed to the public. A nearby private commercial mail receiving agency reviews the information, and determines that a discontinuance will affect enough potential customers at the postal location to justify an advertising campaign targeted at existing Postal Service customers. The private company directs advertising for its mailbox and shipping services to existing Postal Service customers, thereby causing the Postal Service to lose business to the competitor.

Harm: Disclosing personal identifying information of Postal Service customers would expose these customers to an increased risk of identity theft and related crimes.

Hypothetical: A party uses the PII of Postal Service customers, in combination with other data sources, to steal a customer’s identity through fraudulent credit applications. This could have a temporary negative impact on the customer’s credit status, and prevent the customer from engaging in financial transactions until the false applications are purged from credit files.

(6) The extent of protection from public disclosure deemed to be necessary;

The Postal Service maintains that the redactions of PII should be withheld from any persons who have not agreed to the Commission's standard confidentiality requirements.

(7) The length of time deemed necessary for the non-public materials to be protected from public disclosure with justification thereof; and

The Commission's regulations provide that non-public materials shall lose non-public status ten years after the date of filing with the Commission, unless the Commission or its authorized representative enters an order extending the duration of that status. 39 C.F.R. § 3007.30. The Postal Service submits that the ten year period is not sufficient to protect the interests of individuals whose PII is included in the filed information. As such, the Postal Service believes that such information should be accorded non-public status indefinitely.

(8) Any other factors or reasons relevant to support the application.

Under current Postal Service practices, a discontinuance study for a station or branch, such as Pleasant Ridge Station, is not undertaken pursuant to the standards for a discontinuance study affecting an independent Post Office, where a formal proposal is posted for sixty days, with the underlying administrative record then made available for inspection. In discontinuance studies subject to section 404(d), customers participating in or providing input for the discontinuance study's purposes are customarily advised that their input may become part of a public record, a fact which customers may want to consider as they craft their comments or other input. With respect to participants in a

discontinuance study affecting a station or branch, however, study participants are not necessarily made aware that their input may become part of a public record. The Postal Service accordingly proceeds with an expectation that, consistent with obligations pursuant to 39 U.S.C. § 410(c)(1) and 5 U.S.C. § 552(b)(6), other federal agencies will also keep such information confidential.

Conclusion

For the reasons discussed, the Postal Service requests that the Commission grant this application for non-public treatment of the identified materials.