

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, DC 20268-0001

Rate and Service Changes to
Implement Baseline Negotiated
Service Agreement with Bookspan

Docket No. MC2005-3

PRESIDING OFFICER'S RULING GRANTING MOTION OF BOOKSPAN TO
UNSEAL PORTIONS OF THE TRANSCRIPT OF PROCEEDINGS

(Issued November 9, 2005)

During the October 20, 2005 hearing, the Presiding Officer closed the hearing room in order to place portions of the oral cross-examination, redirect-examination, and recross-examination of Bookspan Witness Epp under seal.¹ This action was taken since the line of questioning had a likelihood of requiring Witness Epp to disclose confidential and commercially sensitive information relating to Bookspan's business plans and operating data. Presiding Officer's Ruling MC2005-3/13 sets forth the conditions under which Volume 4 may currently be accessed.

On November 8, 2005, Bookspan filed a motion to remove certain portions of the Volume 4 transcript in these proceedings from protective conditions.² To facilitate briefing in this case, Bookspan proposes to release as much as possible of the transcript without revealing specific figures or descriptive information that is competitively sensitive, proprietary and confidential, and the subject of protective orders issued earlier in this proceeding. Concurrently with the Motion, Bookspan filed under seal two redacted copies of the currently sealed Volume 4 transcript and an electronic copy of the transcript in .PDF format which it seeks to have unsealed.

¹ Docket No. MC2005-3, Volume 4 – Official Transcript Hearing Held October 20, 2005 (pages 470-519), provided under protective seal (Volume 4).

² Motion of Bookspan to Unseal Portions of the Transcript of Proceedings, November 8, 2005 (Motion).

Due to the Commission's "strong public policy favoring open and transparent Commission recommendations,"³ Bookspan's Motion is granted. The proposed redacted transcript filed by Bookspan will be unsealed and labeled as "Volume 4 – Official Transcript Hearing Held October 20, 2005 (pages 470-519) (REDACTED VERSION)." It will be posted on the Commission's website in due course. The complete sealed transcript of Volume 4 will retain its original label "Volume 4 – Official Transcript Hearing Held October 20, 2005 (pages 470-519), provided under protective seal." Access to the sealed version of the Volume 4 transcript will remain governed by Presiding Officer's Ruling MC2005-3/13.

RULING

1. The Motion of Bookspan to Unseal Portions of the Transcript of Proceedings, filed November 8, 2005, is granted.
2. The proposed redacted transcript filed by Bookspan will be unsealed and labeled as "Volume 4 – Official Transcript Hearing Held October 20, 2005 (pages 470-519) (REDACTED VERSION). The .PDF version will be posted on the Commission's website in due course.
3. Access to the sealed version of the Volume 4 transcript shall remain governed by Presiding Officer's Ruling MC2005-3/13.

George Omas
Presiding Officer

³ P.O. Ruling MC2005-3/5, September 9, 2005, at 3.