

ORDER NO. 783

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

Before Commissioners:

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

Valley Falls Station
Cumberland, Rhode Island 02864

Docket No. A2011-18

ORDER GRANTING MOTIONS

(Issued July 29, 2011)

The Commission has before it two motions. The first, filed by David B. Popkin (Popkin), seeks to make public, redacted information filed by the Postal Service in this proceeding.¹ The second, filed by Derrick Watson, the Petitioner in this proceeding, seeks to extend the deadline for reply briefs in response to the Postal Service's filing of the unredacted materials.² Both motions are granted.

Background. On July 15, 2011, the Postal Service filed the Administrative Record for this proceeding.³ It filed both a public and non-public version. In his Motion, Popkin states that “[o]ne of the items that was redacted in the public filing was

¹ Motion of David B. Popkin, July 18, 2011 (Motion).

² Motion for Extension for Filing Reply Brief, July 26, 2011.

³ United States Postal Service Notice of Filing and Application for Non-Public Status, July 15, 2011 (Notice), which included a redacted copy of the Administrative Record. An unredacted copy was filed under seal. The Administrative Record is cited herein as Administrative Record.

the number of customers being served by the Valley Falls Station.” Motion at 1.⁴ Popkin argues that the redaction is inappropriate, and that the number of customers for any given box section/carrier route should be made public. He asserts that this information is available to the public on the Postal Service’s website. *Id.* Popkin contends that the number of post office box customers being affected by the discontinuance of a facility will be an important factor to be considered and should be available for participants to utilize in their pleadings. *Id.* On July 19, 2011, Petitioner filed in support of Popkin’s Motion.⁵ The Postal Service did not respond to the Motion.

Commission analysis. In its application for non-public treatment of materials, the Postal Service claims materials designated as non-public consist of information of a commercial nature that under good business practice would not be publicly disclosed. See Notice, Attachment 1. Popkin argues that the redacted information in the Administrative Record is publicly available on the Postal Service’s website. Motion at 1. The Motion is granted. The number of customers served by the Valley Falls Station is part of the public record for this proceeding. The Final Determination reports that the number of customers served by the Valley Falls Station is 150.⁶ Final Determination at 1. In other appeal proceedings, such information has been routinely included in the record. See Docket No. A2011-13.

Popkin states that “[t]he number of served customers for any given box section/carrier route is now provided on the USPS website.” (Footnote omitted.) Motion

⁴ Popkin cites pages 3-7, 10, 36, and 42 of the Administrative Record as containing the redacted information. *Id.* n.1.

⁵ Support of Motion by: David B. Popkin, July 19, 2011; *see also* Answer of the Public Representative in Support of Petitioner’s Motion to Extend the Deadline for Filing its Reply Brief, July 27, 2011.

⁶ Notice of United States Postal Service, June 7, 2011 (Notice). The Notice includes three exhibits: Exhibit 1, Final Determination to Close the Valley Falls, RI Classified Station Continue to Provide Retail PO Box and Retail Service through the Cumberland, RI Classified Station (Final Determination); Exhibit 2 identifies 15 additional Postal Service retail facilities near ZIP Code 02864; and Exhibit 3 identifies twenty additional locations to buy stamps.

at 1. Reference to the Postal Service's website, *www.usps.com*, reveals that it reports the total number of deliveries made to post offices boxes within the 02864 ZIP Code.⁷

The Postal Service is directed to file no later than August 2, 2011, an unredacted copy of the following pages of the Administrative Record showing the number of Post Office Box customers served by the Valley Falls Station: Item No. 2 at 1 through 3; Item No. 3 at 1, 2, and 5; Item No. 15 at 1 and the unnumbered item (following Item No. 16) at 1 (at page 42 of the Administrative Record).⁸

Petitioner's Motion for Extension is granted. The deadline for reply briefs from all participants is extended to August 12, 2011.

It is ordered:

1. The Motion of David B. Popkin, filed July 18, 2011, is granted.
2. The Postal Service shall file the unredacted information as set forth in the body of this Order not later than August 2, 2011.
3. The Motion for Extension for Filing Reply Brief, filed July 26, 2011, is granted.

⁷ It cannot be determined, however, if the figure reported on *www.usps.com* represents the number of customers served by the Valley Falls Station.

⁸ The foregoing page references to the Administrative Record correspond with those identified by Popkin,

4. The deadline for reply briefs from all participants is extended to August 12, 2011.

By the Commission.

Shoshana M. Grove
Secretary