

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/NP25
(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/NP25, Materials Responsive to POIR 7, Q1(c).

On April 27, 2012, the Postal Service submitted USPS-LR-N2012-1/NP25 accompanied by an Application for non-public treatment. In its Application, the Postal Service explains that "the materials covered by this application consist of data that reveal disaggregated workhour information, segregated by facility, for processing operations assigned to Express Mail and Priority Mail."¹ The Postal Service states that Library Reference USPS-LR-N2012-1/NP25 contains "(a) commercial information revealing disaggregated workhour data, segregated by facility, for processing operations assigned to Express Mail and Priority Mail which, under good business practice, would not be disclosed publicly."² The Postal Service claims that if this information were publicly disclosed "it is quite likely that it would suffer commercial harm"³ by permitting competitors to "gain specific insight into local Postal Service customer behavior; better gauge the size of the delivery market in specific service areas; develop strategies for determining what marketing resources to devote to further

¹ Application of United States Postal Service for Non-Public Treatment of Library Reference UPS-LR-N2012-1/NP25 (April 27, 2012).

² Id. at 3.

³ Id. at 3.

penetration of specific local markets; and more keenly determine the direction in which to adjust the prices for their products that compete with Express Mail and Priority Mail,”⁴ and requests that these materials “be withheld from persons involved in competitive decision-making in the relevant markets for competitive delivery products, as well as their consultants and attorneys.”⁵

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. Parties should be entitled to the material relevant to a full evaluation of the Postal Service’s plan in this docket. We believe that the information presented in USPS-LR-N2012-1/NP25 will inform our arguments on brief at the conclusion on this case. Furthermore, APWU representative, consultants and attorneys have already been granted access to information similar to that provided in USPS-LR-N2012-1/NP16. See POR No. N2012-1/1 (December 14, 2011); POR No. N2012-1/2 (December 22, 2011); POR No. N2012-1/7 (January 20, 2012); POR No. N2012-1/8 (January 25, 2012); POR No. N2012-1/11 (February 7, 2012); POR No. N2012-1/12 (February 12, 2012); POR No. N2012-1/14 (February 21, 2012); POR No. N2012-1/18 (March 1, 2012); POR No. N2012-1/47 (April 24, 2012).

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/NP25 as follows:

⁴ Id. at 4

⁵ Id. at 5.

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

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

Pierre Kacha
Decision/Analysis Partners
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/NP25. Thus, APWU requests that the Commission waive the normal three-day waiting period required to allow the Postal Service to object and grant immediate access to USPS Library Reference N2012-1/NP25 to the above named individuals.

Conclusion

For the forgoing reasons, APWU respectfully requests that access to Library References USPS-LR-N2012-1/NP25 be immediately 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/NP25** 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 Phillip Tabbita

Firm APWU

Title Mgr. Negotiation Support

Representing APWU

Signature Phillip Tabbita

Date 5/2/2012

CERTIFICATION

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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:

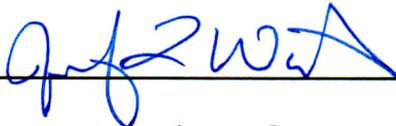
Access to these materials provided in the matter identified as **USPS-LR-N2012-1/NP25** by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter 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	5/1/12

CERTIFICATION

The undersigned represents that:

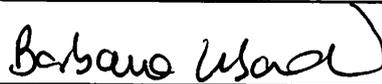
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Name	<u>Jennifer L. Wood</u>
Firm	<u>O'Donnell, Schwartz and Anderson, P.C.</u>
Title	<u>Attorney</u>
Representing	<u>APWU</u>
Signature	<u></u>
Date	<u>May 4, 2012</u>

CERTIFICATION

The undersigned represents that:

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Name	Barbara Zibordi
Firm	O'Donnell, Schwartz & Anderson, PC
Title	Paralegal
Representing	APWU
Signature	
Date	5/1/12

CERTIFICATION

The undersigned represents that:

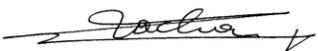
Access to these materials provided in the matter identified as **USPS-LR-N2012-1/NP25** by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter 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 Pierre Kacha

Firm decision/analysis partners

Title Consultant

Representing APWU

Signature 

Date May 1, 2012