

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

RATE AND SERVICE CHANGES TO IMPLEMENT  
BASELINE NEGOTIATED SERVICE AGREEMENT  
WITH BANK OF AMERICA CORPORATION

Docket No. MC2007-1

**MOTION OF UNITED STATES POSTAL SERVICE CONCERNING RELEASE  
OF PROTECTIVE CONDITIONS**

(October 17, 2007)

On October 3, 2007, the Commission issued an Opinion and Recommended Decision in the above-captioned case. The Commission filed the Opinion and Recommended Decision, as well as library reference PRC-LR-1, containing its financial analysis, under seal and provided a redacted version of the Opinion on its website.<sup>1</sup> The Commission stated that access to the documents filed under seal could be obtained “by complying with the requirements of Presiding Officer’s Ruling MC2007-1/11 filed June 22, 2007.”<sup>2</sup>

Accordingly, on October 4, 2007, the Postal Service filed the certifications of six individuals in order to obtain access to the library reference and Opinion filed under seal.<sup>3</sup> On October 10, 2007, the Postal Service filed a motion requesting that the protective conditions be waived with respect to postal personnel and postal contractors so that those individuals could have access to the materials

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<sup>1</sup> Notice of Issuance of Opinion and Recommended Decision under Seal, October 3, 2007.

<sup>2</sup> *Id.*

<sup>3</sup> Notice of United States Postal Service of Filing of Certifications of Compliance with Protective Conditions, October 4, 2007.

without the necessity of filing certifications or otherwise complying with the terms of Presiding Officer's Ruling MC2007-1/11.<sup>4</sup> Presiding Officer's Ruling No. MC2007-1/16 was issued on October 12, 2007 in response to the Postal Service's motion.

According to the Presiding Officer, the read and accept rate data contained in documents 8 and 9 of Library Reference USPS-LR-4 are the only data referenced in the Commission's Opinion and Recommended Decision and Library Reference PRC-LR-1 and are "the only material at issue in this ruling."<sup>5</sup> The Presiding Officer questioned whether this material should remain subject to protective conditions and asked the Postal Service, among other things, to provide a justification for continued protective treatment.

After careful internal review, the Postal Service has determined to waive the protective conditions for documents 8 and 9 of Library Reference USPS-LR-4. Accordingly, the Postal Service requests that the Commission release these two documents from the protective conditions originally imposed under Presiding Officer's Ruling No. MC2007-1/11.<sup>6</sup> As data from documents 8 and 9 were, according to the Presiding Officer's Ruling, the only information from Library Reference USPS-LR-4 referenced in the Commission's Opinion and Recommended Decision and in Library Reference PRC-LR-1, the Postal Service assumes that the seal on the Commission Opinion and PRC-LR-1 will be lifted.

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<sup>4</sup> Motion of United States Postal Service Concerning Application of Protective Conditions, October 10, 2007.

<sup>5</sup> Presiding Officer's Ruling Concerning Application of Protective Conditions, Presiding Officer's Ruling No. MC2007-1/16, October 12, 2007, at 2.

<sup>6</sup> The Postal Service desires, however, to maintain the protective conditions on the remainder of the documents contained in USPS-LR-4.

Accordingly, once the seal is lifted, the Postal Service further assumes that it will be free to disseminate those materials to postal employees and postal contractors.

For the foregoing reasons, the Postal Service respectfully requests that this Motion be granted.

UNITED STATES POSTAL SERVICE

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## **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.

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October 17, 2007