

contextual information that we believe is necessary to comment effectively on relevant issues

Accordingly, PostCom requests that the Commission authorize the following individuals to review the nonpublic material:

Matthew D. Field, partner, Venable LLP

Ian D. Volner, partner, Venable LLP

Christopher L. Boone, associate, Venable LLP

Michael Plunket, President and CEO, PostCom

PostCom submits that there are no competitive concerns associated with providing access to the material to the individuals listed above. Three of the individuals are counsel to PostCom with no role in competitive decision-making for any Postal Service competitor. The fourth individual is the President and CEO of PostCom, an organization that is not itself a competitor of the Postal Service, and has no role in the competitive decision-making for any Postal Service competitor. None of the identified individuals are responsible for activities related to “sales and marketing efforts” that could be detrimental to the Postal Service. Attached are executed declarations by the four individuals committing to their compliance with the terms of the protective conditions established by the Commission to limit the disclosure and use of the sealed material.

Pursuant to 39 C.F.R. §3007.301(b)(4), PostCom states that it has not provided actual notice to the persons identified in Appendix 1 and Appendix 2 to the Postal

Service's application for nonpublic treatment as having a proprietary interest in the requested information.

Respectfully submitted,

/s/ Matthew D. Field

Matthew D. Field
Ian D. Volner
Christopher L. Boone
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*Counsel for Association for Postal
Commerce*

January 10, 2019

Protective Conditions Statement

The United States Postal Service requests confidential treatment of non-public materials identified as USPS-FY-18-NP2, USPS-FY18-NP3, USPS-FY18-NP7, USPS-FY18-NP8, USPS-FY18-NP9, USPS-FY18-NP12, USPS-FY18-NP14, USPS-FY18-NP20, and USPS-FY18-NP30 (hereinafter “these materials”) in Commission Docket No. ACR2018.

The Association for Postal Commerce (hereinafter “the movant”) requests access to these materials related to the Postal Service’s Annual Compliance Report for Fiscal Year 2018 (hereinafter “this matter”).

The movant has provided to each person seeking access to these materials:

- this Protective Conditions Statement,
- the Certification to Comply with Protective Conditions,
- the Certification of Compliance with Protective Conditions and Termination of Access; and
- the Commission’s rules applicable to access to non-public materials filed in Commission proceedings (subpart C of part 3007 of the U.S. Code of Federal Regulations).

Each person (and any individual working on behalf of that person) seeking access to these materials has executed a Certification to Comply with Protective Conditions by signing in ink or by typing /s/ before his or her name in the signature block. The movant attaches the Protective Conditions Statement and the executed Certification(s) to Comply with Protective Conditions to the motion for access filed with the Commission.

The movant and each person seeking access to these materials agree to comply with the following protective conditions:

1. In accordance with 39 CFR 3007.303, the Commission may impose sanctions on any person who violates these protective conditions, the persons or entities on whose behalf the person was acting, or both.

2. In accordance with 39 CFR 3007.300(b), no person involved in competitive decision-making for any individual or entity that might gain competitive advantage from using these materials shall be granted access to these materials. Involved in competitive decision-making includes consulting on marketing or advertising strategies, pricing, product research and development, product design, or the competitive structuring and composition of bids, offers or proposals. It does not include rendering legal advice or performing other

services that are not directly in furtherance of activities in competition with an individual or entity having a proprietary interest in the protected material.

3. In accordance with 39 CFR 3007.302(a), a person granted access to these materials may not disseminate these materials in whole or in part to any person not allowed access pursuant to 39 CFR 3007.300(a) (Commission and court personnel) or 3007.301 (other persons granted access by Commission order) except in compliance with:

- a. Specific Commission order,
- b. Subpart B of 39 CFR 3007 (procedure for filing these materials in Commission proceedings), or
- c. 39 CFR 3007.305 (production of these materials in a court or other administrative proceeding).

4. In accordance with 39 CFR 3007.302(b) and (c), all persons granted access to these materials:

- a. must use these materials only related to this matter; and
- b. must protect these materials from any person not authorized to obtain access under 39 CFR 3007.300 or 3007.301 by using the same degree of care, but no less than a reasonable degree of care, to prevent the unauthorized disclosure of these materials as those persons, in the ordinary course of business, would be expected to use to protect their own proprietary material or trade secrets and other internal, confidential, commercially sensitive, and privileged information.

5. The duties of each person granted access to these materials apply to all:

- a. Disclosures or duplications of these materials in writing, orally, electronically, or otherwise, by any means, format, or medium;
- b. Excerpts from, parts of, or the entirety of these materials;
- c. Written materials that quote or contain these materials; and
- d. Revised, amended, or supplemental versions of these materials.

6. All copies of these materials will be clearly marked as "Confidential" and bear the name of the person granted access.

7. Immediately after access has terminated pursuant to 39 CFR 3007.304(a)(1), each person (and any individual working on behalf of that person) who has obtained a copy of these materials must execute the Certification of Compliance with Protective Conditions and Termination of Access. In compliance with 39 CFR 3007.304(a)(2), the movant will attach the executed Certification(s) of Compliance with Protective Conditions and Termination of Access to the notice of termination of access filed with the Commission.

8. Each person granted access to these materials consents to these or such other conditions as the Commission may approve.

Respectfully submitted,

/s/ Matthew D. Field

Matthew D. Field
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600 Massachusetts Ave., NW
Washington, D.C. 20001
(202) 344-8281
mfield@venable.com
Counsel to Association for Postal Commerce

CERTIFICATION TO COMPLY WITH PROTECTIVE CONDITIONS

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The Association for Postal Commerce requests that the Commission grant me access to these materials to use related to preparing comments on the Postal Service’s annual compliance report in Docket No. ACR2018 (hereinafter “this matter”).

I certify that:

- I have read and understand the Protective Conditions Statement and this Certification to Comply with Protective Conditions;
- I am eligible to receive access to these materials because I am not involved in competitive decision-making for any individual or entity that might gain competitive advantage from using these materials; and
- I will comply with all protective conditions established by the Commission.

Signature: */s/ Ian D. Volner*

Ian D. Volner
Partner, Venable LLP
(representing Association for Postal Commerce.)

January 10, 2019

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Signature: */s/ Matthew D. Field*

Matthew D. Field
Partner, Venable LLP
(representing Association for Postal Commerce)

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- I will comply with all protective conditions established by the Commission.

Signature: */s/ Chris Boone*

Christopher L. Boone
Associate, Venable LLP
(representing Association for Postal Commerce)

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- I will comply with all protective conditions established by the Commission.

Signature:

/s/ Michael Plunkett

Michael Plunkett
President and CEO, Association for Postal
Commerce

January 10, 2019