

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

**RATE AND SERVICE CHANGES TO
IMPLEMENT BASELINE NEGOTIATED
SERVICE AGREEMENT WITH BOOKSPAN**

DOCKET NO. MC2005-3

**MOTION OF BOOKSPAN FOR RECONSIDERATION OF PORTIONS OF
POR-5**

(OCA/Bookspan-T2-8(b))

(September 16, 2005)

Bookspan hereby moves for reconsideration of parts of Presiding Officer's Ruling No. 5, issued September 9, 2005. That ruling granted in part and denied in part Bookspan's motions for protective orders regarding certain responses to interrogatories. The ruling was issued "without prejudice to Bookspan's renewal of its requests with additional supporting detail on how the information sought is highly confidential, commercially sensitive or damaging to Bookspan's business interests." POR-5 at 2. Bookspan hereby renews its request with respect to those portions of the order concerning interrogatories following up on Bookspan's answer to POIR No. 1, Question 4(c) that ask for monthly mail volumes.

Specifically, Bookspan seeks to file its response to OCA/Bookspan-T2-8(b) under seal. As explained in POR-5, this interrogatory ask for Bookspan's monthly Standard Mail volumes for the years referenced in POIR No. 1, Question 4(c) and

additional years. POR-5 notes that Bookspan publicly answered Question 4(c) and concludes that there is no reason Bookspan cannot publicly provide the similar information requested by the Office of the Consumer Advocate (“OCA”).

The information Bookspan previously provided, however, was on an annual basis. The OCA now seeks monthly information, which is more commercially sensitive than annual totals. Bookspan’s mail volume varies significantly from month to month, especially with regard to new member solicitations. Publicly revealing monthly information would allow Bookspan’s competitors to discern the timing of Bookspan’s major new solicitation mailings. These competitors could then time their mailings to arrive, or schedule retail promotions, before Bookspan’s mailings arrive, reducing Bookspan’s response rate. Projections of monthly volume in future years are particularly sensitive in this regard. Because its competitors cannot glean this information from annual totals, Bookspan is willing to publicly provide mailing totals and projections on an annual basis.

Bookspan, therefore, again respectfully requests that the Presiding Officer enter an appropriate protective order, such as that issued by the Presiding Officer earlier in this docket (POR-2, MC2005-3). In that ruling, the Presiding Officer recognized that monthly solicitation volumes were likely “of a confidential and commercially sensitive nature for a commercial mailer such as Bookspan.” POR-2 at 2. Providing monthly total Standard Mail volumes would entail the same risk, as the information would reveal when Bookspan sends greater volumes of solicitation mail. This information is proprietary, confidential and highly commercially sensitive, and Bookspan therefore renews its request for an appropriate protective order.

Respectfully submitted,

Ian D. Volner
Rita L. Brickman
Matthew D. Field
Venable LLP
575 7th Street, NW
Washington, DC 20004-1601
(202) 344-4814
idvolner@venable.com
Counsel to Bookspan

dc2/681244