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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

PRESIDING OFFICER'S
RULING NO. R2000-1/20

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

Postal Rate and Fee Changes

Docket No. R2000-1

PRESIDING OFFICER'S NOTICE THAT CERTIFICATION
REQUIREMENTS PRESCRIBED BY PRESIDING OFFICER RULING
NOS. R2000-1/11, -1/12, -1/15 AND -1/17 HAVE BEEN AMENDED

March 27, 2000

Notice is hereby given that Presiding Officer's Ruling No. R2000-1/18, issued March 24, 2000, has amended the certification requirements that accompany the protective conditions that are prescribed by Presiding Officer Ruling Nos. R2000-1/11, -1/12, -1/15 and -1/17.

Ruling 18 noted that the protective conditions established by this set of rulings are modeled upon those that were adopted in Presiding Officer's Ruling No. R2000-1/11. Ruling 11 requires persons obtaining access to protected material to certify that they are eligible for access and will comply with the protective conditions prescribed. The certification had included a requirement that persons obtaining a copy of the protected material mark every page of the material obtained with their name. Ruling 18 observes that this marking requirement is likely to be cumbersome and impractical with respect to hard copy material that is unusually voluminous, such as the material documenting the Engineered Standards/Delivery Redesign project undertaken by Postal Service Witness Raymond. Ruling 18 noted that this requirement is also impractical with respect to material filed in electronic form.


Ruling 18 observed that the requirement that every page of a protected copy be marked upon receipt adds marginally to the security of the protected material, but that

this marginal benefit appears to be outweighed by its impracticality in the circumstances described above. Accordingly, Ruling 18 amended the certification requirements that accompany the protective conditions prescribed by Presiding Officer Ruling Nos. R2000-1/11, -1/12, -1/15 and -1/17 to require a signature only on the cover or label of the copy of the material that is obtained under protective conditions. The amended protective conditions that apply to material protected by Presiding Officer Ruling Nos. R2000-1/11, -1/12, -1/15 and -1/17 are attached to this ruling.

As a standard procedure in the future, participants are requested to file a brief notice with the Commission that contains the name, title, and position of each person that they nominate to obtain access to specified material that the presiding officer has placed under protective conditions. Such notice should be filed at least a day in advance of the day that a person signs a certification at the Commission's docket section in order to receive a copy of the specified protected material. This will help the Commission verify that those seeking access to protected material are authorized to do so. A courtesy copy should also be served in advance on the participant(s) that requested that protective conditions be imposed.

RULING

Material for which protective conditions have been prescribed by Presiding Officer Ruling Nos. R2000-1/11, -1/12, -1/15 and -1/17 are subject to the amended protective conditions that appear as an attachment to this Ruling.


Edward J. Gleiman
Presiding Officer

**STATEMENT OF COMPLIANCE
WITH PROTECTIVE CONDITIONS**

The following protective conditions limit access to materials provided in Docket No. R2000-1 by the Postal Service in response to Presiding Officer Ruling Nos. R2000-1/11, -1/12, -1/15 and -1/17 (hereinafter, "these materials"). Individuals seeking to obtain access to such material must agree to comply with these conditions, complete the attached certifications, provide the completed certifications to the Commission, and serve them upon counsel for the party submitting the confidential material.

1. Only a person who is either:
 - (a) an employee 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 employee by such 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 involved in competitive decision-making for any entity that might gain competitive advantage from use of this information 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 a person or entity having a proprietary interest in the protected material.
2. No person granted access to these materials is permitted to disseminate them 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 issues its recommended decision or otherwise closes 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 counsel for the party who provided the protected material 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 document 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 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 response to Presiding Officer Ruling Nos. R2000-1/11, -1/12, -1/15 and -1/17 (hereinafter, "these materials") 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 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 response to Presiding Officer Ruling Nos. R2000-1/11, -1/12, -1/15 and -1/17 (hereinafter, "these materials"), received on behalf of myself and/or the party which I represent (as indicated below), I now 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 either surrendered to the Postal Rate Commission or destroyed all copies of the information that I obtained or that have been made from that information.

Name _____

Firm _____

Title _____

Representing _____

Signature _____

Date _____