

ORIGINAL

PRESIDING OFFICER'S
RULING NO. MC98-1/12

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POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

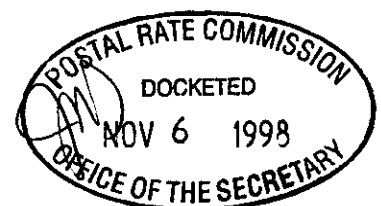
Mailing Online Service

Docket No. MC98-1

PRESIDING OFFICER'S RULING GRANTING
POSTAL SERVICE MOTION TO REVISE
PROTECTIVE CONDITIONS

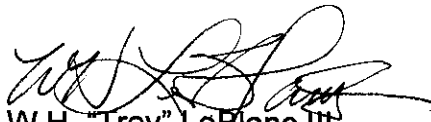
(November 6, 1998)

On November 5, 1998, the Postal Service filed its Motion of United States Postal Service for Revision of Protective Conditions Set Forth in Presiding Officer's Ruling No. MC98-1/11 Governing Release of Response to OCA/USPS-T5-33. Its Motion notes that the phrase "software development and evaluation" was inadvertently omitted from paragraph 1(b) of the protective conditions set forth in Attachment B to Presiding Officer's Ruling MC98-1/11. The Motion asks that this phrase be included in the protective conditions set forth in Attachment B. It also asks that the phrase "and filed as Library Reference LR-15/MC98-1" be added to the definition of materials subject to protective conditions set forth in Attachment B. Since no party objected to the protective conditions initially requested by the Postal Service, its Motion will be granted. A revised Attachment B to P.O. Ruling MC98-1/11 is appended to this Motion.



RULING

The Postal Service's Motion for Revision of Protective Conditions Set Forth in Presiding Officer's Ruling No. MC98-1/11 Governing Release of Response to OCA/USPS-T5-33, filed November 5, 1998, is granted.



W.H. "Trey" LeBlanc III
Presiding Officer

**STATEMENT OF COMPLIANCE
WITH PROTECTIVE CONDITIONS**

The following protective conditions limit access to materials provided in Docket No. MC98-1 by the Postal Service in response to OCA/USPS-T5-33, and filed as Library Reference USPS-LR-15/MC98-1 (hereinafter, "these materials"). Individuals seeking to obtain access to that library reference must agree to comply with these conditions, and complete the attached certifications.

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. MC98-1; or a person employed by such a participant, or acting as agent, consultant, contractor, affiliated person, or other representative of such participant for purposes related to the litigation of Docket No. MC98-1; shall be granted access to these materials. However, no person involved in competitive decision-making or software development and evaluation 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.
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. The final date of any participant's access shall be
 - (a) the date on which the Postal Rate Commission closes the evidentiary record in Docket No. MC98-1; or
 - (b) the date on which that participant formally withdraws from Docket No. MC98-1; or
 - (c) the last date on which the person who obtains access is under contract or retained or otherwise affiliated with the Docket No. MC98-1 participant on whose behalf that person obtains access, whichever comes first. The

participant immediately shall notify the Postal Rate Commission and United States Postal Service counsel in Docket No. MC98-1 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 recommended decision in Docket No. MC98-1, a participant (and any person working on behalf of that participant) 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.
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. MC98-1.
8. The duty of nondisclosure of anyone obtaining access to these materials is continuing, terminable only by specific order of the Commission.
9. Any Docket No. MC98-1 participant or other person seeking access to these materials by requesting access, consents to these or such other conditions as the Commission may approve.

CERTIFICATION

The undersigned represents that:

Access to materials provided in Docket No. MC98-1 by the Postal Service in response to OCA/USPS-T5-33 (hereinafter, "these materials" or "the information") has been authorized by the Commission.

The copy obtained is marked on every page with my name.

I agree to use the information only for purposes of analyzing matters at issue in Docket No. MC98-1.

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**

The Postal Service provided information in Docket No. MC98-1 in response to OCA/USPS-T5-33 (hereinafter, "these materials" or "the information"). When I obtained this information, I certified to the Commission that I was eligible to receive it. 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. MC98-1.
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 _____