

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

Before Commissioners:

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

Annual Compliance Report, 2015

Docket No. ACR2015

ORDER GRANTING FIRST MOTION FOR ACCESS

(January 15, 2016)

On January 11, 2016, United Parcel Service, Inc. (UPS) filed a motion pursuant to 39 C.F.R. §§ 3007.21, 3007.40, and 3007.50 requesting access to “a limited subset of non-public materials the United States Postal Service filed with the Commission on December 29, 2015, as part of the Postal Service’s Annual Compliance Report (“ACR”).”¹ UPS alleges that access to the Non-Public Materials is “relevant to assessing whether the Postal Service complied in 2015 with the mandate of the Postal Accountability and Enhancement Act...that the Postal Service’s competitive products pay their own costs, without subsidy from market dominant products.” Motion at 1.

¹ United Parcel Service, Inc.’s First Motion for Access, January 11, 2016, at 1 (Motion). The subset of non-public materials to which UPS seeks access (the Non-Public Materials) is identified on page 2 of the Motion. On January 14, 2016, UPS supplemented its Motion by filing copies of certifications in which its outside counsel and consultants agree to comply with the Commission’s protective conditions in Appendix A of 39 C.F.R. part 3007. United Parcel Service, Inc.’s Notice of Filing Certifications of Compliance with Protective Conditions in Connection with Motions for Access, January 14, 2016 (Notice).

UPS also states its intent to use the Non-Public Materials in both Docket No. ACR2015 and Docket No. RM2016-2. Notice at 1 n.1.² UPS therefore requests that access to the Non-Public Materials in Docket No. ACR2015 be permitted during the pendency of the proceedings in Docket No. RM2016-2. Motion at 2 n.3. The Commission has previously approved access to non-public Postal Service information in Docket Nos. ACR2014 and RM2015-7 for use in Docket No. RM2016-2.³

The Postal Service has not opposed the Motion. Motion at 3.

It is ordered:

1. United Parcel Service, Inc.'s First Motion for Access, as supplemented by its Notice, is granted, and access is hereby given to the Non-Public Materials for use in Docket Nos. ACR2015 and RM2016-2 during the pendency of the proceedings in Docket No. RM2016-2.
2. Effective upon issuance of this Order, the outside counsel and consultants covered by the Motion are each granted access to the Non-Public Materials.

By the Commission.

Ruth Ann Abrams
Acting Secretary

² The certifications attached as Exhibit 1 to the Notice specifically state that the information to which access is being sought will be used on in Docket Nos. ACR2015 and RM2016-2, and in any other docket to which the Commission grants such person access. *Id.*; see, e.g., *id.* Exhibit 1 at 1.

³ *Id.*; see Docket No. ACR2014, Order No. 2436, Order Granting Continued Access to Non-Public Materials, April 13, 2015; Docket No. RM2016-2, Order No. 2756, Order Granting Unopposed Request for Continued Access to Non-Public Materials Filed Under Seal, October 15, 2015.