

BEFORE THE
POSTAL RATE COMMISSION

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POSTAL RATE BOARD
OFFICE OF THE SECRETARY

POSTAL RATE AND FEE CHANGES, 2000

DOCKET NO. R2000-1

MOTION ON CONSENT OF UNITED PARCEL SERVICE
TO ADOPT INTERIM PROTECTIVE CONDITIONS FOR
INPUT AND OUTPUT DATA REQUESTED IN
INTERROGATORY UPS/USPS-T5-16
(March 1, 2000)

United Parcel Service ("UPS") hereby moves that the Presiding Officer adopt with respect to library reference USPS-LR-I-194¹, which witness Hunter identifies as containing sensitive information responsive to interrogatory UPS/USPS-T5-16, the protective conditions proposed by the Postal Service in connection with witness Yezer's testimony; those protective conditions would be modified automatically (if necessary) to conform with those finally adopted by the Presiding Officer or Commission with respect to witness Yezer's testimony. The Postal Service has authorized UPS to represent that the Postal Service consents to the relief requested in this Motion.

At first informally, and then via interrogatory UPS/USPS-T5-16, UPS has requested that the Postal Service produce certain input and output data files not included in Library Reference I-25 (specifically, Jobs 1-3). The Postal Service initially

1. In the absence of protective conditions, USPS-LR-I-194 has not yet been filed with the Commission.


did not include those files in library references because it considers them to be commercially sensitive, and because they have never been provided to any participant in Commission proceedings. The Postal Service also objected partially to interrogatory UPS/USPS-T5-16 (and others propounded in that interrogatory set) on various grounds.² However, the Postal Service has informed UPS that it has no objection to the production of those files as long as they are subject to appropriate protective conditions.

As a result of discussions between counsel for the parties, and in order to facilitate production of the data in question, the Postal Service and UPS have agreed, subject to the Presiding Officer's approval, that USPS-LR-I-194 may be produced subject to the protective conditions proposed by the Postal Service for certain of witness Yezer's supporting materials, which the Postal Service contends also must be made available only under protective conditions. See Motion of United States Postal Service for Waiver and Protective Conditions for Analysis of Witness Yezer (January 12, 2000), as supplemented with missing text by the Response of United States Postal Service to Presiding Officer's Ruling No. R2000-3 (February 24, 2000), at 3. The parties have further agreed, subject to the Presiding Officer's approval, that when the Presiding Officer or Commission finally determines what protective conditions should be applied in this proceeding to witness Yezer's material, the interim protective conditions proposed herein should then also be made applicable to USPS-LR-I-194.

2. See Partial Objections Of United States Postal Service To Interrogatories Of United Parcel Service, UPS/USPS-T5-6(a), -7(b), -9(a), -12 and -16 (February 22, 2000).

WHEREFORE, United Parcel Service respectfully requests that the Presiding Officer adopt with respect to the Postal Service's response to UPS/USPS-T5-16, on an interim basis, the protective conditions proposed by the United States Postal Service in connection with witness Yezer's testimony, with the interim protective conditions to be modified (if necessary) to be identical to those finally adopted with respect to witness Yezer's testimony.

Respectfully submitted,



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Of Counsel.

CERTIFICATE OF SERVICE

I hereby certify that I have this date served the foregoing document by first class mail, postage prepaid, in accordance with Section 12 of the Commission's Rules of Practice.



William J. Pinamont
Attorney for United Parcel Service

Dated: March 1, 2000
Philadelphia, Pa.

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