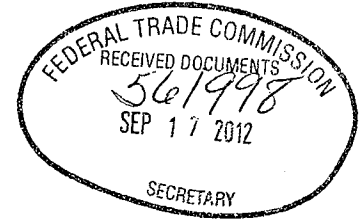


UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES

ORIGINAL



_____)
In the Matter of)
)
McWANE, INC.,)
a corporation, and)
)
STAR PIPE PRODUCTS, LTD.,)
a limited partnership,)
Respondents.)
_____)

DOCKET NO. 9351

**ORDER GRANTING MOTION FOR *IN CAMERA* TREATMENT
OF WITNESS TELEPHONE RECORDS**

I.

Pursuant to Rule 3.45(b) of the Commission's Rules of Practice, and the Court's directive at trial on September 14, 2012, Complaint Counsel filed a Motion for *In Camera* Treatment of Witness Telephone Records ("Motion") on September 17, 2012. As set forth below, Complaint Counsel's Motion is GRANTED.

II.

In response to subpoenas *duces tecum* issued by Complaint Counsel, Verizon Legal Compliance and Verizon Wireless (collectively, "Verizon") submitted phone records of certain employees of Respondent McWane, Inc. ("McWane") and non-party Sigma Corporation ("Sigma"). Complaint Counsel states that it has redacted the phone records it received to reflect, according to Complaint Counsel, the call histories between certain executives from McWane, Sigma and Star Pipe Products, Ltd. ("Star"). Complaint Counsel seeks to introduce such phone records into evidence.


Rule 3.45(b) of the Commission's Rules of Practice sets forth that a party may obtain *in camera* treatment for material offered into evidence only by motion to the Administrative Law Judge and that the Administrative Law Judge shall order that such material be placed in camera after finding the material constitutes sensitive personal information. 16 C.F.R. § 3.45(b). Under the Commission's Rules, "sensitive personal information" includes, but is not limited to, an individual's Social Security number, taxpayer identification number, financial account number, credit card or debit card number, driver's license number, state-issued identification number, passport number, date of birth (other than year), and any

sensitive health information identifiable by individual, such as an individual's medical records. 16 C.F.R. § 3.45(b). Pursuant to Rule 3.45(b), subpoenaed telephone records identified by the individual constitute "sensitive personal information." "[S]ensitive personal information . . . shall be accorded permanent *in camera* treatment unless disclosure or an expiration date is required or provided by law." 16 C.F.R. § 3.45(b).

III.

After reviewing Complaint Counsel's Motion for *In Camera* Treatment for Witness Telephone Records, it is ordered that permanent *in camera* treatment is hereby GRANTED for the following documents: CX1618-A, CX1621-A, CX1624-A, CX1625-A, CX1626-A, and CX1860-A.

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: September 17, 2012