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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

PRESIDING OFFICER'S
RULING NO. R2000-1/10

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268

Postal Rate and Fee Changes

Docket No. R2000-1

PRESIDING OFFICER'S RULING
GRANTING THE UNITED PARCEL SERVICE MOTION FOR INTERIM PROTECTIVE
CONDITIONS FOR LIBRARY REFERENCE USPS-LR-1-194

(March 2, 2000)

On March 1, 2000, the United Parcel Service (UPS) filed a motion requesting that the Commission adopt interim protective conditions with respect to library reference USPS-LR-1-194.¹ That library reference, produced by Postal Service witness Hunter, contains sensitive material which is responsive to interrogatory UPS/USPS-T5-16. UPS asks that the Commission adopt in the interim the protective conditions proposed by the Postal Service in connection with Service witness Yezer's testimony.² Those protective conditions would be modified as necessary to comply with the final protective conditions issued by the Commission with respect to witness Yezer's testimony. The UPS motion indicates that the Postal Service has consented to the relief requested by UPS.

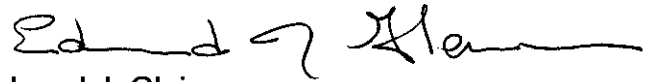
The parties' agreement on this matter is helpful, and the UPS motion for interim protective conditions applicable to library reference USPS-LR-1-194 is granted. The interim protective conditions set out in the attachment to this ruling reflect the Postal Service's proposed protective conditions for Service witness Yezer's testimony, are limited to library reference USPS-LR-1-194, and are subject to Commission revision.

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) (UPS Motion).

² See Motion of United States Postal Service for Waiver and for Protective Conditions for Analysis of Witness Yezer (Jan. 12, 2000), as supplemented with missing text by the Response of United States Postal Service to Presiding Officer's Ruling No. R2000-1/3 (Feb. 24, 2000) at 3.

RULING

The Motion on Consent of United Parcel Service to Adopt Interim Protective Conditions for Input and Output Data Requested in Interrogatory UPS/USPS-T5-16, filed on March 1, 2000, is granted. The interim protective conditions applicable to library reference USPS-LR-1-194, which contains the protected data, are attached to this ruling.

A handwritten signature in black ink, appearing to read "Edward J. Gleiman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Edward J. Gleiman
Chairman

STATEMENT OF COMPLIANCE WITH PROTECTIVE CONDITIONS

The following protective conditions limit access to the material filed as Library Reference USPS-LR-I-194 (hereinafter, "these materials"). Individuals seeking to obtain access to those materials must agree to comply with these conditions, and complete the attached certifications.

1. Only those persons who are either:
 - (a) employees of the Postal Rate Commission (including the Office of the Consumer Advocate) with a need-to-know; or
 - (b) a participant in Postal Rate Commission Docket No. R2000-1; or a person employed by such a participant, or acting as agent, consultant, contractor, affiliated person, or other representative of such participant for purposes related to the litigation of Docket No. R2000-1; shall be granted access to these materials. However, no person who might gain commercial benefit or competitive advantage from access to or use of these materials shall be granted access to it. This includes persons involved in competitive decision-making for any entity that might gain commercial benefit or competitive advantage from use of this information. "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.
2. No person granted access to these materials is permitted to disseminate those materials in whole or in part to any person not authorized to obtain access under these conditions.
3. The final date of any participant's access shall be
 - (a) the date on which the Postal Rate Commission closes the evidentiary record in Docket No. R2000-1; or
 - (b) the date on which that participant formally withdraws from Docket No. R2000-1; or
 - (c) the last date on which the person who obtains access is under contract or

retained or otherwise affiliated with the Docket No. R2000-1 participant on whose behalf that person obtains access, whichever comes first. The participant immediately shall notify the Postal Rate Commission and United States Postal Service counsel in Docket No. R2000-1 of the termination of any such business and consulting arrangement or retainer or affiliation that occurs before the closing of the evidentiary record.

4. Immediately after the Commission issues its last recommended decision in Docket No. R2000-1, a participant (and any person working on behalf of that participant) who has obtained a copy of these materials shall certify to the Commission:
 - (a) that the copy was maintained in accordance with these conditions (or others established by the Commission); and
 - (b) that the copy (and any duplicates) either have been destroyed or returned to the Commission.
5. The duties of any persons obtaining access to these materials shall apply to material disclosed or duplicated in writing, orally, electronically or otherwise, by any means, format, or medium. These duties shall apply to the disclosure of excerpts from or parts of the document, as well as to the entire document.
6. All persons who obtain access to these materials are required to protect the materials by using the same degree of care, but no less than a reasonable degree of care, to prevent the unauthorized disclosure of the document 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.
7. These conditions shall apply to any revised, amended, or supplemental versions of these materials provided in Docket No. R2000-1.
8. The duty of nondisclosure of anyone obtaining access to these materials is continuing, terminable only by specific order of the Commission.
9. Any Docket No. R2000-1 participant or other person seeking access to these materials, by requesting access, consents to these or such other conditions as the Commission may approve.

CERTIFICATION

The undersigned represents that:

Access to materials provided in Docket No. R2000-1 by the Postal Service in Library References USPS-LR-I-194 (hereinafter, "these materials" or "the information") has been authorized by the Commission.

The copy obtained is marked on every page with my name.

I agree to use the information only for purposes of analyzing matters at issue in Docket No. R2000-1.

I certify that I have read and understand the above protective conditions and am eligible to receive access to materials under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain in strict confidence these materials in accordance with all of the protective conditions set out above.

Name _____

Firm _____

Title _____

Representing _____

Signature _____

Date _____

CERTIFICATION UPON RETURN OF PROTECTED MATERIALS

Pursuant to the Certification which I previously filed with the Commission regarding information provided in Docket No. R2000-1 by the Postal Service in Library Reference USPS-LR-I-194 (hereinafter, "these materials" or "the information"), received on behalf of myself and/or the party which I represent (as indicated below), I affirm as follows:

1. I have remained eligible to receive access to materials under paragraph 1 of the protective conditions throughout the period those materials have been in my possession. Further, I have complied with all conditions, and have maintained these materials in strict confidence in accordance with all of the protective conditions set out above.
2. I have used the information only for purposes of analyzing matters at issue in Docket No. R2000-1.
3. I have returned the information to the Postal Rate Commission.
4. I have surrendered to the Postal Rate Commission/destroyed all copies of the information which I obtained or which have been made from that information.

Name _____
Firm _____
Title _____
Representing _____
Signature _____
Date _____