

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

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POSTAL RATE AND FEE CHANGES, 1997

POSTAL RATE COMMISSION
Docket No. R97-41 THE SECRETARY

MOTION OF UNITED STATES POSTAL SERVICE
FOR PROTECTIVE CONDITIONS FOR
FILING OF LIBRARY REFERENCE H-221
(August 5, 1997)

The Postal Service hereby moves that protective conditions be established to govern the release of Library Reference H-221, the Site META User Guide, referred to in the response to Time Warner interrogatory TW/USPS-T4-7(h). Undersigned counsel has been authorized by counsel for Time Warner to state that Time Warner has no objection to such protective conditions.

The protective conditions are needed because the library reference contains detailed information about a valuable, proprietary system developed over many years and at great expense by the Postal Service and a contractor. The system models machine usage, labor usage, staffing, maintenance, and volume arrival profiles at mail processing facilities. The information constitutes a trade secret in that details about the system would be of value both to competitors of the Postal Service in the processing of shipments and to competitors of the contractor who might use the information in developing competing systems that could be marketed to private carriers or to other postal administrations.

Accordingly, the Postal Service moves that the attached protective conditions be adopted to govern the release of Library Reference H-221 to participants in this proceeding. These protective conditions are modeled on protective conditions recently adopted by the Commission in Presiding Officer's Ruling No. MC97-1/1.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Daniel J. Foucheaux, Jr.
Chief Counsel, Ratemaking

A handwritten signature in cursive script, appearing to read "Scott L. Reiter", is written over a horizontal line.

Scott L. Reiter

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(202) 268-2999; Fax -5402
August 5, 1997

STATEMENT OF COMPLIANCE
WITH PROTECTIVE CONDITIONS

The following protective conditions limit access to Postal Service Library Reference H-221. Individuals seeking to obtain access to that library reference 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) participants in Postal Rate Commission Docket No. R97-1; or
- (c) 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. R97-1;

shall be granted access to Postal Service Library Reference H-221.

(2) No person granted access to Postal Service Library Reference H-221 is permitted to disseminate that library reference 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. R97-1; or
- (b) the date on which that participant formally withdraws from Docket No. R97-1; or
- (c) the last date on which the person who obtains access is under contract or retained or otherwise affiliated with the Docket No. R97-1 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. R97-1 of the termination of any such business and consulting arrangement or retainer or affiliation which occurs before the closing of the evidentiary record.

(4) Immediately after the Commission issues its recommended decision in Docket No. R97-1, a participant (and any person working on behalf of that participant) who has obtained a copy of Postal Service Library Reference H-221 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 Postal Service Library Reference H-221 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 Postal Service Library Reference H-221 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 Postal Service Library Reference H-221 filed in Docket No. R97-1.
- (8) The duty of nondisclosure of anyone obtaining access to Postal Service Library Reference H-221 is continuing, terminable only by specific order of the Commission.
- (9) Any Docket No. R97-1 participant or other person seeking access to Postal Service Library Reference H-221, by requesting access, consents to these or such other conditions as the Commission may approve.

CERTIFICATION

The undersigned represents that:

Access to Postal Service Library Reference H-221 in Docket No. R97-1 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. R97-1.

I will maintain in strict confidence the information obtained from the Commission in accordance with the conditions as 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 with respect to information received in accordance with Presiding Officer's Ruling _____, I, on behalf of myself and/or the party which I represent (as indicated below), affirm as follows:

1. I have maintained in strict confidence the information provided by the Commission in accordance with Presiding Officer's Ruling _____.
2. I have used the information only for purposes of analyzing matters at issue in Docket No. R97-1.
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 _____

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.



Scott L. Reiter

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