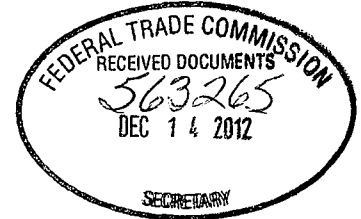


UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES

ORIGINAL



In the Matter of)
)
McWANE, INC.,)
a corporation, and)

STAR PIPE PRODUCTS, LTD.,)
a limited partnership,)
Respondents.)

DOCKET NO. 9351

**ORDER GRANTING COMPLAINT COUNSEL'S MOTION FOR
IN CAMERA TREATMENT OF TELEPHONE RECORDS**

I.

Pursuant to Rule 3.45(b) of the Commission's Rules of Practice, Complaint Counsel filed a supplemental Unopposed Motion for *In Camera* Treatment of Telephone Records ("Motion") on December 13, 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") (collectively, "Phone Records"). The Phone Records were admitted into evidence pursuant to the parties' Joint Stipulation on Admissibility of Party Exhibits (JX 0002-A).

By previous motion dated September 17, 2012, Complaint Counsel sought *in camera* treatment for Phone Records that were used with witnesses at trial. That motion was granted on September 17, 2012. (Order Granting Motion for *In Camera* Treatment of Witness Telephone Records). Through the instant motion, Complaint Counsel seeks *in camera* treatment for Phone Records which had not been used with any witness at trial, but which were nevertheless admitted into evidence pursuant to JX 0002-A. Specifically, Complaint Counsel seeks *in camera* treatment for CX 1619, which contains call records for Vince Napoli, and CX 1622, which contains call records for Leon McCullough, both of McWane, as well as for CX 1620, which contains call records for Greg Fox, and CX 1623, which contains call records for Siddarth Bhattacharji, both of Sigma.


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 that 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 Unopposed Motion for *In Camera* Treatment of Telephone Records, it is ordered that permanent *in camera* treatment is hereby GRANTED for the following documents: CX1619, CX1620, CX1622, and CX1623.

Although the record in this case was closed by Order dated November 7, 2012, pursuant to Commission Rule 3.44(b), corrections to the record may still be made, if necessary. Pursuant to this Order, the court reporter is instructed to remove these exhibits from the public record and treat them as *in camera* exhibits.

ORDERED:



D. Michael Chappell
Chief Administrative Law Judge

Date: December 14, 2012