



Sai . <saizai@gmail.com>

RE: FOIA Case 2014-FPRO-0057

Sai <usps@s.ai>

Mon, Nov 25, 2013 at 7:31 PM

To: "Chavannes-Battle, Nancy" <nancy.p.chavannesbattle@usps.gov>, "Belt, David C - Washington, DC" <David.C.Belt@usps.gov>

Cc: "WACLAWSKI, JAMES X" <james.waclawski@prc.gov>

Dear Ms. Chevannes-Battle & Mr. Belt:

Thank you for your response to my FOIA request for expedited processing, public interest fee waiver, digital format records, and an explanation of how search might be tailored.

1. Expedited processing

a) There is urgency, given that the records I have requested directly relate to an ongoing Postal Regulatory Commission proceeding, to which response comments are due on December 20th. The records are urgently necessary to inform the public about actual federal government activity, without which it is difficult or impossible to comment on PRC proceeding MC2013-60 on an informed basis.

b) I am primarily engaged in disseminating information, through multiple means, including blogging, PRC and other agency filings, speaking at conferences (including the World Forum for Democracy at the Counsel of Europe which I am currently attending as an invited discussant), etc. The Supreme Court has determined that bloggers have the same rights as any other journalists, and I claim that right.

With respect to this FOIA, it is prima facie evidence of public dissemination that the results will be filed on the PRC record.

2. Fee waiver for public interest

a) As I said in my original request, the information will be used to inform the public and the Postal Regulatory Commission about ongoing proceeding MC2013-60. The public and PRC will benefit from the disclosure by better understanding the USPS' previous work in this area, which is critical to being able to make an informed decision or comment on MC2013-60.

"The public" here includes Mr. Waclawski, Public Representative of the PRC for MC2013-60, who is copied on this email and will be given a copy of all responsive records.

Again as above and in my original request, it will be published in the

PRC docket for MC2013-60 (in addition to my website), which is prima facie evidence of public dissemination.

b) As I said in the original request, I do not expect to gain any personal or commercial benefit.

c) I have already given my identity in my original request letter.

I am the proponent of MC2013-60, and therefore am definitionally qualified on this subject, as it is my own invention (albeit one that is similar to inventions made in parallel by the USPS).

I have many years of experience in security, web development, privacy, and other technology, which is directly relevant to my MC2013-60 proposal. See <http://s.ai/work> for my professional background.

3. Partial fulfillment

To the extent that you can fulfill my request with a shorter search within the Product Information division, I request that you do so — while completely reserving my right to fee waiver and to search of other records, including those of the Office of the General Counsel.

4. Appeal

To the extent that Ms. Chevannes-Battle's letter (attached) constitutes an (untimely) adverse determination by the USPS on any point of my FOIA, I hereby appeal it to the USPS General Counsel's office, whose representative Mr. Belt I have copied on this email.

I note however that because, as admitted in the second letter, you did **not** make a timely determination on any of the above issues, I "appeal" only out of politeness, not legal obligation, and do not waive any of my rights by doing so.

I have already fulfilled my duty to exhaust administrative remedies, am not legally required to make any administrative appeal, and reserve my already existing right to directly sue the USPS in the DC District Court regardless of the USPS General Counsel's response or lack thereof.

All of the points 1-3 above were included in my original request. As such, there was no basis whatsoever for failing to make a timely determination on any of the issues mentioned in this email. I note also that the determination of expedited processing is subject to a 10 day response requirement, and the FOIA in general to a 20 day response requirement, neither of which were met.

Again, I request that response be by e-mail.

Sincerely,
- Sai

3 attachments



2013-10-18 FOIA request for documents related to PAF.pdf

118K



2013-11-06 USPS response re MC2013-60 FOIA request.pdf

2397K



2013-11-25 FOIA 2014-FPRO-0057 fee estimate letter 2.pdf

90K