

POSTAL REGULATORY COMMISSION¹
ANNUAL REPORT
October 1, 2006 to September 30, 2007

I. Basic Information Regarding Report

- A. Name, title, address, and telephone number of person(s) to be contacted with questions about the report.

Steven W. Williams, Secretary
Postal Regulatory Commission
901 New York Ave, NW, STE 200
Washington, DC 20268
202-789-6840

- B. Electronic address for report on the World Wide Web.

<http://www.prc.gov/prc-pages/misc/foia/default.aspx>

- C. How to obtain a copy of the report in paper form.

Requests can be made to the Office of the Secretary and Administration, Postal Regulatory Commission, at the address listed above or by electronic mail to steven.williams@PRC.gov.

II. How to Make a FOIA Request

Requests can be made to the Office of the Secretary and Administration, Postal Regulatory Commission, at the address listed below or by electronic mail to steven.williams@prc.gov. Additionally, requests can be made via our FOIA web page at

<http://www.prc.gov/prc-pages/misc/foia/onlineform.aspx>

- A. Names, addresses, and telephone numbers of all individual agency components and offices that receive FOIA requests.

Steven W. Williams, Secretary
Postal Regulatory Commission
901 New York Avenue, NW, STE 200
Washington, DC 20268
202-789-6840

Nanci Langley, FOIA Public Liaison
Postal Regulatory Commission
901 New York Avenue, NW, STE 200
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¹ On December 20, 2006, the President signed Public Law 109-435, the Postal Accountability and Enhancement Act which transformed the Postal Rate Commission into the Postal Regulatory Commission effective upon enactment.

B. Brief description of the agency's response-time ranges.

The Commission strives to meet the twenty work-day requirements of the Freedom of Information Act, (the Act), and for fiscal year 2007, the average time for a response for the seventeen requests received was 11 days. The Commission had a same day turnaround for three requests, while the longest response time was 80 days.

C. Brief description of why some requests are not granted.

The Commission does not grant requests for information unrelated to functions of the Commission for which it has no existing records. Information requested that is confidential by statute may not be granted.

III. Definitions of Terms and Acronyms Used in the Report (to be included in each report)

A. Agency-specific acronyms or other terms.

"Commission" or "PRC" means Postal Regulatory Commission.

B. Basic terms expressed in common terminology.

1. FOIA/PA request -- Freedom of Information Act/Privacy Act request. A FOIA request is generally a request for access to records concerning a third party, an organization, or a particular topic of interest. A Privacy Act request is a request for records concerning oneself; such requests are also treated as FOIA requests. (All requests for access to records, regardless of which law is cited by the requester, are included in this report.)
2. Initial Request -- a request to the Postal Regulatory Commission for access to records under the Freedom of Information Act.
3. Appeal -- a request to the Postal Regulatory Commission asking that it review at a higher administrative level a full denial or partial denial of access to records under the Freedom of Information Act, or any other FOIA determination such as a matter pertaining to fees.
4. Processed Request or Appeal -- a request or appeal for which an agency has taken a final action on the request or the appeal in all respects.
5. Multi-track processing -- a system in which simple requests requiring relatively minimal review are placed in one processing track and more voluminous and complex requests are placed in one or more other tracks. Requests in each track are processed on a first-in/first out basis. A requester who has an urgent need for records may request expedited processing (see below).
6. Expedited processing -- an agency will process a FOIA request on an expedited basis when a requester has shown an exceptional need or urgency for the records, which warrants prioritization of his or her request over other requests that were made earlier.
7. Simple request -- a FOIA request that an agency using multi-track processing places in its fastest (nonexpedited) track based on the volume and/or simplicity of records requested.
8. Complex request -- a FOIA request that an agency using multi-track processing places in a slower track based on the volume and/or complexity of records requested.
9. Grant -- an agency decision to disclose all records in full in response to a FOIA request.

10. Partial grant -- an agency decision to disclose a record in part in response to a FOIA request, deleting information determined to be exempt under one or more of the FOIA's exemptions; or a decision to disclose some records in their entirety, but to withhold others in whole or in part.
11. Denial -- an agency decision not to release any part of a record or records in response to a FOIA request because all the information in the requested records is determined by the agency to be exempt under one or more of the FOIA's exemptions, or for some procedural reason (such as because no record is located in response to a FOIA request).
12. Time limits -- the time period in the Freedom of Information Act for an agency to respond to a FOIA request (ordinarily 20 working days from proper receipt of a "perfected" FOIA request).
13. "Perfected" request -- a FOIA request for records which adequately describes the records sought, which has been received by the FOIA office of the agency or agency component in possession of the records, and for which there is no remaining question about the payment of applicable fees.
14. Exemption 3 statute -- a separate federal statute prohibiting the disclosure of a certain type of information and authorizing its withholding under FOIA subsection (b)(3).
15. Median number -- the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.
16. Average number -- the number obtained by dividing the sum of a group of numbers by the quantity of numbers in the group. For example, of 3, 7, and 14, the average number is 8.

IV. Exemption 3 Statutes

A. List of Exemption 3 statutes relied on by agency during current fiscal year. N/A

1. Brief description of type(s) of information withheld under each statute. N/A

2. Statement of whether a court has upheld the use of each statute. If so, then cite example. N/A

V. Initial FOIA/PA Access Requests

A. Numbers of initial requests.

1. Number of requests pending as of end of preceding fiscal year 1

2. Number of requests received during current fiscal year 17

3. Number of requests processed during current fiscal year 17

4. Number of requests pending as of end of current fiscal year 1

B. Disposition of initial requests.

1. Number of total grants 6

2. Number of partial grants 0

3. Number of denials 2

a. number of times each FOIA exemption used:

- (1) Exemption 1 0
- (2) Exemption 2 0
- (3) Exemption 3 0
- (4) Exemption 4 2
- (5) Exemption 5 0
- (6) Exemption 6 0
- (7) Exemption 7(A) 0
- (8) Exemption 7(B) 0
- (9) Exemption 7(C) 0
- (10) Exemption 7(D) 0
- (11) Exemption 7(E) 0
- (12) Exemption 7(F) 0
- (13) Exemption 8 0
- (14) Exemption 9 0

4. Other reasons for nondisclosure (total) 9

- a. no records 8
- b. referrals 1
- c. request withdrawn 0
- d. fee-related reason 0
- e. records not reasonably described 0
- f. not a proper FOIA request for some other reason 0
- g. not an agency record 0
- h. duplicate request 0
- i. other (specify) 0

VI. Appeals of Initial Denials of FOIA/PA Requests

A. Numbers of appeals.

1. Number of appeals received during fiscal year 0

2. Number of appeals processed during fiscal year 0

B. Disposition of appeals.

1. Number completely upheld N/A

2. Number partially reversed N/A

3. Number completely reversed N/A

a. number of times each FOIA exemption used 0

- (1) Exemption 1 0
- (2) Exemption 2 0
- (3) Exemption 3 0
- (4) Exemption 4 0
- (5) Exemption 5 0
- (6) Exemption 6 0
- (7) Exemption 7(A) 0
- (8) Exemption 7(B) 0
- (9) Exemption 7(C) 0
- (10) Exemption 7(D) 0
- (11) Exemption 7(E) 0
- (12) Exemption 7(F) 0
- (13) Exemption 8 0
- (14) Exemption 9 0

4. Other reasons for nondisclosure (total) 0

- a. no records 0
- b. referrals 0
- c. request withdrawn 0
- d. fee-related reason 0
- e. records not reasonably described 0
- f. not a proper FOIA request for some other reason 0
- g. not an agency record 0
- h. duplicate request 0
- i. other (specify) 0

VII. Compliance with Time Limits/Status of Pending Requests

A. Median processing time for requests processed during the year.

1. Simple requests (if multiple tracks used).

- a. number of requests processed 17
- b. median number of days to process 3

2. Complex requests (specify for any and all tracks used).

- a. number of requests processed 0
- b. median number of days to process 0

3. Requests accorded expedited processing 0

- a. number of requests processed 0
- b. median number of days to process 0

B. Status of pending requests.

1. Number of requests pending as of end of current fiscal year 1
2. Median number of days that such requests were pending as of that date 2

VIII. Comparisons with Previous Year (October 1, 2006 - September 30, 2006)

- A. Comparison of numbers of requests received Increase 7 to 17 142.86%
- B. Comparison of numbers of requests processed Increase 6 to 17 183.33%
- C. Comparison of median numbers of days requests were pending at of end of fiscal year 0
- D. Other statistics significant to agency 0 Requests for expedited processing.
- E. Other narrative statements describing agency efforts to improve timeliness of FOIA performance and to make records available to the public.

The Commission prides itself as a leader in Government in disseminating information on its website. In addition, it responds to many non-FOIA inquiries regarding its process, analysis and decisions. The Commission uses both written and electronic methods to respond to the public.

IX. Costs/FOIA Staffing

A. Staffing levels.

1. Number of full-time FOIA personnel 0
2. Number of personnel with part-time or occasional FOIA duties (in total work-years) 0
3. Total number of personnel (in work-years) 0

B. Total costs (including staff and all resources).

1. FOIA processing (including appeals) 0
2. Litigation-related activities (estimated) 0
3. Total costs 0
4. Comparison with previous year(s) (including percentage of change) 0

C. Statement of additional resources needed for FOIA compliance (optional) N/A

X. Fees

- A. Total amount of fees collected by agency for processing requests 0
- B. Percentage of total costs 0

XI. FOIA Regulations (Including Fee Schedule)

http://www.access.gpo.gov/nara/cfr/waisidx_02/39cfr3004_02.html

XII. REPORT ON EXECUTIVE ORDER 13,392 IMPLEMENTATION.

A. Not Applicable

B. The review conducted in summer of 2006, identified two areas for possible improvements.

The first area is the existing system lacks a reliable method for sending reminder notification to staff to acknowledge or when a response must be sent to the Requestor. Traditionally, this has not been a problem due to the low volume of requests. The Commission, however, recognizes that some requests may entail additional research and would necessitate the use of additional Commission staff; and therefore, the Commission will adopt short and long-term methods for automatically reminding the Chief FOIA Officer of when responses are due.

The short-term solution is for the FOIA Officer to utilize the Task function in Microsoft Outlook to assign a FOIA Request and the appropriate dates for action on that Request. This has been successfully implemented.

The long-term solution is to develop an automatic tickler function that will track the initial request, and send automated message reminders to the FOIA Officer of when responses are due. Because the PRC receives a limited number of requests – seven in the past fiscal year – it would be difficult to demonstrate an urgent need for such a solution or justify a large expenditure on it. Since the short-term solution is working, the Commission does not see the need for further investments in software to aid in the tracking of FOIA requests at this time. The Commission is exploring the use and implementation of a Document Management System to manage all of Commission documents, including FOIA requests and correspondence.

The second area of improvement is in the handling of requests for agency reports that contain business or commercially sensitive data provided by the U.S. Postal Service. This is a rare occurrence and a standardized procedure should be adopted by the Commission, if applicable. The Office of the Secretary and Administration and the Office of the General Counsel consult a monthly basis on the status of requests and assist with prompt interim responses or updates.

C. Not Applicable

D. The Commission does not have a FOIA backlog, and therefore, did not file a Backlog Reduction Goals for Fiscal Years 2008, 2009, and 2010, in furtherance of Executive Order 13392, "Improving Agency Disclosure of Information."

E. FOIA Exemptions

The Postal Regulatory Commission is aware of the nine Exemptions allowed. It has used the following four most often: Exemption 2, Internal Personnel Rules and Practices of the Postal Regulatory Commission. Exemption 4, Matters of a commercial or financial nature, such as trade secrets, and considered "privileged and confidential." Use of this exemption, normally relates to material submitted to the Commission in a Docketed proceeding under "protective conditions" because the filer of that information views its disclosure as damaging to their competitive business strategy or operations; however, that information is important in the proceeding Record. Exemption 5, Agency Memoranda and briefing papers prepared by Commission employees or consultants and used solely for internal policy discussions. Exemption 6, Personal, medical and similar files of Commission employees that could be considered a clearly unwarranted invasion of privacy, use of this exemption most frequently has been in response to requests for information regarding employee home addresses or home telephone numbers.

F. Additional Statistics

1. Ten Oldest Pending FOIA Requests

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Requests	0	0	0	0	0	0	0	0

2. Consultations

a. Number of Consultations Received, Processed and Pending

Consultations Received from Other Agencies During FY07	Consultations Received From Other Agencies That Were Processed by Your Agency During FY07 (Includes those received prior to 07.)	Consultations Received From Other Agencies That Were Pending at Your Agency as of October 1, 2007 (Includes those received prior to FY.)
0	0	0

b. Ten Oldest Pending Consultations Received from Other Agencies

Calendar Year	2000	2001	2002	2003	2004	2005	2006	2007
Requests	0	0	0	0	0	0	0	0

G. Attachment: Postal Regulatory Commission Updated Improvement Plan

Freedom of Information Act (FOIA) Improvement Plan
of The Postal Regulatory Commission in
Response to Executive Order 13392

January 11, 2008

BACKGROUND

The Postal Accountability and Enhancement Act, (PAEA), Public Law 109-435, made several major changes to the mission of the former Postal Rate Commission (PRC), including changing its name to the Postal Regulatory Commission.

As a consequence, the Commission has added this document as an update to its 2006 FOIA Improvement Plan. Over the period of the Annual Report, the organizational transition to the Postal Regulatory Commission was not yet complete, but from the nature of the changes in the PAEA, the Commission anticipates receiving a greater number of FOIA requests in future years.

The Commission intends to maintain its long-standing policy of providing as much of the PRC's work products as possible to the public through its website at www.prc.gov. FOIA compliance and public information access efforts have benefited from our relatively small size and simple organizational structure.

FOIA REVIEW

Written FOIA requests come directly into the Office of the Secretary and are time and date stamped upon arrival. Electronic requests coming through agency's FOIA page are routed directly to the Secretary of the Commission and the FOIA Public Liaison Officer. The Commission's policy is to respond within twenty working days.

The only time the Commission has experienced a backlog on pending FOIA requests, has been when requests are made for reports that contain data from the U.S. Postal Service, which has been claimed to be commercially sensitive business information, and that information must be redacted by the U.S. Postal Service from our report, prior to its being released to the requestor. Workhours devoted to redacting large volumes of data can be difficult for small agencies, such as the PRC, to set aside, when staff is primarily assigned other duties.

We anticipate that a more competitive U.S. Postal Service, as envisioned by the PAEA, will generate more requests for information based on data which the U.S. Postal Service considers to be protected.

Tracking of FOIA Requests continues to be done by use of a spreadsheet in a database with an entry for the name, subject of the request, date it was received and date on which a response was sent and the number of days lapsed between the two dates. This procedure will become more difficult if there are multiple individuals handling the requests, however, with our level of requests it has proved manageable and sufficient.

FOIA PLAN

The 2006 Review, identified two areas for possible improvements:

1. Implementing a reliable method for sending reminder notification to Commission personnel of when an acknowledgement or a response must be sent to the Requestor. The Commission utilizes the Task function in Microsoft Outlook to assign a FOIA Request with the appropriate dates for action on that Request. This has been successfully implemented.
2. A long-term solution identified in 2006 proved more difficult as the level of requests were not deemed sufficient to justify the expense of developing a document management system for FOIA requests alone. However, the new requirements brought about by the transition to the Postal Regulatory Commission and our growing needs has added justification to this requirement and the Commission is now exploring a document management system that will allow for the tracking of all documents, include FOIA requests and improved tracking of FOIA requests will be one of the beneficiaries of such a system. The requirements for such a system are being developed now, with implementation expected in the first quarter of 2009.

As the Commission continues to implement its new responsibilities under the PAEA, additional FOIA requests are anticipated and automating the tracking management process should expedite dissemination of information to the requester.