

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

Mail Processing Network Rationalization  
Service Standard Changes, 2012

Docket No. N2012-1

**UNITED STATES POSTAL SERVICE NOTICE OF FILING LIBRARY REFERENCE  
USPS-LR-N2012-1/NP12 AND APPLICATION FOR NON-PUBLIC STATUS**  
(January 31, 2012)

In accordance with Rule 31(b)(2), the United States Postal Service provides  
notice today that it files the following Category 2 Library Reference:

USPS-LR-N2012-1/NP12

USPS AMP Studies (2008-2011)

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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**UNITED STATES POSTAL SERVICE APPLICATION FOR  
NONPUBLIC TREATMENT OF LIBRARY REFERENCE USPS-LR-N2012-1/NP12**

In accordance with 39 C.F.R. § 3007.21 and Order No. 225,<sup>1</sup> the United States Postal Service (Postal Service) applies for nonpublic treatment of certain data filed under seal with the Commission.

The materials covered by this application consist of two categories of information.

The first category consists of those portions of each AMP study that reveal either (a) product-specific volumes for various postal products that originate and/or destinate in the service areas of specific mail processing plants in the Postal Service network or (b) data from which those volumes can be deduced

The second category consists of the names and addresses of specific postal customers who are provided notice of each AMP-related determination (or decision milestone) in conjunction with public notices issued in accordance with the USPS AMP Communications Plan (LR-N2012-1/12).

By operation of 39 U.S.C. § 410(c)(2), information of a commercial nature, which under good business practice would not be publicly disclosed, is not required to be disclosed to the public. The Commission may determine the appropriate level of confidentiality to be afforded to such information after weighing the nature and extent of the likely commercial injury to the Postal Service against the public interest in maintaining the financial transparency of a government establishment competing in commercial markets. 39 U.S.C. § 504(g)(3)(A). By operation of 39 U.S.C. § 412, the

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<sup>1</sup> PRC Order No. 225, Final Rules Establishing Appropriate Confidentiality Procedures, PRC Docket No. RM2008-1, June 19, 2009.

Postal Service is generally prohibited from making available to the public any list of names or addresses of postal patrons. Because the above-described portions of the requested information filed non-publicly in this docket falls within the scope of information not required to be disclosed publicly, the Postal Service asks the Commission to support its determination that these materials are exempt from public disclosure and grant its application for their non-public treatment.

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

The first set of data designated as nonpublic consist of commercial information revealing product-specific volumes originating or delivered within the service areas of specific postal mail processing facilities which, under good business practice, would not be disclosed publicly. Based on its long-standing and deep familiarity with postal and communications business and markets generally, and its knowledge of many firms, including competitors, the Postal Service does not believe that any commercial enterprise would voluntarily publish disaggregated volume data reflecting the originating or destinating volumes for specific market or service areas, or confidential customer information. 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) and (4).<sup>2</sup>

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<sup>2</sup> In appropriate circumstances, the Commission may determine the appropriate level of confidentiality to be afforded to such information after weighing the nature and extent of the likely commercial injury to the Postal Service against the public interest in maintaining the financial transparency of a government establishment competing in commercial markets. 39 U.S.C. § 504(g)(3)(A). The Commission has indicated that "likely commercial injury" should be construed broadly to encompass other types of injury,

The second set of data consists of names or addresses of postal patrons which the Postal Service routinely withholds from public disclosure under 39 U.S.C. § 412.

**(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;**

None.

**(3) A description of the materials claimed to be nonpublic 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 nonpublic;**

The responsive data consist of product-specific volumes that originate within or are delivered within the service area of specific postal mail processing facilities, and names or addresses of postal customers.

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

If the facility-specific volume data (or data from which such volumes could be deduced) were to be disclosed publicly, the Postal Service considers that it is quite likely that it would suffer commercial harm. This information is clearly commercially sensitive to the Postal Service as a competitor against private firms engaged in hard-copy delivery of messages and other matter and electronic delivery of messages.

Disclosure of the volume of such products as Express Mail, Priority Mail, First-Class Mail or Standard Mail originating or delivered within a particular market, as defined by the service areas of specific mail processing plants or specific origin-destination ZIP Code pairs would unfairly, to the economic detriment of the Postal Service, permit

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such as harms to privacy, deliberative process, or law enforcement interests. PRC Order No. 194, Second Notice of Proposed Rulemaking to Establish a Procedure for According Appropriate Confidentiality, PRC Docket No. RM2008-1, Mar. 20, 2009, at 11.

competitors to:

- gain specific insight into local Postal Service customer behavior;
- better gauge the size of the delivery market for various postal products in specific service areas, and
- develop strategies for determining what marketing resources to devote to further penetration of specific local markets.

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

**Identified harm:** Public disclosure of product-specific volume in USPS

Library Reference USPS-LR-N2012-1/NP12 would be used by competitors of the Postal Service to the detriment of the Postal Service.

**Hypothetical:** A competitor's representative obtains access to the data in USPS Library Reference USPS-LR-N2012-1/NP12. It analyzes the data to assess the nature and scale of that portion of the Postal Service's delivery business consisting of a specific product originating in particular markets (defined by ZIP Code origin-destination pairs or plant-to-plant pairs) in which that competitor operates or seeks to operate. Based upon these data, the competitor assesses the extent to which it wishes to adjust its hard copy or electronic message delivery or parcel delivery service offerings, prices, operations and marketing strategies and activities to compete for the mail volume represented by these data. That competitor gains valuable market intelligence without having to make an investment in research. The competitor then can tailor marketing and/or pricing campaigns to acquire customers' business with the consequent loss of volume, revenue and market share to the Postal Service, which has no similar ability to access to data regarding its competitors' volumes.

**Identified harm:** Disclosure of names or addresses of postal customers could cause commercial harm to the Postal Service.

**Hypothetical:** Such information is disclosed to the public. Offended customers decide to opt out of processes through which the Postal Service solicits valuable stakeholder input, depriving the Postal Service of a robust source of such input on issues of importance in the future. Or they react to a failure to meet privacy expectations implied by 39 U.S.C. § 412 by choosing competitors' services and relying on alternate media for the transmission of mailable matter. As a result, the Postal Service would lose volume and revenue and face a greater risk of making decisions that are less informed by customer concerns, to its operational and fiscal detriment.

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

The Postal Service maintains that the volume data filed non-publicly should be withheld from persons involved in competitive decision-making in the relevant markets for competitive delivery products, as well as their consultants and attorneys.

The Postal Service maintains that that the customer names or addresses should be withheld from participants in this proceeding who do not agree to abide by protective conditions prohibiting them from disclosing those names or addresses to persons who are not explicitly bound by those same protective conditions, consistent with the intent of 39 U.S.C. § 412.

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

The Commission's regulations provide that nonpublic materials shall lose nonpublic 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.**

None.

***Conclusion***

For the foregoing reasons, the Postal Service requests that the Postal Regulatory Commission grant its application for nonpublic treatment of the above-described materials appearing in USPS Library Reference USPS-LR-N2012-1/NP12.