

POSTAL REGULATORY COMMISSION¹
ANNUAL REPORT
October 1, 2005 to September 30, 2006

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 AV NW, STE 200
Washington, DC 20268
202-789-6840

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

<http://www.prc.gov/foia/foia.htm>

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

Requests can be made to the Office of the Secretary, 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, 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/foia/foiaonlineform.htm>

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

Leona Anasiewicz, FOIA Public Liaison
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901 New York Avenue, NW, STE 200
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B. Brief description of the agency's response-time ranges.

The Commission strives to meet the twenty-day requirements of the Act and for the previous fiscal year the average time for a response to the seven requests we received was 3.7 days. The longest time needed during this time was 12 days and the shortest was the same day.

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.

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

Requests that are not granted are typically requests unrelated to the primary function of the Postal Regulatory Commission and as such result in none of the requested records existing within the Postal Regulatory Commission. Additionally, information made 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 entireties, 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 0
2. Number of requests received during current fiscal year 7
3. Number of requests processed during current fiscal year 6
4. Number of requests pending as of end of current fiscal year 1

B. Disposition of initial requests.

1. Number of total grants 2
2. Number of partial grants 0
3. Number of denials 0
 - a. number of times each FOIA exemption used:
 - (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) 4

- a. no records 4
- 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

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 6
- b. median number of days to process 2

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 12

VIII. Comparisons with Previous Year (October 1, 2004 - September 30, 2005)

- A. Comparison of numbers of requests received Decrease 14 to 7 -50%
- B. Comparison of numbers of requests processed Decrease 14 to 6 -58%
- 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 responds to many requests regarding its process, postal rate-setting decisions and other matters that might, in another environment, be considered more strictly as FOIA requests. It does so using both written and electronic methods. However, the FOIA requests included are those formally presented as such in the original request.

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. Our Review in summer of 2006 demonstrated two areas that were candidates for improvements:
 1. The existing PRC system lacked a reliable method for sending reminders as to when an acknowledgement or a response must be sent to the Requestor. This has not traditionally been a problem, because the Chief FOIA Officer has been solely responsible. It could, however, become a problem as the responsibility is devolved onto subordinates or other PRC employees. Therefore, the PRC will adopt short and long-term methods for automatically reminding the Chief FOIA Officer when responses are due.
 - a. The short-term solution was 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 implemented.*
 - b. The long-term solution will be to devise an automatic timer function that will both track requests when they are entered, and send automated message reminders to the FOIA Officer 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. This would be particularly

true if the short-term function proves to be successful in meeting our needs. *The short-term action appears to be working; therefore, the Commission does not see the need for further tracking of FOIA requests at this time.*

- c. Improvements were needed 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 but a standardized procedure could be helpful, should the number of FOIA requests, and the number of personnel handling such requests, at the PRC grow. *The Administrative office and the General Counsel's now consults more frequently on the status of these and other more detailed and difficult requests, while those requests are pending and those requests are tracked by the Chief FOIA Officer to insure the requestor receives prompt interim response or updates and to insure the delay is no longer than necessary.*

C. Not Applicable

D. Not Applicable

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, but its information is important to the Record in the proceeding. 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. Time range of requests pending, by date of request (or, where applicable, by date of referral from another agency): Shortest: 0, Longest: 0 (days)

2. Time range of consultations pending with other agencies, by date of initial interagency communication: Shortest: 0, Longest: 0 (days)

G. Attachment: [Postal Regulatory Commission Improvement Plan](#)