

ORIGINAL

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

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In the Matter of)	Docket No. 9327
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Polypore International, Inc. a corporation)	
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**DECLARATION OF DOUGLAS GILLESPIE
IN SUPPORT OF *IN CAMERA* TREATMENT**

Pursuant to 28 U.S.C. § 1746, I hereby make the following statement:

1. My name is Douglas Gillespie. I am the Vice President for Global Procurement for Exide Technologies. On September 30, 2009, I signed the "Declaration Of Douglas Gillespie" ("Gillespie Declaration") which Complaint Counsel submitted with its Response To Respondent's Second Motion To Reopen The Hearing Record. I submit this declaration in support of Exide Technologies' (I) Motion For *In Camera* Treatment Of The Gillespie Declaration, and (II) Opposition To Respondent's Motion For A Court Order Allowing Respondent To Review The Declaration Of Douglas Gillespie.

2. The Gillespie Declaration contained information that is highly confidential. Public disclosure of that material would seriously harm Exide's commercial and competitive interests. For that reason, Exide requests that the Gillespie Declaration be given *in camera* treatment until such time as disclosure will not cause this harm.

3. The Gillespie Declaration principally discusses Exide's ongoing negotiations with Daramic for the supply of separators. The declaration discloses, among other things, Exide's analysis of the available sources of supply for separators used to produce flooded

automotive (SLI) batteries in North America and separators used to produce flooded motive, deep cycle, and UPS batteries manufactured in North America. It also discloses highly confidential information concerning Exide's plans and expectations concerning potential contractual arrangements with Daramic and others after the expiration of Exide's current contract with Daramic at the end of 2009. Disclosure of this information would cause serious harm to Exide's ability to negotiate new supply arrangements.

4. Disclosure of the Gillespie Declaration to Daramic business executives, in particular, would harm Exide's position in the ongoing negotiations. In my experience as the executive in charge of negotiating Exide's procurement contracts, disclosure of information of this type may lead to a significant negotiating disadvantage.

5. This information about Exide's negotiating plans and options is treated by the company as highly confidential. The information is distributed within the company only to those who have a specific need for it. These individuals are typically bound by confidentiality obligations that would prohibit them from disclosing the information if they left the company. This information is not disclosed to others outside of the company and, in particular, is not disclosed to Exide's competitors or suppliers.

6. Whatever the result of current negotiations, Exide may find itself negotiating with Daramic for a new agreement at any time in the foreseeable future. Disclosure of the Gillespie Declaration would prejudice Exide's negotiating position in such negotiations. For this reason, I believe that the information in the Gillespie Declaration should receive *in camera* treatment for a period of at least three years, and that any shorter period would risk substantial competitive and commercial harm to Exide.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Douglas Gillespie



Date