

ORDER NO. 1651

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

Before Commissioners:

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

Valassis NSA

Docket No. MC2012-14

Valassis NSA

Docket No. R2012-8

ORDER GRANTING MOTION FOR PUBLIC TREATMENT OF PREVIOUS FILING

(Issued February 11, 2013)

The National Newspaper Association (NNA) seeks to unseal a portion of non-public library reference NNA-LR-NP1 filed in this proceeding.¹ The portion it seeks to unseal consists of responses by NNA members to a survey conducted by NNA. It wishes to include the unsealed materials in the public record in this proceeding and reference it in the Joint Appendix in *Newspaper Association of America v. Postal Regulatory Commission*, Docket No. 12-1367, pending in the U.S. Court of Appeals for the District of Columbia Circuit (Appeal). The Joint Appendix is due to be filed with the court on February 11, 2013. The Motion is granted.

The Commission's rules provide that "any person" may request that non-public materials be publicly disclosed. 39 C.F.R. § 3007.31. The rules further provide that

¹ Motion of National Newspaper Association for Public Treatment of Previous Filing, February 7, 2013 (Motion).

“[a]ny interested person, including the Postal Service, may file a response within 7 days after such a request is filed.” 39 C.F.R. § 3007.31(b).

By its Motion, NNA seeks to terminate the non-public status of its own documents. It indicates that no respondent to its survey in Library Reference NNA-LR-NP1 objects to unsealing the documents. Motion at 1. Under these circumstances—NNA seeks to unseal its own documents, no respondent to the survey objects, and the pendency of the Court filings—the Commission finds it appropriate to rule on the Motion promptly.² Moreover, given the circumstances, any material objection to the Motion is extremely unlikely.

The Motion is granted. NNA may re-file the portion of NNA-LR-NP1 relating to its member survey as a public document provided that it includes a statement certifying that the re-filed document is identical to the document filed previously as a non-public document.

It is ordered:

1. The Motion of the National Newspaper Association for Public Treatment of Previous Filing, filed February 7, 2013, is granted.
2. The National Newspaper Association may re-file the portion of library reference NNA-LR-NP1 relating to member survey as a public document provided that it includes a statement certifying that the re-filed document is identical to the document filed previously as a non-public document.

By the Commission.

Shoshana M. Grove
Secretary

² Counsel for the Commission in the Appeal has been informed by NNA’s counsel that the Postal Service, an intervenor in the Appeal, does not object to unsealing NNA-LR-NP1.