

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

RETAIL ACCESS OPTIMIZATION INITIATIVE,
2011

Docket No. N2011-1

**NOTICE OF UNITED STATES POSTAL SERVICE OF FILING OF
LIBRARY REFERENCE USPS-LR-N2011-1/NP15
AND APPLICATION FOR NON-PUBLIC STATUS**
(September 26, 2011)

The Postal Service files the information indicated below in this proceeding as non-public Category 4 Library Reference responsive to subparts (a)-(c) and (i) of PR/USPS-21:

USPS-LR-N2011--1/NP15

Non-Public Responses To
Subparts (a)-(c) and (i) of
Interrogatory PR/USPS-21

A response to interrogatory PR/USPS-21 was filed in September 23, 2011. Subparts (a) -(c) and (i) of the interrogatory request facility-specific operating, revenue and earned workload data for several postal retail locations. In its response, the Postal Service indicated that responsive data would be filed in non-public Library Reference. The Postal Service regards these data to be commercially-sensitive and proprietary information that should not be released into the public domain. Accordingly, a non-public copy of the response to PR/USPS-21 is being filed today that includes the data responsive to subparts (a) (c) and (i). The data are shaded in gray in that unredacted document for ease of identification.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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September 26, 2011

**APPLICATION OF THE UNITED STATES POSTAL SERVICE
FOR NON-PUBLIC TREATMENT OF MATERIALS**

(September 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. Library Reference USPS-LR-N2011-1/NP15 includes sensitive commercial information, consisting of cost, revenue and workload information associated with postal retail facilities referenced in interrogatory PR/USPS-21.

(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). 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.

(2) Identification, including name, phone number, and email address for any

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

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 facility cost, revenue and earned workload information for several facilities referenced in interrogatory PR/USPS-21. 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 were disclosed publicly, the Postal Service considers it quite likely that it would suffer harm.

Revealing cost, revenue and earned workload data for postal retail locations would enable competitors to focus marketing efforts on particular Postal Service locations where there are many potential customers for the competitor. The Postal Service considers it highly probable that, if this information were made public, the Postal Service's competitors would take immediate advantage of it.

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

Harm: Revealing retail facility-specific cost, revenue and workload data for each postal retail location would enable competitors to target the location for sales and marketing purposes.

Hypothetical: The specific cost, revenue and workload data for a specific postal retail location are revealed to the public. A nearby private mailbox and shipping services provider reviews the information, and determines that there are enough potential customers and revenue at the postal location that an advertising campaign would be justified. The private company directs advertising for its mailbox and shipping service to the postal customers, perhaps using a billboard near the postal location and offering to match postal prices for a three-month trial.

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

The Postal Service maintains that cost, revenue and earned workload data for selected locations should be withheld from any person who has not agreed to the Commission's standard confidentiality requirements, including any person involved in competitive decision-making for any entity that might gain competitive advantage from use of this information.

(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.

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

The Postal Service considers this Application sufficient to fulfill the Postal

Service's obligations to justify its determination that the retail facility-specific cost, revenue and earned workload data should be treated as non-public, and redacted in the public version of this filing.

Conclusion

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