

PRESIDING OFFICER'S
RULING NO. N2006-1/23

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

George Omas, Chairman;
Dawn A. Tisdale, Vice Chairman;
Ruth Y. Goldway; and
Tony L. Hammond

Evolutionary Network Development
Service Changes

Docket No. N2006-1

PRESIDING OFFICER'S RULING GRANTING OCA MOTION
TO COMPEL RESPONSE TO OCA/USPS-34(b)

(Issued July 11, 2006)

On May 8, 2006, the Office of the Consumer Advocate (OCA) filed interrogatory OCA/USPS-34(b). No response was filed by the May 22, 2006, due date. In its report on the status of discovery responses, filed May 25, 2006, the Postal Service promised to provide a response by June 5, 2006. The Postal Service filed nothing further until June 23, 2006, when it filed an objection to discovery together with a motion for late acceptance of the objection.¹ The OCA filed its motion to compel response to OCA/USPS-34(b) on July 5, 2006 (Motion). As a technical matter, the Postal Service's answer to the OCA's motion is not due until July 12, 2006.

¹ United States Postal Service Objections to Office of the Consumer Advocate Interrogatory OCA/USPS-34(b) (Objections to 34(b)), and Motion of the United States Postal Service for Late Acceptance of its Objections to Office of the Consumer Advocate Interrogatory OCA/USPS-34(b), both filed on June 23, 2006.

Even though the Postal Service has not had the full seven days permitted by the Commission's rules of practice for filing an answer to the Motion, I am treating the Motion as ripe for disposition. I am doing so for several reasons. The Postal Service's objections to this interrogatory are more than one month overdue. As a technical matter, it has waived its right to object. More importantly, oral cross-examination is scheduled to begin in eight days. Under the circumstances, the utmost expedition is required, if the OCA's due process right to cross-examine the appropriate witness on the subject matter of this interrogatory is to be honored. The Postal Service is directed to provide the information requested by July 14, 2006. That will afford the OCA several days with which to familiarize itself with the information before cross-examination is scheduled to take place.

The Postal Service's primary objection is that disclosure of the information requested would cause it commercial harm. I have not concluded that the Postal Service has carried its burden to demonstrate that the requested information is privileged. However, in the interests of expedition, I am requiring that the information be provided under protective conditions. This will allow the OCA to familiarize itself with the information prior to cross-examination without running the risk of commercial harm that the Postal Service alleges would be caused by public disclosure of the information. It will also allow the Presiding Officer to make an informed decision if the OCA should subsequently move to unseal non-proprietary portions of the information provided.

OCA/USPS-34(b) asks the Postal Service to provide the

mathematical equations that describe the linear cost functions for each type of processing operation, operation size and shape type (e.g., the slope and intercept values for each cost function).

The Postal Service states that its objections to the information sought by OCA/USPS-T1-21(a-c)² apply equally to the information sought by OCA/USPS-34(b),

² United States Postal Service Objections to Office of the Consumer Advocate Interrogatories OCA/USPS-T1-21(a-c), filed June 23, 2006 (Objections to T1-21(a-c)) at 2.

and it incorporates them by reference. Those objections are that relevance of the requested information to this proceeding

“is so tenuous and so greatly outweighed by the proprietary interests involved as to justify that the requested data not be publicly disclosed.”³ It argues that the END optimization model plays no role in the process by which the Postal Service determines which service changes to consider or implement. The decisions regarding locations of Regional Distribution Centers that will serve as the hubs of the future network will be made by postal management on the basis of many factors which are not modeled... . Accordingly, any link between the END optimization model algorithms, equations and formulas, on the one hand, and the service changes at issue, on the other, is very tenuous at best, [if] not irrelevant.”

Objections to OCA/USPS-T1-21(a-c) at 2-3.

As the Commission noted in its most recent opinion interpreting its obligation under section 3661

...section 3661(a) directs the Commission to consider whether the Postal Service is providing ‘adequate’ services while also considering whether it is providing ‘efficient’ services. This mandate generally requires the Service to make trade offs in its transportation and processing decisions. Adequacy is also a relative term for many postal patrons, as some may be willing to adjust to downgraded service standards... . The public process mandated in section 3661(b) is designed to develop a record to inform the Postal Service on how patrons would like such trade offs to be balanced.

PRC Op. C2001-3 at 2.

In this docket, the Postal Service seeks to reconfigure its network in pursuit of the twin goals of reducing the cost of postal services while maintaining service standards “to the greatest extent practicable[.]” USPS-T-1 at 9. In terms of section 3661(a), the Commission’s task is to advise the Postal Service on whether the balance that it seeks

³ *Id.* at 1.

to strike between its pursuit of “efficient” (low cost) postal services and “adequate” (acceptable levels of) postal services is consistent with the policies articulated in the Postal Reorganization Act. In order to do this in an informed way, the Commission must be able to ascertain what the impacts of network realignment are likely to be with respect to both service and costs. It must also be able to determine whether the process that the Postal Service proposes to apply to achieve those impacts is rational, consistent, and transparent to those affected.

Apart from commercial sensitivity concerns, the essence of the Postal Service’s objection to providing the linearization equations requested in OCA/USPS-34(b) is its assertion that the END models have little influence over the outcome of its network realignment program, since management has to give final approval to the shift of functions from one facility to another that the END model recommends. Objections at 2-3.

This assertion is at odds with the Postal Service’s own description of the network realignment process. As the Postal Service describes the process, the END optimization model identifies operations whose costs could be reduced if they were transferred from certain facilities to other facilities. The set of transfers recommended are designed to achieve a least-cost network configuration. The simulation model adds operational detail to examine the service impact of the proposed transfers. See Responses of United States Postal Service Witness Shah to OCA Interrogatories OCA/USPS-T1-1 through -3. Area Mail Processing (AMP) review then adds more site-specific data to determine whether there are unmodelled cost or service effects that should override the End model’s recommendation. See Responses of the United States Postal Service to Office of the Consumer Advocate Interrogatory OCA/USPS-55. The AMP review is conducted by the managers of the affected facilities, is reviewed by area supervisors, and then headquarters, which provides final approval.

According to Postal Service witness Shah, “[t]he END process uses a scientific, data-driven approach to provide the Postal Service with the analytical means with which to drive the necessary redesign of its existing network... . USPS-T-1 at 7. The END

optimization model is to “determine and develop a potential network solution.” *Id.* at 9. It “simultaneously proposes which 3-digit ZIP Codes should be processed at each origin and destination facility, and where each origin and destination facility’s network mail could be consolidated. These determinations primarily are based on cost and available capacity.” *Id.* At 9-10. The “future network” configuration is the objective to be achieved by the consolidation process unless the price, in terms of impaired service, is too high. *Id.* at 9.

In order to arrive at its optimized “future network,” the END model seeks to minimize processing cost by reassigning volume to eligible facilities throughout the network with the most favorable processing cost characteristics. According to the Postal Service, the cost characteristics of eligible facilities are identified by the structural equations for estimating volume variable mail processing costs for each operation that the Postal Service modeled in Docket No. R2005-1. The structural equations for a majority of the operations modeled are curvilinear. In order to simplify the computations required by the optimization model, the Postal Service simplifies each curvilinear equation by converting it into a linear approximation consisting of three segments for facilities whose operation, in terms of pieces handled, falls into the small, medium, and large portion of the curve. See USPS-LR-N2006-1/9 at 41. These structural mail processing cost equations are a key element of the optimization model. They guide its search for an optimized network. OCA/USPS-34(b) seeks the mathematical expression (the slope and the intercept) of the linear approximations that the model employs.

It is clear that these linearized mail processing cost equations are indispensable to the identification of the optimized future network. It is also clear that the END model recommendations “drive the necessary redesign of [the Postal Service’s] existing network....” USPS-T-1 at 7. In the network realignment process, as the Postal Service’s witnesses describe it, the END model proposes the transfer of facility responsibilities, and the AMP process disposes. An indication of the Postal Service’s view of the importance of the optimization model results to the overall network redesign

process is provided by witness Williams' description of the history of the network redesign effort.

According to witness Williams, AMP review has long been in use as the procedure for vetting locally-generated proposals to consolidate operations from one facility into another. He says that postal management's network realignment initiative is a "centralized and accelerated process for managing facility and operational reviews using the Evolutionary Network Development model" leading to the identification of "the future national network." USPS-T-2 at 8. He says that while the Postal Service was developing the END model, it put the two-dozen AMPs that were pending on hold, so that they would not reach conclusions that were inconsistent with the "future national network" that the model recommended. When the END model was ready for implementation in 2005, the Postal Service lifted the hold and resumed the AMP process, but added the requirement that AMP proposals be evaluated for consistency with the "future network" in order to go forward.

Witness Williams describes the flood of AMP proposals that have been forthcoming beginning in the fall of 2005 in pursuit of the "future network" that the END model has identified. *Id.* at 9-12. Despite the Postal Service's efforts to minimize the role of the END model in its network realignment initiative, the history recounted by witness Williams demonstrates that it is the driving force behind the current wave of facility consolidations. The "future network" identified by the END model is the inspiration for the current wave of AMP proposals, and consistency with that future network is a test that those proposals must pass, if they are to be implemented. Since the structural equations sought by OCA/USPS-34(b) are an indispensable element of the END model, and the END model is an indispensable element of the network realignment initiative, those equations are directly relevant to the issues that are the focus of this docket.

The Postal Service argues that the mathematical equations that describe the linear approximations of the mail processing cost variability model used by the END model are commercially sensitive because it has "applied for a patent to protect its

commercial interests in the equations, formulas and other proprietary elements of the optimization model that it has developed.” Objections to 34(b) at 2. It says that if it is awarded the requested patent, it intends to try to sell logistics consulting services based on its optimization model. *Id.* It further states that it is concerned that the linearization equations requested by OCA/USPS-34(b) “would indirectly permit one to deduce some of the material proprietary characteristics and contents of the LogicTools software” used in the END optimization model. *Id.* at 3-4.

It is far from obvious how disclosing the slopes and intercepts of the structural equations for mail processing cost variability would result in the kind of commercial harm that the Postal Service alleges, since they are simplifications of the more complete models that the Postal Service made public in Docket No. R2005-1. Nevertheless, in the interests of obtaining this material with the maximum of expedition, I will afford the materials covered by OCA/USPS-34(b) the standard protective conditions that are attached to this ruling. The OCA and the Postal Service may reargue the merits of protection of this material after the OCA has had a chance to examine it.

RULING

1. The Office of the Consumer Advocate Motion to Compel Response to Interrogatory OCA/USPS-34(b), filed July 5, 2006, is granted.
2. The Postal Service is directed to provide its response by July 14, 2006.

By the Commission
(SEAL)

Dawn A. Tisdale
Presiding Officer

STATEMENT OF COMPLIANCE WITH PROTECTIVE CONDITIONS

The following protective conditions limit access to materials provided in Docket No. N2006-1 by the Postal Service in response to Presiding Officer's Ruling No. N2006-1/23 (hereinafter, "these materials"). Individuals seeking to obtain access to these materials 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. N2006-1, or a person employed 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. N2006-1, 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. Unless otherwise changed pursuant to paragraph 4, the final date of any participant's access shall be the earlier of:
 - (a) the date on which the Postal Rate Commission issues its final advisory opinion or otherwise closes Docket No. N2006-1;

- (b) the date on which that participant formally withdraws from Docket No. N2006-1;
 - (c) the last date on which the person who obtains access is under contract or retained or otherwise affiliated with the Docket No. N2006-1 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 final advisory opinion in Docket No. N2006-1, a participant (and any person working on behalf of that participant) who has obtained a copy of these materials shall:
 - (a) certify to the Commission that the copy was maintained in accordance with these conditions (or others established by the Commission); and
 - (b) either certify that the copy (and any duplicates) either have been destroyed or returned to the Commission, or present written consent from the Postal Service to extend the obligation to destroy or return copies until a date certain or until the occurrence of some other event specified by the Postal Service.
- 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. N2006-1.

8. The duty of nondisclosure of anyone obtaining access to these materials is continuing, terminable only by specific order of the Commission, or as specified in paragraphs 10 through 15, below.
9. Any Docket No. N2006-1 participant or other person seeking access to these materials by requesting access, consents to these or such other conditions as the Commission may approve.
10. The Postal Service shall clearly mark the following legend on each page, or portion thereof, that the Service seeks to protect under this agreement: "Confidential—Subject To Protective Conditions In Docket No. N2006-1 Before the Postal Rate Commission" or other markings that are reasonably calculated to alert custodians of the material to its confidential or proprietary nature. Except with the prior written consent of the Postal Service, or as hereinafter provided, no protected information may be disclosed to any person.
11. Any written materials — including but not limited to discovery requests and responses, requests for admission and responses, deposition transcripts and exhibits, pleadings, motions, affidavits, written testimony and briefs — that quote, summarize, or contain materials protected under these protective conditions are also covered by the same protective conditions and certification requirements, and shall be filed with the Commission only under seal. Documents submitted to the Commission as confidential shall remain sealed while in the Secretary's office or such other place as the Commission may designate so long as they retain their status as stamped confidential documents.
12. Any oral testimony, argument or other statements that quote, summarize or otherwise disclose materials protected under these protective conditions shall be received only in hearing sessions limited to Postal Service representatives and other persons who have complied with the terms of the protective order and have signed the attached certifications. The transcript pages containing such protected testimony shall be filed under seal and treated as protected materials under paragraph 11.

13. Notwithstanding the foregoing, protected material covered by paragraphs 11 or 12 may be disclosed to the following persons without their execution of a compliance certificate. Such disclosure shall not exceed the extent necessary to assist in prosecuting this proceeding or any appeals or reconsideration thereof.
 - (a) Members of the Commission.
 - (b) Court reporters, stenographers, or persons operating audio or video recording equipment for such court reporters or stenographers at hearings or depositions.
 - (c) Any other person designated by the Commission in the interest of justice, upon such terms as the Commission may deem proper.
 - (d) Reviewing courts and their staffs. Any person seeking to disclose protected information to a reviewing court shall make a good faith effort to obtain protective conditions at least as effective as those set forth in this document. Moreover, the protective conditions set forth herein shall remain in effect throughout any subsequent review unless overridden by the action of a reviewing court.

14. A participant may apply to the Commission for a ruling that documents, categories of documents, or deposition transcripts, stamped or designated as confidential, are not entitled to such status and protection. The Postal Service or other person that designated the document or testimony as confidential shall be given notice of the application and an opportunity to respond. To revoke confidential status, the proponent of declassification must show by a preponderance of the evidence that public disclosure of the materials is consistent with the standards of the Freedom of Information Act, 5 U.S.C. 552(b)(1)-(9), and Commission precedent. Alternatively, a proponent may show that the final order of a court has directed that the materials be disclosed under the Freedom of Information Act because of an express determination that the information therein is not entitled to exemption from disclosure under 5 U.S.C. 552(b)(1)-(9).

15. Subpoena by Courts or Other Agencies. If a court or other administrative agency subpoenas or orders production of confidential information which a participant has obtained under the terms of this protective order, the target of the subpoena or order shall promptly (within two business days) notify the Postal Service (or other person who designated the document as confidential) of the pendency of the subpoena or order to allow the designating party time to object to that production or seek a protective order.

CERTIFICATION

The undersigned represents that:

Access to materials provided in Docket No. N2006-1 by the Postal Service in response to Presiding Officer's Ruling No. N2006-1/23 (hereinafter, "these materials" or "the information") 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. N2006-1.

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. N2006-1 by the Postal Service in response to Presiding Officer's Ruling No. N2006-1/23 (hereinafter, "these materials" or "the information"), 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. N2006-1.
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 _____

STATEMENT OF COMPLIANCE WITH PROTECTIVE CONDITIONS

The following protective conditions limit access to materials provided in Docket No. N2006-1 by the Postal Service as its response to OCA/USPS-34(b) (hereinafter, "these materials"). Individuals seeking to obtain access to these materials 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. N2006-1, or a person employed 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. N2006-1, 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. Unless otherwise changed pursuant to paragraph 4, the final date of any participant's access shall be the earlier of:
 - (a) the date on which the Postal Rate Commission issues its final advisory opinion or otherwise closes Docket No. N2006-1;

- (b) the date on which that participant formally withdraws from Docket No. N2006-1;
 - (c) the last date on which the person who obtains access is under contract or retained or otherwise affiliated with the Docket No. N2006-1 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 final advisory opinion in Docket No. N2006-1, a participant (and any person working on behalf of that participant) who has obtained a copy of these materials shall:
 - (a) certify to the Commission that the copy was maintained in accordance with these conditions (or others established by the Commission); and
 - (b) either certify that the copy (and any duplicates) either have been destroyed or returned to the Commission, or present written consent from the Postal Service to extend the obligation to destroy or return copies until a date certain or until the occurrence of some other event specified by the Postal Service.
- 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. N2006-1.

8. The duty of nondisclosure of anyone obtaining access to these materials is continuing, terminable only by specific order of the Commission, or as specified in paragraphs 10 through 15, below.
9. Any Docket No. N2006-1 participant or other person seeking access to these materials by requesting access, consents to these or such other conditions as the Commission may approve.
10. The Postal Service shall clearly mark the following legend on each page, or portion thereof, that the Service seeks to protect under this agreement: "Confidential—Subject To Protective Conditions In Docket No. N2006-1 Before the Postal Rate Commission" or other markings that are reasonably calculated to alert custodians of the material to its confidential or proprietary nature. Except with the prior written consent of the Postal Service, or as hereinafter provided, no protected information may be disclosed to any person.
11. Any written materials — including but not limited to discovery requests and responses, requests for admission and responses, deposition transcripts and exhibits, pleadings, motions, affidavits, written testimony and briefs — that quote, summarize, or contain materials protected under these protective conditions are also covered by the same protective conditions and certification requirements, and shall be filed with the Commission only under seal. Documents submitted to the Commission as confidential shall remain sealed while in the Secretary's office or such other place as the Commission may designate so long as they retain their status as stamped confidential documents.
12. Any oral testimony, argument or other statements that quote, summarize or otherwise disclose materials protected under these protective conditions shall be received only in hearing sessions limited to Postal Service representatives and other persons who have complied with the terms of the protective order and have signed the attached certifications. The transcript pages containing such protected testimony shall be filed under seal and treated as protected materials under paragraph 11.

13. Notwithstanding the foregoing, protected material covered by paragraphs 11 or 12 may be disclosed to the following persons without their execution of a compliance certificate. Such disclosure shall not exceed the extent necessary to assist in prosecuting this proceeding or any appeals or reconsideration thereof.
 - (a) Members of the Commission.
 - (b) Court reporters, stenographers, or persons operating audio or video recording equipment for such court reporters or stenographers at hearings or depositions.
 - (c) Any other person designated by the Commission in the interest of justice, upon such terms as the Commission may deem proper.
 - (d) Reviewing courts and their staffs. Any person seeking to disclose protected information to a reviewing court shall make a good faith effort to obtain protective conditions at least as effective as those set forth in this document. Moreover, the protective conditions set forth herein shall remain in effect throughout any subsequent review unless overridden by the action of a reviewing court.

14. A participant may apply to the Commission for a ruling that documents, categories of documents, or deposition transcripts, stamped or designated as confidential, are not entitled to such status and protection. The Postal Service or other person that designated the document or testimony as confidential shall be given notice of the application and an opportunity to respond. To revoke confidential status, the proponent of declassification must show by a preponderance of the evidence that public disclosure of the materials is consistent with the standards of the Freedom of Information Act, 5 U.S.C. 552(b)(1)-(9), and Commission precedent. Alternatively, a proponent may show that the final order of a court has directed that the materials be disclosed under the Freedom of Information Act because of an express determination that the information therein is not entitled to exemption from disclosure under 5 U.S.C. 552(b)(1)-(9).

15. Subpoena by Courts or Other Agencies. If a court or other administrative agency subpoenas or orders production of confidential information which a participant has obtained under the terms of this protective order, the target of the subpoena or order shall promptly (within two business days) notify the Postal Service (or other person who designated the document as confidential) of the pendency of the subpoena or order to allow the designating party time to object to that production or seek a protective order.

CERTIFICATION

The undersigned represents that:

Access to materials provided in Docket No. N2006-1 by the Postal Service as its response to OCA/USPS-34(b) (hereinafter, "these materials" or "the information") 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. N2006-1.

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. N2006-1 by the Postal Service as its response to OCA/USPS-34(b) (hereinafter, "these materials" or "the information"), 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. N2006-1.
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 _____