

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
APPLICATION OF PROTECTIVE CONDITIONS**
(October 10, 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.¹ 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.”²

Under Presiding Officer’s Ruling MC2007-1/11, persons desiring access to protected materials must sign and file a Certification with the Commission, agreeing to comply with the specified protective conditions and to maintain the materials in strict confidence.³ Accordingly, on October 4, 2007, the Postal

¹ Notice of Issuance of Opinion and Recommended Decision under Seal, October 3, 2007.

² *Id.*

³ See Presiding Officer’s Ruling Granting Motion for Protective Conditions, Presiding Officer’s Ruling No. MC2007-1/11, June 22, 2007.

Service filed the certifications of six individuals in order to obtain access to the library reference and Opinion filed under seal.⁴

The Postal Service subsequently has determined that additional Postal Service personnel and possibly also postal contractors may need to review and discuss all or parts of the protected materials. The Postal Service submits that it would be both unnecessary and cumbersome to file additional certifications.

First, the protected information is data that the Postal Service originally produced in the instant case or is derived from those data. It seems unwarranted to have postal employees and contractors agree to protect what is, in essence, the Postal Service's own commercial information. In at least some instances, individuals who would be required to file certifications may have already seen the data in the normal course of their business duties. Moreover, it would be unwieldy for the Postal Service to administer the Commission's protective conditions each time an employee or contractor must obtain access to the protected information. The Postal Service thus requests that it be allowed to disseminate the protected materials to postal personnel and postal contractors without filing certifications or otherwise complying with the terms of Presiding Officer's Ruling MC2007-1/11.

⁴ Notice of United States Postal Service of Filing of Certifications of Compliance with Protective Conditions, October 4, 2007.

For all of 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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