

**POSTAL REGULATORY COMMISSION
ANNUAL REPORT
October 1, 2011 to September 30, 2012**

I. BASIC INFORMATION REGARDING REPORT

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

Ruth Ann Abrams, Assistant Secretary
Postal Regulatory Commission
901 New York Ave, NW, STE 200
Washington, DC 20268
202-789-6800

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

<http://www.prc.gov/prc-pages/misc/foia/reports.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.

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.

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

Ruth Ann Abrams, Assistant Secretary
Postal Regulatory Commission
901 New York Avenue, NW, STE 200
Washington, DC 20268
202-789-6800

Jennie Jbara, FOIA Public Liaison
Postal Regulatory Commission
901 New York Avenue, NW, STE 200
Washington, DC 20268
202-789-6800

- B. Description of why some requests are not granted and an overview of certain general categories of the agency's records to which the FOIA exemptions apply.

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 protected from disclosure by statute may not be granted when the Commission determines that it may be harmed by the release of such information.

The Commission maintains some records, for example mailer-specific confidential business information submitted under seal, to which Exemption 4 may apply.

III. ACRONYMS, DEFINITIONS, AND EXEMPTIONS

A. Agency-specific acronyms or other terms.

"Commission" or "PRC" means Postal Regulatory Commission

B. Definitions of terms used this Report:

1. **Administrative Appeal** – a request to a federal agency asking that it review at a higher administrative level a FOIA determination made by the agency at the initial request level.
2. **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.
3. **Backlog** – the number of requests or administrative appeals that are pending at an agency at the end of the fiscal year that are beyond the statutory time period for a response.
4. **Component** – for agencies that process requests on a decentralized basis, a “component” is an entity, also sometimes referred to as an Office, Division, Bureau, Center, or Directorate, within the agency that processes FOIA requests. The FOIA now requires that agencies include in their Annual FOIA Report data for both the agency overall and for each principal component of the agency.
5. **Consultation** – the procedure whereby the agency responding to a FOIA request first forwards a record to another agency for its review because that other agency has an interest in the document. Once the agency in receipt of the consultation finishes its review of the record, it responds back to the agency that forwarded it. That agency, in turn, will then respond to the FOIA requester.
6. **Exemption 3 Statute** -- a federal statute that exempts information from disclosure and which the agency relies on to withhold information under subsection (b)(3) of the FOIA.
7. **FOIA Request** – a FOIA request is generally, a request to a federal agency for access to records concerning another person (i.e., a “third-party” request), or concerning an organization, or a particular topic of interest. FOIA requests also include requests made by requesters seeking records concerning themselves, (i.e., “first-party” requests), when those requesters are not subject to the Privacy Act, FOIA requests also include any first-party requests where an agency determines that it must search beyond its Privacy Act “systems of records” or where a Privacy Act exemption applies, and the agency looks to FOIA to afford the greatest possible access. All requests which require the agency to utilize the FOIA in responding to the requester are included in this Report.

Additionally, a FOIA request includes records referred to the agency for processing and direct response to the requester. It does not, however, include records which the agency has received a consultation from another agency. (Consultations are reported separately in Section XII of this Report.)

8. **Full Grant** – an agency decision to disclose all records in full in response to a FOIA request
9. **Full Denial** – an agency decision not to release any records in response to a FOIA request because the records are exempt in their entireties under one or more of the FOIA exemptions, or because of a procedural reason, such as when no records could be located.
10. **Median Number** -- the middle, not average, number. For example, of 3, 7, and 14, the median number is 7.

11. **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 tracks. Requests granted expedited processing are placed in yet another track. Requests in each track are processed on a first in/first out basis.
 - a. **Expedited Processing** – an agency will process a FOIA request on an expedited basis when a requester satisfies the requirements for expedited processing as set forth in the statute and in agency regulations.
 - b. **Simple Request** – a FOIA Request that an agency using multi-track processing places in its fastest (non-expedited) track based on the low volume and/or simplicity of the records requested.
 - c. **Complex Request** – a FOIA request that an agency using multi-track processing places in a slower track based on the high volume and/or complexity of the records requested.
12. **Partial Grant/Partial Denial** – in response to a FOIA request, an agency decision to disclose portions of the record and to withhold other portions that are exempt under the FOIA, or to otherwise deny a portion of the request for a procedural reason.
13. **Pending Request or Pending Administrative Appeal** – a request or administrative appeal for which an agency has not taken final action in all respects.
14. **Perfect Request** – a request for records which reasonably describes such records and is made in accordance with published rules stating the time, place, fees (if any) and procedures to be followed.
15. **Processed Request or Processed Administrative Appeal** -- a request or administrative appeal for which an agency has taken a final action in all respects.
16. **Range in Number of Days** – the lowest and highest number of days to process requests or administrative appeals.
17. **Time Limits** – the time period in the statute for an agency to respond to a FOIA request (ordinarily twenty working days from receipt of a perfected FOIA request.)

C. Include the following concise descriptions of the nine FOIA exemptions:

1. **Exemption 1:** classified national defense and foreign relations information
2. **Exemption 2:** internal agency rules and practices
3. **Exemption 3:** information that is prohibited from disclosure by another federal law
4. **Exemption 4:** trade secrets and other confidential business information
5. **Exemption 5:** inter-agency or intra-agency communications that are protected by legal privileges
6. **Exemption 6:** information involving matters of personal privacy

7. **Exemption 7:** records or information compiled for law enforcement purposes, to the extent that the production of those records (A) could reasonably be expected to interfere with enforcement proceedings, (B) would deprive a person of a right to a fair trial or an impartial adjudication, (C) could reasonably be expected to constitute an unwarranted invasion of personal privacy, (D) could reasonably be expected to disclose the identity of a confidential source (E) would disclose techniques and procedures for law enforcement investigations or prosecutions, or (F) could reasonably be expected to endanger the life or physical safety of an individual.
8. **Exemption 8:** information relating to the supervision of financial institutions
9. **Exemption 9:** geological information on wells

IV. EXEMPTION 3 STATUTES

Exemption 3 statutes relied on to withhold Information:

N/A, the Commission has not relied upon Exemption 3 statutes.

| Statute | Type of Information Withheld | Case Citation | Number of Times Relied upon per Component | Total Number of Times Relied upon by Agency |
|----------------|------------------------------|---------------|---|---|
| Agency Overall | 0 | 0 | 0 | 0 |

V. FOIA REQUESTS

For charts in Section V, include all "purported" FOIA requests, both perfected and non-perfected.

Non-perfected requests are further reflected in columns in Chart V, B 1 below.

A. Received, Processed and Pending FOIA Requests

| | Number of Requests Pending as of Start of Fiscal Year | Number of Requests Received in Fiscal Year | Number of Requests Processed in Fiscal Year | Number of Requests Pending as of End of Fiscal Year |
|----------------|---|--|---|---|
| Agency Overall | 0 | 23 | 23 | 0 |

B. 1. Disposition of FOIA Requests. – All Processed Requests

| | Number of Full Grants | Number of Partial Grants/Partial Denials | Number of Full Denials Based on Exemptions | Number of Full Denials Based on Reasons Other than Exemptions | | | | | | | | TOTAL | |
|---------------------|-----------------------|--|--|---|---|-------------------|--------------------|----------------------------------|--|-------------------|-------------------|-------|-------------------------------|
| | | | | No Records | All Records Referred to Another Component or Agency | Request Withdrawn | Fee-Related Reason | Records Not Reasonably Described | Improper FOIA Request for Other Reason | Not Agency Record | Duplicate Request | | Other *explain in chart below |
| AGENCY TOTAL | 6 | 0 | 0 | 0 | 16 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 23 |

B. 2. Disposition of FOIA Requests – “Other” Reasons for “Full Denials Based on Reasons Other than Exemptions” from Section V, B (1) Chart

| Component | Description of “Other” Reasons for Denials from Chart B (1) & Number of Times Those Reasons Were Relied upon | TOTAL |
|-------------|--|-------|
| Component A | N/A | 0 |
| Component B | N/A | 0 |

VI. ADMINISTRATIVE APPEALS OF INITIAL DETERMINATIONS OF FOIA REQUESTS

A. Received, Processed and Pending Administrative Appeals

| Number of Appeals Pending as of the Start of Fiscal Year | Number of Appeals Received in Fiscal Year | Number of Appeals Processed in Fiscal Year | Number of Appeals Pending as of End of Fiscal Year |
|--|---|--|--|
| 0 | 0 | 0 | 0 |

B. Disposition of Administrative Appeals – All Processed Appeals

| Number Affirmed on Appeal | Number Partially Affirmed & Partially Reversed/Remanded on Appeal | Number Completely Reversed/Remanded on Appeal | Number of Appeals Closed for Other Reasons |
|---------------------------|---|---|--|
| 0 | 0 | 0 | 0 |

C. 1. Reasons for Denial on Appeal – Number of Times Exemptions Applied

N/A

2. Reasons for Denial on Appeal – Reasons Other than Exemptions

N/A

3. Reasons for Denial on Appeal – “Other” Reasons from Section VI, C (2) Chart

N/A

4. Response Time for Administrative Appeals

N/A

5. Ten Oldest Pending Administrative Appeals

N/A

VII. FOIA REQUESTS: RESPONSE TIME FOR PROCESSED AND PENDING REQUESTS

A. Processed Requests – Response Time for All Processed Perfected Requests
 (median, average and range in number of days to process all perfected requests).

| | SIMPLE | | | | COMPLEX | | | | EXPEDITED PROCESSING | | | |
|-----------------------|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|-----------------------|------------------------|
| | Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days | Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days | Median Number of Days | Average Number of Days | Lowest Number of Days | Highest Number of Days |
| AGENCY OVERALL | 3 | 5 | 0 | 15 | 27 | 27 | 27 | 27 | 0 | 0 | 0 | 0 |

E. Pending Requests – Ten Oldest Pending Perfected Requests

N/A.

VIII. REQUESTS FOR EXPEDITED PROCESSING AND REQUESTS FOR FEE WAIVER

A. Requests for Expedited Processing

| | Number Granted | Number Denied | Median Number of Days to Adjudicate | Average Number of Days to Adjudicate | Number Adjudicated Within Ten Calendar Days |
|-----------------------|-----------------------|----------------------|--|---|--|
| AGENCY OVERALL | 0 | 0 | 0 | 0 | 0 |
| | | | | | |

B. Requests for Fee Waiver

| | Number Granted | Number Denied | Median Number of Days to Adjudicate | Average Number of Days to Adjudicate |
|-----------------------|-----------------------|----------------------|--|---|
| AGENCY OVERALL | 2 | 0 | 18 | 18 |

IX. FOIA PERSONNEL AND COSTS

The Commission’s cost to process its small number of requests, including staff time, is de minimus.

| | PERSONNEL | | | COSTS | | |
|-----------------------|--------------------------------------|---|--|--|--------------------------|-------------|
| | Number of “Full-Time FOIA Employees” | Number of “Equivalent Full-Time FOIA Employees” | Total Number of “Full-Time FOIA Staff” (The sum of Columns 1 & 2) | Processing Costs (At initial request and appeal levels) | Litigation-Related Costs | Total Costs |
| AGENCY OVERALL | 0 | 1 | 1 | \$2,000.00 | 0 | \$2,000.00 |

X. FEES COLLECTED FOR PROCESSING REQUESTS

None

XI. FOIA REGULATIONS

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

XII. BACKLOGS, CONSULTATIONS, AND COMPARISONS

A. Backlogs of FOIA Requests and Administrative Appeals

None

B. Consultations on FOIA Requests – Received, Processed, and Pending Consultations

Two

C. Consultations on FOIA Requests – Ten Oldest Consultations Received from Other Agencies and Pending at Your Agency

None

D. Comparison of Numbers of Requests from Previous and Current Annual Report – Requests Received, Processed, and Backlogged

| | Number Received During Fiscal Year from Last Year’s Annual Report | Number Received During Fiscal Year from Current Annual Report | Number Processed During Fiscal Year from Last Year’s Annual report | Number Processed During Fiscal Year from Current Annual Report |
|-----------------------|---|---|--|--|
| AGENCY OVERALL | 29 | 23 | 30 | 23 |

Starting with the Annual Report for Fiscal Year 2010, provide the number of backlogged requests as of the end of the fiscal year from the previous Annual Report and the number of backlogged requests as of the end of the fiscal year from the current Annual Report.

| | | |
|-----------------------|--|---|
| | Number of Backlogged Requests as of End of the Fiscal year From Previous Annual Report | Number of Backlogged Requests as of End of the Fiscal Year from Current Annual Report |
| AGENCY OVERALL | 0 | 0 |

E. Comparison of Numbers of Administrative Appeals from Previous and Current Annual Report – Appeals Received, Processed, and Backlogged

| | NUMBER OF APPEALS RECEIVED | | NUMBER OF APPEALS PROCESSED | |
|-----------------------|--|--|---|---|
| | Number Received During Fiscal Year from Last Year's Annual Report | Number Received During Fiscal Year from Current Annual Report | Number Processed During Fiscal Year from Last Year's Annual Report | Number Processed During Fiscal Year from Current Annual Report |
| AGENCY OVERALL | 0 | 0 | 0 | 0 |

Starting with the Annual Report for Fiscal Year 2010, provide the number of backlogged administrative appeals as of the end of the fiscal year from the previous Annual Report and the number of backlogged administrative appeals as of the end of the fiscal year from the current Annual Report.

| | | |
|-----------------------|--|---|
| | Number of Backlogged Appeals as of End of the Fiscal Year from Previous Annual Report | Number of Backlogged Appeals as of End of the Fiscal Year from Current Annual Report |
| AGENCY OVERALL | 0 | 0 |

F. Discussion of Other FOIA Activities (Optional)

N/A