

**BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001**

Transferring Bound Printed Matter
Parcels to the Competitive Product List

Docket No. MC2021-78

**PARCEL SHIPPERS ASSOCIATION'S MOTION REQUESTING
ACCESS TO NON-PUBLIC MATERIALS UNDER PROTECTIVE CONDITIONS**

(April 27, 2021)

Parcel Shippers Association (PSA) respectfully requests access to the full, unredacted version of Attachment A to the Postal Service responses to Chairman's Information Request No. 2, Questions 3b and 4a. A redacted version of Attachment A was filed with the responses on April 23, by USPS.¹ Access to this material will aid PSA's evaluation of the issues in the above-captioned proceeding.

PSA requests access for the following individuals: Lawrence G. Buc, Sander Glick, Peter Kiesel (outside consultants with SLS Consulting, Inc.), and Pierce Myers (outside counsel). Notice of this motion was given by email Michael Gross, Attorney, Pricing and Product Compliance, U.S. Postal Service; 202-268-6915 Michael.I.Gross@usps.gov. Mr. Gross reports the Postal Service has no objection to the granting of this motion.

Pursuant to 39 C.F.R. 3011.301(b)(5-6) attached is the executed Protective

¹ See Docket No. MC2021-78, United States Postal Service Notice of Filing Attachment Under Seal and Motion for Non-Public Treatment of Responses to Questions 3b and 4a of Chairman's Information Request No. 2 (April 23, 2021).

Conditions Statement and executed certificates for each of the four individuals certifying that each will comply with the Protective Conditions Statement.

For the reasons stated above, PSA respectfully requests that the Commission grant this motion.

Respectfully submitted:

/s/ James Pierce Myers

James. Pierce Myers
Attorney at Law
General Counsel for
PARCEL SHIPPERS ASSOCIATION
703.627.5112
jpm@piercemyers.com

April 27, 2021

Exhibit 1

1. Pierce Myers
2. Lawrence G. Buc
3. Sander Glick
4. Peter Kiesel

Protective Conditions Statement

On April 23, 2021, the Postal Service filed non-public materials identified as Attachment A to its responses to Chairman's Information Request No. 2, Questions 3b and 4a, under seal. A redacted version of Attachment A was filed with the responses. PSA ("the movant") requests access to these materials to aid its evaluation of the issues raised in Docket No. MC2021-78.

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 3011 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 3011.303, 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 3011.300(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 3011.302(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 3011.300(a) (Commission and court personnel) or 3011.301 (other persons granted access by Commission order) except in compliance with:

- a. Specific Commission order,
- b. Subpart B of 39 CFR 3011 (procedure for filing these materials in Commission proceedings), or
- c. 39 CFR 3011.305 (production of these materials in a court or other administrative proceeding).

4. In accordance with 39 CFR 3011.302(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 3011.300 or 3011.301 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 3011.304(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 3011.304(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/ James Pierce Myers

James. Pierce Myers
Attorney at Law
General Counsel for
PARCEL SHIPPERS ASSOCIATION
703.627.5112
jpm@piercemyers.com

April 27, 2021

CERTIFICATION TO COMPLY WITH PROTECTIVE CONDITIONS

The undersigned represents that:

Access to these materials provided in the matter identified as Docket No. MC2021-78 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 Docket No. MC2021-78.

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: Pierce Myers

Title: Attorney at Law

Representing: Parcel Shippers Association.

Signature: /s/ James Pierce Myers

Date: April 26, 2021

CERTIFICATION TO COMPLY WITH PROTECTIVE CONDITIONS

The undersigned represents that:

Access to these materials provided in the matter identified as Docket No. MC2021-78 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 Docket No. MC2021-78.

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Name: Lawrence G. Buc

Firm: SLS Consulting, Inc.

Title: President

Representing: Parcel Shippers Association

Signature: /s/ Lawrence G. Buc

Date: April 26, 2021

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Name: Sander Glick

Firm: SLS Consulting, Inc.

Title: Vice President

Representing: Parcel Shippers Association

Signature: /s/ Sander Glick

Date: April 26, 2021

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Name: Peter Kiesel
Firm: SLS Consulting, Inc.
Title: Consultant
Representing: Parcel Shippers Association
Signature: /s/ Peter Kiesel
Date: April 26, 2021