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October 11, 2016

POSTAL REGULATORY COMMISSION
901 NEW YORK AVENUE NW
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WASHINGTON, D.C. 20268

Re. Postal Regulatory Commission (PRC) docket RM2016-10, Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Two) (22 August 2016)

Commission Panel Members,

Canada Post Corporation (CPC) expressed its serious concerns about the risk of disclosure to unentitled third parties of its commercially confidential information in a letter dated 28 September 2016 which forms Attachment 1 to the United States Postal Service's (USPS's) reply to a United Parcel Service Inc.'s (UPS's) motion for third party access to non-public documents originally filed by USPS in PRC docket RM2016-10. UPS has denied USPS's request that it withdraw its motion.

CPC now reiterates those concerns and respectfully submits the following additional concerns.

The CPC data contained in the non-public documents is set out separately from that of all the other postal administrations of the world and is clearly identified as CPC data. It is, moreover, broken out according to certain identifiable CPC competitive parcel products. On the other hand the data of the other postal administrations of the world is set out in aggregate form, with neither country nor product identifiers. Granting access to these non-public documents without more to third party representatives of a CPC competitor therefore poses unique and serious risks to CPC's legitimate business and commercial interests.

The disclosure of this CPC data to UPS's third party representatives contravenes section 1 of the Postal Regulatory Commission's Statement of Compliance with Protective Conditions (Protective Order). The Protective Order prohibits disclosure to anyone involved in competitive decision-making for any entity that might gain competitive advantage from use of this information. Notwithstanding the section 1 exclusion of counsel and consultants from the application of this rule, UPS's third party representatives, its counsel Quinn Emanuel Urquhart & Sullivan LLP and its consultants The Battle Group will be providing impact analyses of cost allocation amongst the suite of USPS competitive parcel products. These analyses bear directly upon and will inform competitor pricing. UPS's third party representatives therefore fall within that category of those involved in competitive decision-making and are thus excluded by Section 1 of the Protective Order.

Further, disclosure of this CPC data, in its current form, to UPS's third party representatives, in and of itself, renders ineffective the Protective Order. All material aspects of CPC's competitive parcel volumes and terminal dues revenues and expenses, which arise from the bilateral relationship of CPC and the USPS as

sanctioned by the Universal Post Union, will either become or be constructively made known to parties not entitled to them under the Protective Order.

The risks posed by disclosure of these non-public documents are therefore both immediate, serious and unfair, in the instant motion, and will remain ongoing over the longer term to the extent other requests are made by third parties for access to non-public documents containing such commercially sensitive CPC data.

Therefore CPC respectfully requests the Postal Regulatory Commission to order:

1. The dismissal of the UPS motion for third party access to the non-public documents of PRC docket RM2016-10; or in the alternative,
2. The aggregation of the CPC data with that of the rest of the world as contained in the non-public documents of PRF docket RM2016-10; or in the alternative,
3. The redaction from the non-public documents contained in PRC docket RM2016-10 of any and all reference to CPC and such of its competitive parcel products as may be identifiable therein; and
4. A review of the particulars, scope and format of the CPC data that the Postal Regulatory Commission from time to time requires to be filed in the usual course of its proceedings so that disclosure to any other third party requesting access to non-public documents containing CPC data may be effected in a fair and equitable manner, having regard to the most favourable treatment accorded to like or comparable data of other postal operators.

Respectfully filed by Canada Post Corporation, this 7th day of October 2016



Donald Campbell
Senior Counsel, Canada Post

DC/dlr