

Motion for Access to Non-Public Materials – Docket No. A2011-18

Dear Commissioners,

Pursuant to Sections 3001.21 and 3007.40 of the Commission's regulations, I hereby request access to the non-public portions of the Administrative Record filed by the Postal Service in Docket No. A2011-18.

I am the Petitioner in this proceeding who filed a Participant Statement on June 27, 2011. On July 15, 2011, the U.S. Postal Service filed a non-public version of the Administrative Record. In order to prepare my reply brief, I need access to the non-public version of the Administrative Record.

I am affiliated with the Concerned Citizens of Valley Falls – SOPO, a group of Postal Service customers who are opposed to the closing of our Post Office. If I obtain access to the non-public record, I will use the information contained in that record to prepare our reply brief, but I will not divulge the non-public information to anyone who does not sign a confidentiality agreement. I understand that if I include any of the non-public information in my reply brief I will have to file a non-public version of my brief.

Attached is the Certification required by section 3007.40 of the Commission's regulations.

I am faxing a copy of this motion to Anthony F. Alverno and the other Postal Service attorneys whose names were listed on the U.S. Postal Service's application for non-public status of the Administrative Record.

Respectfully,



Derrick Watson
Petitioner

7/29/2011

Attachment

The Postal Service (or a third party) has filed non-public materials identified as Admin Records in Commission Docket No. (if any) A2011-18. The Postal Service (or a third party) requests confidential treatment of the materials (hereinafter "these materials").

The following protective conditions limit access to these materials identified as Admin Records by the Postal Service (or third party). Each person seeking to obtain access to these materials must agree to comply with these conditions, complete the attached certifications, and provide the completed certifications to the Commission and counsel for the Postal Service.

1. Access to these materials is limited to a person as defined in rule 5(f), 39 CFR 3001.5(f), or an individual employed by such person, or acting as agent, consultant, contractor, affiliated person, or other representative of such person for purposes related to the matter identified as A2011-18. 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. Immediately after access has terminated under 39 CFR 3007.41 or 3007.51, a person (and any individual working on behalf of that person) who has obtained a copy of these materials 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.
4. The duties of each person 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.
5. 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.
6. These conditions shall apply to any revised, amended, or supplemental versions of these materials provided in the matter identified as A2011-18.
7. The duty of nondisclosure of each person obtaining access to these materials is continuing, terminable only by specific order of the Commission, or as specified in paragraphs 9 and 10, below.

