

BEFORE THE
POSTAL REGULATORY COMMISSION

Annual Compliance Review 2018

:
:
:

Docket No. ACR2018

**UNITED PARCEL SERVICE, INC.'S MOTION TO
SUPPLEMENT ITS JANUARY 9, 2019 MOTION
REQUESTING ACCESS TO NON-PUBLIC MATERIALS
UNDER PROTECTIVE CONDITIONS
(January 31, 2019)**

Pursuant to Commission Rules 3001.21 and 3007.301, United Parcel Service, Inc. ("UPS") respectfully submits this Motion to Supplement its Motion Requesting Access to Non-Public Materials Under Protective Conditions ("Motion for Access"), Dkt. No. ACR2018 (Jan. 9, 2019), requesting access to non-public library references from Docket No. ACR2018 (USPS-FY18-NP2, USPS-FY18-NP3, USPS-FY18-NP7, USPS-FY18-NP8, USPS-FY18-NP9, USPS-FY18-NP10, USPS-FY18-NP11, USPS-FY18-NP12, USPS-FY18-NP13, USPS-FY18-NP14, USPS-FY18-NP19, USPS-FY18-NP21, USPS-FY18-NP22, USPS-FY18-NP23, USPS-FY18-NP24), as well as to the non-public library references from Docket Nos. ACR2014, ACR2015, ACR2016, and ACR2017 which the Commission originally granted to UPS's outside counsel and consultants for use in Docket Nos. ACR2014, ACR2015, RM2016-2, ACR2016, and ACR2017.

UPS filed its original motion requesting access to non-public materials on January 9, 2019. See UPS's Motion for Access, Dkt. No. ACR2018 (Jan. 9, 2019). The United States Postal Service responded on January 28, 2019, opposing UPS's motion in part. See U.S. Postal Serv. Resp. to United Parcel Serv. Inc.'s Mot. Requesting

Access to Non-Public Materials Under Protective Conditions, Dkt. No. ACR2018 (Jan. 28, 2019). UPS submits this Motion to Supplement pursuant to 39 C.F.R. § 3007.21 in order to redress specific procedural deficiencies the Postal Service identified in UPS's Motion for Access and to request that an additional outside counsel have access to the requested materials.

First, UPS clarifies that its Motion for Access was made pursuant to 39 C.F.R. § 3007.301, rather than pursuant to 39 C.F.R. §§ 3001.21, 3007.42, and 3007.50.

Second, UPS specifies that it did not provide actual notice of its Motion for Access prior to its filing on January 9 to each person identified in the Postal Service's application for non-public treatment pursuant to § 3007.201(b)(2).

Third, UPS attaches a list of its outside counsel and consultants seeking access (adding one additional outside counsel), a description of protective conditions (omitted from the original Motion for Access), and a certification to comply with those protective conditions executed by each person (and any individual working on behalf of that person) seeking access.

This supplement does not affect the substance of the Motion for Access, to which the Postal Service has fully responded. Accordingly, UPS respectfully requests that this Motion to Supplement be granted.

Respectfully submitted,

UNITED PARCEL SERVICE, INC.,

By: /s/ Steig D. Olson

Steig D. Olson

Quinn Emanuel Urquhart & Sullivan, LLP

51 Madison Ave., 22nd Floor

New York, NY 10010

(212) 849-7152

steigolson@quinnemanuel.com

Attorney for UPS

Exhibit 1

1. Steig Olson
2. David LeRay
3. Christopher Seck
4. Andrew Sutton
5. Kathleen Lanigan
6. Kevin Neels
7. Nicholas Powers
8. Nathan Basch
9. Ezra Frankel
10. Findley Bowie
11. Jill Moraski
12. Brent Lutes
13. Marianne Gray

Protective Conditions Statement

The Postal Service requested confidential treatment of non-public materials identified as USPS-FY18-NP2, USPS-FY18-NP3, USPS-FY18-NP7, USPS-FY18-NP8, USPS-FY18-NP9, USPS-FY18-NP10, USPS-FY18-NP11, USPS-FY18-NP12, USPS-FY18-NP13, USPS-FY18-NP14, USPS-FY18-NP19, USPS-FY18-NP21, USPS-FY18-NP22, USPS-FY18-NP23, USPS-FY18-NP24 in Commission Docket No. ACR2018, as well as the non-public library references from Docket Nos. ACR2014, ACR2015, ACR2016, and ACR2017 which the Commission originally granted to UPS's outside counsel and consultants for use in Docket Nos. ACR2014, ACR2015, RM2016-2, ACR2016, and ACR2017 (hereinafter "these materials"). UPS (hereinafter "the movant") requests access to these materials related to filing its comments in the ACR2018 docket.

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,

UNITED PARCEL SERVICE, INC.,

By: /s/ Steig D. Olson
Steig D. Olson
Quinn Emanuel Urquhart & Sullivan, LLP
51 Madison Ave., 22nd Floor
New York, NY 10010
(212) 849-7152
steigolson@quinnemanuel.com

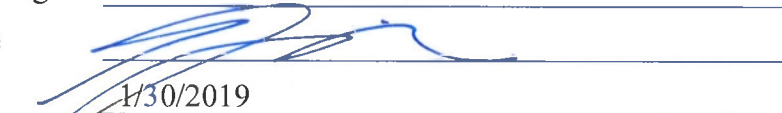
Attorney for UPS

CERTIFICATION

The undersigned represents that:

Access to these materials provided in the matter identified as Commission Docket No. ACR2018 by the Postal Service has been authorized by the Commission. The cover or label of the copy obtained is marked with my name. I agree to use the information only for purposes of analyzing matters at issue in the matter identified as Commission Docket No. ACR2018.

I certify that I have read and understand the protective conditions statement and this certification to comply with protective conditions. I certify that I am eligible to receive access to materials because I am not involved in competitive decision-making for any individual or entity that might gain competitive advantage from using these materials. I further agree to comply with all protective conditions and will maintain these materials in strict confidence in accordance with all of the protective conditions set out above.

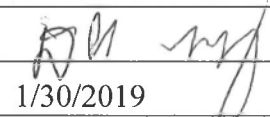
Name	<u>Steig Olson</u>
Firm	<u>Quinn Emanuel Urquhart & Sullivan LLP</u>
Title	<u>Partner</u>
Representing	<u>United Parcel Service</u>
Signature	
Date	<u>1/30/2019</u>

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Name	<u>David LeRay</u>
Firm	<u>Quinn Emanuel Urquhart & Sullivan LLP</u>
Title	<u>Associate</u>
Representing	<u>United Parcel Service</u>
Signature	<u></u>
Date	<u>1/30/2019</u>

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Name	<u>Christopher Seck</u>
Firm	<u>Quinn Emanuel Urquhart & Sullivan, LLP</u>
Title	<u>Associate</u>
Representing	<u>United Parcel Service</u>
Signature	<u></u>
Date	<u>Jan. 30, 2019</u>

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Name	<u>Andrew Sutton</u>
Firm	<u>Quinn Emanuel Urquhart & Sullivan LLP</u>
Title	<u>Associate</u>
Representing	<u>United Parcel Service</u>
Signature	<u>Andrew Sutton</u>
Date	<u>1/30/2019</u>

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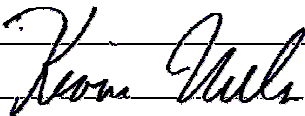
Name	<u>Kathleen Lanigan</u>
Firm	<u>Quinn Emanuel</u>
Title	<u>Associate</u>
Representing	<u>United Parcel Service</u>
Signature	<u></u>
Date	<u>01/31/2018</u>

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Name	Kevin Neels
Firm	The Brattle Group
Title	Principal Emeritus
Representing	United Parcel Service
Signature	
Date	1/31/2019

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Name	<u>Nicholas Powers</u>
Firm	<u>The Brattle Group</u>
Title	<u>Senior Associate</u>
Representing	<u>United Parcel Service</u>
Signature	<u></u>
Date	<u>1/30/19</u>

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Name	<u>Nathan Basch</u>
Firm	<u>The Brattle Group</u>
Title	<u>Senior Research Analyst</u>
Representing	<u>United Parcel Service</u>
Signature	<u></u>
Date	<u>1/30/2019</u>

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Name	<u>Ezra Frankel</u>
Firm	<u>The Brattle Group</u>
Title	<u>Research Analyst</u>
Representing	<u>United Parcel Service</u>
Signature	<u></u>
Date	<u>01/30/2019</u>

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Name	<u>Findley Bowie</u>
Firm	<u>The Battle Group</u>
Title	<u>Research Analyst</u>
Representing	<u>United Parcel Service</u>
Signature	<u>C. Findley Bowie</u>
Date	<u>1/30/2019</u>

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Name	<u>Jill Moraski</u>
Firm	<u>The Brattle Group</u>
Title	<u>Research Analyst</u>
Representing	<u>United Parcel Service</u>
Signature	<u></u>
Date	<u>01/30/2019</u>

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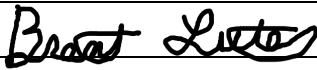
Name	_____
Firm	_____
Title	_____
Representing	United Parcel Service
Signature	_____
Date	_____

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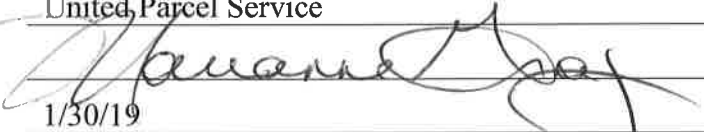
Name	<u>Brent Lutes</u>
Firm	<u>The Brattle Group</u>
Title	<u>Associate</u>
Representing	<u>United Parcel Service</u>
Signature	<u></u>
Date	<u>January 30, 2019</u>

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Name	<u>Marianne Gray</u>
Firm	<u>The Brattle Group</u>
Title	<u>Sr. Administrative Assistant</u>
Representing	<u>United Parcel Service</u>
Signature	
Date	<u>1/30/19</u>