

**BEFORE THE
POSTAL REGULATORY COMMISSION**

COMPLAINT OF GAMEFLY, INC.

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Docket No. C2009-1

**COMMENTS OF UNITED PARCEL SERVICE
IN RESPONSE TO PRESIDING OFFICER'S RULING
ON MOTION TO SHOW CAUSE WHY CERTAIN DOCUMENTS
SHOULD NOT BE UNSEALED
(December 9, 2009)**

In response to Presiding Officer's Ruling No. C2009-1/12 (November 18, 2009), United Parcel Service hereby comments on the proposed standards for terminating the non-public status of documents made available under protective conditions during discovery.

We comment only to the extent that the proposed standards would apply to Postal Service materials that do not contain any third party information. See Presiding Officer's Ruling at 28-31. The discussion illustrating the application of the proposed standards refers to data concerning competitive products, including costs, revenues, volumes, and cost allocation methodology. Id. at 28-29. However, the Commission has not yet addressed the extent to which competitive product information may be withheld from the public.

We urge the Commission to refrain from making any decisions or assumptions in this docket on such an important issue, where competitive products are not involved.

The public, interested parties, and the Commission will be in a far better position to consider fully and brief this important subject in the context of a proceeding which focuses on competitive products, whether that be a rulemaking proceeding or some other docket. See, e.g., Docket No. ACR2008, Order Concerning Motion to Make Core Cost, Volume, and Revenue Materials Public (March 25, 2009) at 3. Indeed, the Postal Service continues to evaluate its position on what competitive products data it thinks should be non-public and what data it will voluntarily disclose to the public. See, e.g., Docket No. RM2009-9, Reply Comments of the United States Postal Service Regarding Proposed Methodology for the Allocation of Assets and Liabilities to Competitive Products (November 24, 2009) at 4-5. Thus, deciding that issue or making any assumption about it in this case would be premature.

In sum, UPS urges the Commission to refrain from making any tentative or final determination or assumption in this docket regarding the public or non-public nature of competitive products data.

Respectfully submitted,

John E. McKeever
Laura A. Biancke
Attorneys for United Parcel Service
DLA Piper LLP (US)
One Liberty Place
1650 Market Street
Suite 4900
Philadelphia, PA 19103
(215) 656-3310