

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

Mail Processing Network Rationalization
Service Changes, 2012

Docket No. N2012-1

AMERICAN POSTAL WORKERS UNION, AFL-CIO,
MOTION FOR ACCESS TO
NON-PUBLIC INFORMATION IDENTIFIED
AS USPS-LR-N2012-1/NP24
(May 4, 2012)

Pursuant to 39 CFR 3007.40 and Rule 21 of the Commission's Rules of Practice and Procedure, the American Postal Workers Union, AFL-CIO (APWU) hereby moves for access Postal Service Library Reference USPS-LR-N2012-1/NP24 Market Research Materials Responsive to APWU/USPS-33.

On May 1, 2012, the Postal Service filed Library Reference USPS-LR-N2012-1/NP24, accompanied by an Application for non-public treatment. In its Application, the Postal Service explained that "the material consists of Excel workbooks and PowerPoint files that presents analyses performed by the Colography Group, of the small parcels market (meaning under 70 pounds), with market shares by volume and percentage for the Postal Service and its competitors, broken out in various ways including days to delivery, business/residential delivery points, business type, and employee count.¹ The Postal Service further explains that

[t]here are essentially two types of nonpublic data in the workbook. First, there are data regarding the volumes and revenues of the Postal Service's competitive products. Second, there are data proprietary to the Colography Group regarding the volumes and revenues of products offered by the Postal Service's competitors. As to the first type of data, the Postal Service hereby incorporates by reference the Application of the United States Postal Service for Nonpublic Treatment of Materials, filed as Attachment Two to the FY 2011 Annual Compliance Report on December 29, 2011, in Docket No. ACR2011.²

¹ Application of the United States Postal Service for Non-Public Treatment of Library Reference USPS-LR-N2012-1/NP24 (May 1, 2012).

² *Id.* at 1-2.

As to the Colography Group data, the Postal Service maintains that it should be withheld from any persons or firms connected to the delivery and logistics markets in any way, whether as providers, customers, or otherwise, as well as such parties' consultants and attorneys."³

While APWU does not dispute that commercially sensitive information, if disclosed to competitors, could result in commercial harm to the Postal Service, the APWU is not a competitor. APWU is the exclusive collective bargaining representative of postal employees in the clerk, maintenance, and motor vehicle service crafts nationwide. APWU also mails millions of letters, periodicals, and packages each year and APWU members and retirees make extensive use of postal products and services. The changes proposed in this docket could have a significant impact on APWU represented employees and on the APWU and its members as a large user of the mail. Accordingly, APWU has intervened and has participated actively in this docket. APWU has also submitted rebuttal testimony in this docket. In fact, the rebuttal testimony of APWU Witness Marc Schiller (APWU-RT-2) utilizes data that it obtained from Colography. To access this information, Mr. Schiller and APWU agreed to protect the proprietary materials and will continue to protect any additional materials contained in USPS-LR-N2012-1/NP24 that are of concern to Colography, as evidenced by the signed Certifications accompanying this Motion.

We believe that the information presented in USPS-LR-N2012-1/NP24 which has been provided in response to APWU interrogatory APWU/USPS-33, will inform our analysis of the current proposal and our arguments on brief at the conclusion on this case.

In accordance with 39 CFR 3007.40(b), APWU representatives, consultants and attorneys have completed a Statement of Compliance with Protective Conditions Certification, found in Appendix A to Part 3007 of Title 39 of the Code of Federal Regulations, for Library Reference USPS-LR-N2012-1/NP24 as follows:

Phillip A. Tabbita,
Manager, Negotiation Support and Special Projects
American Postal Workers Union, AFL-CIO

³ Id. at 4.

Kathryn Kobe,
Director of Price, Wage and Productivity Analysis ECS, LLC
Economic Consultant for American Postal Workers Union, AFL-CIO

Darryl J. Anderson, Esq.
O'Donnell, Schwartz & Anderson, PC
Counsel for the American Postal Workers Union, AFL-CIO

Jennifer L. Wood, Esq.
O'Donnell, Schwartz & Anderson, PC
Counsel for the American Postal Workers Union, AFL-CIO

Barbara Zibordi
Paralegal
O'Donnell, Schwartz & Anderson, PC

Donald M. Baron
Decision/Analysis Partners
Consultant for American Postal Workers Union, AFL-CIO

Marc Schiller
Shorter Cycles
Consultant for American Postal Workers Union, AFL-CIO

Sheppard Vars
Shorter Cycles
Consultant for American Postal Workers Union, AFL-CIO

Jim Lynch
Shorter Cycles
Consultant for American Postal Workers Union, AFL-CIO

A copy of each Certification is attached hereto. The original Certifications will be promptly filed with the Commission. Persons identified by the Postal Service pursuant to Section 3007.2(c) have also been provided with a copy of this Motion and accompanying certifications today by email.

Counsel for APWU has conferred with Postal Service counsel and has been told that the Postal Service has no objection to the above named individuals accessing the materials contained in USPS-LR-N2012-1/NP24. However, APWU is aware that Colography has the right to object to our access and thus, we understand that the three day waiting period must remain. However, APWU requests that the Commission grant

access to USPS Library Reference N2012-1/NP24 to the above named individuals as soon as the waiting period has ended.

Conclusion

For the forgoing reasons, APWU respectfully requests that access to Library References USPS-LR-N2012-1/NP24 be granted to the above named individuals.

Respectfully submitted,

Jennifer L. Wood
Counsel for American Postal Workers Union, AFL-CIO

CERTIFICATION

The undersigned represents that:

Access to these materials provided in the matter identified as **USPS-LR-N2012-1/NP24** by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as **PRC Docket No. N2012-1**. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	<u>Phillip Tabbitt</u>
Firm	<u>APWU</u>
Title	<u>Mgr. Negotiation Support</u>
Representing	<u>APWU</u>
Signature	<u>Phillip Tabbitt</u>
Date	<u>5/2/2012</u>

CERTIFICATION

The undersigned represents that:

Access to these materials provided in the matter identified as **USPS-LR-N2012-1/NP24** by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as **PRC Docket No. N2012-1**. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	<u>Kathryn Kobe</u>
Firm	<u>ECS, LLC</u>
Title	<u>Director of Price, Cost & Productivity Analysis</u>
Representing	<u>APWU</u>
Signature	<u>Kathryn Z Kobe</u>
Date	<u>May 1, 2012</u>

CERTIFICATION

The undersigned represents that:

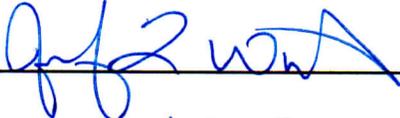
Access to these materials provided in the matter identified as **USPS-LR-N2012-1/NP24** by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as **PRC Docket No. N2012-1**. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	Darryl Anderson
Firm	O'Donnell, Schwartz & Anderson, PC
Title	Attorney
Representing	APWU
Signature	
Date	5/3/12

CERTIFICATION

The undersigned represents that:

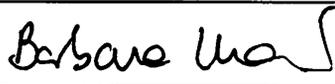
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Name	<u>Jennifer L. Wood</u>
Firm	<u>O'Donnell, Schwartz and Anderson, P.C.</u>
Title	<u>Attorney</u>
Representing	<u>APWU</u>
Signature	<u></u>
Date	<u>May 4, 2012</u>

CERTIFICATION

The undersigned represents that:

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Name	Barbara Zibordi
Firm	O'Donnell, Schwartz & Anderson, PC
Title	Paralegal
Representing	APWU
Signature	
Date	5/3/12

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Name Donald M. Barton
Firm Decision Analysis Partners
Title Consultant
Representing APWU
Signature Donald M. Barton
Date 5/2/2012

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Name Marc Schiller

Firm Shorter Cycles

Title CEO

Representing APWU

Signature John A. Jones

Date 5/2/2012

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Name Sheppard Vars

Firm Shorter Cyates LLC

Title Sr. Consultant

Representing APWU

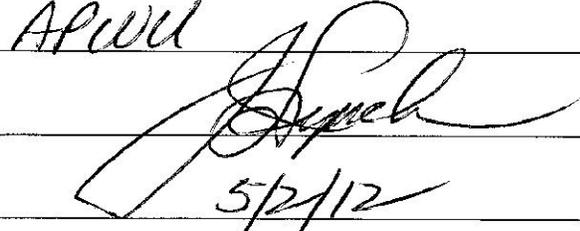
Signature Sheppard Vars

Date May 1, 2012

CERTIFICATION

The undersigned represents that:

Access to these materials provided in the matter identified as **USPS-LR-N2012-1/NP24** by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as **PRC Docket No. N2012-1**. I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

Name	<u>Jim Lynch</u>
Firm	<u>Shorter Cycles, LLC</u>
Title	<u>Senior Consultant</u>
Representing	<u>APWU</u>
Signature	<u></u>
Date	<u>5/2/12</u>