

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

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

COMPLAINT ON POST E.C.S.

Docket No. C99-1

**UNITED STATES POSTAL SERVICE
MOTION FOR CLARIFICATION AND CORRECTION
OF ORDER NO. 1283
(February 3, 2000)**

On January 28, the Commission issued Order No. 1283, which establishes the protective conditions to be used in this docket. In the Order, the Commission determined that employees of a participant would be excluded from eligibility for access. The Commission explained:

As noted above, the Postal Service proposes amending the R97-1 protective conditions by excluding employees of a participant from eligibility for access. Inasmuch as Complainant is willing to accept this restriction, and no other party claims that it would adversely affect its access, the protective conditions appended to his Order incorporate the Service's proposal.

Order No. 1283 at 8. The Postal Service notes, however, that paragraph 1(b) of the protective conditions in Appendix A does not give effect to this passage in the main body of the Order. Rather, paragraph 1(b) states that a "participant in Postal Rate Commission Docket No. C99-1; *or a person employed by such a participant . . . shall be granted access to these materials.*" *Id.* (emphasis added). So as to give effect to the intent of the Order, the Postal Service requests that the Commission conform paragraph 1(b) to the intent of the main body of the Order by deleting the words "or a person employed by such a participant."

In addition, to make clear that employees of a participant are not eligible for

access, the Postal Service respectfully requests that the Commission amend Order No. 1283 by adopting additional clarifications to paragraph 1(b), which would be generally consistent with those proposed by the Postal Service in the protective conditions attached to its Response to P.O. Ruling No. C99-2 with Respect to Protective Conditions, filed on June 8, 1999. Specifically, to make clear that employees of participants are not eligible for access, the Postal Service requests that the Commission insert the word "individual" before the word "participant" in the first clause of paragraph 1(b), so as to permit access only by participants who are individuals and not serving as agents, employees, or representatives of an organization or enterprise. Secondly, the Postal Service requests that the Commission substitute the phrase "or acting as agent, ..." with "or a person (not an employee) acting as outside counsel, agent, ..." and replace the word "such" with the article "a", so as to make clear that a participant's employees are not eligible for access.

WHEREFORE, the Postal Service requests that the Commission reissue the protective conditions with the minor corrections and clarifications noted above.

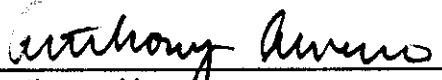
The undersigned counsel has sent a copy of this document to counsel for UPS
via facsimile transmission.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

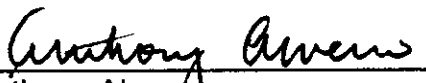
Daniel J. Foucheaux, Jr.
Chief Counsel, Ratemaking



Anthony Alverno
Attorney

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all
participants of record in this proceeding in accordance with section 12 of the Rules
of Practice.



Anthony Alverno

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