

BEFORE THE POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

Transferring Bound Printed Matter
Parcels to the Competitive Product List

Docket No. MC2021-78

SCHOLASTIC INC.'s MOTION REQUESTING
ACCESS TO NON-PUBLIC MATERIALS UNDER PROTECTIVE CONDITIONS
(May 3, 2021)

Pursuant to 39 C.F.R. § 3011.301, Scholastic Inc. (Scholastic) respectfully requests access to the following nonpublic materials filed by the Postal Service in this docket:

1. The unredacted version of USPS-LR-MC2021-78/NP1-FY2020 Percentage of Bound Printed Matter (BPM) Parcels by USPS Top 20 Mailers filed by the Postal Service on March 26, 2021;
2. The 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;
3. Postal Service Response to Chairman's Information Request No. 1, Question 9b, issued on April 14, 2021; and
4. Postal Service Response to Chairman's Information Request No. 3, Question 7, issued on April 16, 2021.

Scholastic requests access under the protective conditions established by the Commission to aid its evaluation of the issues in the above-captioned proceeding. Scholastic requests access for the following individuals: Lawrence G. Buc, Sander Glick, Peter Kiesel (outside consultants with SLS Consulting, Inc.) and John Longstreth and Michael Scanlon (outside counsel with K&L Gates LLP).

Pursuant to 39 C.F.R. § 3011.301(b)(4), Scholastic provided notice of this motion to the Postal Service via telephone conversation and email to Postal Service Counsel Michael Gross. Mr.

Gross authorized Scholastic to represent that the Postal Service has no objection to this motion by telephone message. Additionally, Mr. Gross further authorized Scholastic to represent that the Colography Group, Inc. also has no objection to Scholastic obtaining access to third-party information contained in the Postal Service's responses.

Pursuant to 39 C.F.R. § 3011.301(b)(5-6) attached please find the executed Protective 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, Scholastic respectfully requests that the Commission grant this motion.

Respectfully submitted:

/s/ Michael F. Scanlon
Michael Scanlon
John Longstreth
K&L GATES LLP
1601 K Street, NW
Washington, DC 20006
Telephone: (202) 661-3764
E-Mail: michael.scanlon@klgates.com
john.longstreth@klgates.com

Counsel to SCHOLASTIC INC.

May 3, 2021

Exhibit 1

1. Michael Scanlon
2. John Longstreth
3. Lawrence G. Buc
3. Sander Glick
4. Peter Kiesel

Protective Conditions Statement

The Postal Service has filed the following nonpublic materials in response to Chairman's Information Requests this docket:

1. The unredacted version of USPS-LR-MC2021-78/NP1-FY2020 Percentage of Bound Printed Matter (BPM) Parcels by USPS Top 20 Mailers filed by the Postal Service on March 26, 2021;
2. The 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;
3. Postal Service Response to Chairman's Information Request No. 1, Question 9b, issued on April 14, 2021; and
4. Postal Service Response to Chairman's Information Request No. 3, Question 7, issued on April 16, 2021.

Scholastic Inc. ("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 C.F.R. § 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 C.F.R. § 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 C.F.R. § 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 C.F.R. § 3011.300(a) (Commission and court personnel) or 39 C.F.R. § 3011.301 (other persons granted access by Commission order) except in compliance with:

- a. Specific Commission order,
- b. Subpart B of 39 C.F.R. § 3011 (procedure for filing these materials in Commission proceedings), or

c. 39 C.F.R. § 3011.305 (production of these materials in a court or other administrative proceeding).

4. In accordance with 39 C.F.R. § 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 C.F.R. § 3011.300 or 39 C.F.R. § 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 C.F.R. § 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 C.F.R. § 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/ Michael F. Scanlon
Michael F. Scanlon
John Longstreth
K&L GATES LLP
1601 K Street, NW
Washington, DC 20006
Telephone: (202) 661-3764
E-Mail: michael.scanlon@klgates.com
johh.longstreth@klgates.com

Counsel to SCHOLASTIC INC.

May 3, 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: Michael Scanlon
Firm: K&L Gates LLP
Title: Partner
Representing: Scholastic Inc.
Signature: /s/ Michael F. Scanlon
Date: May 3, 2021

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Name: John Longstreth
Firm: K&L Gates LLP
Title: Partner
Representing: Scholastic Inc.
Signature: /s/ John Longstreth
Date: May 3, 2021

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Name: Lawrence G. Buc
Firm: SLS Consulting, Inc.
Title: Principal
Representing: Scholastic Inc.
Signature: /s/ Lawrence G. Buc
Date: May 3, 2021

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Name: Sander Glick
Firm: SLS Consulting, Inc.
Title: Principal
Representing: Scholastic Inc.
Signature: /s/ Sander Glick
Date: May 3, 2021

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Name: Peter Kiesel
Firm: SLS Consulting, Inc.
Title: Consultant
Representing: Scholastic Inc.
Signature: /s/ Peter Kiesel
Date: May 3, 2021