

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

Civil Action No. 98-1232 (CKK)

Next Court Deadline: February 15, 2002
Status Conference

DECLARATION OF JACQUELINE S. KELLEY

I, Jacqueline S. Kelley, hereby make the following declaration with respect to the above-captioned matter:

1. I am providing this declaration based on my personal knowledge and on information obtained in the course of my employment. If called as a witness, I could competently testify to the facts set forth herein.
2. I am an attorney in the Antitrust Division of the United States Department of Justice, and I am one of the attorneys representing the United States in the above-captioned litigation. As part of my responsibilities in this case, I have been involved in the handling and review of the public comments submitted to the United States regarding the Revised Proposed Final Judgment (“RPFJ”). I have also been working with the *Federal Register* (“Register”) regarding the proposed publication of the public comments received by the United States. I submit this declaration in support of the United States’ Motion for Leave of Court to Adopt an Alternative Procedure for Comment Publication.

3. In this case, the United States has received over 30,000 public comments. I have spoken with representatives at the *Register* regarding the procedures to be followed for publication in the *Register*, as well as the cost of publication. For purposes of publication, the United States will need to submit one comprehensive document to the *Register* that contains all of the public comments received, rather than submitting each comment individually, although for technical ease, the United States may divide the comments into several large documents. The *Register* requires that each submission be double-spaced and that the United States submit a paper version (original and 2 copies). In addition, the United States plans to submit the comments in electronic form (ASCII format). The *Register* generally estimates that 5-6 double-spaced submitted pages will fit on each *Register* page. The cost of publication at the time the United States anticipates publishing the public comments will be \$465 per *Register* page, which is the rate for documents submitted in ASCII form, effective March 1, 2002.

4. Based on the number of comments received, the approximate length of each comment, and the formatting and publication requirements obtained from the *Register*, the United States' best estimate is that the comments it received will entail roughly between 8,400 and 10,000 pages of the *Register* (based on an estimate of five to six submitted pages per each *Register* page). The *Register* estimates that it would take approximately six weeks, from the date of receipt, to publish materials of this volume.

5. Using the approximate number of 8,400 to 10,000 *Register* pages, at the *Register*'s per page price of \$465, publication can reasonably be expected to cost between \$3.9 to \$4.65 million.

I declare under penalty of perjury that the foregoing is true and correct. Executed on
February 12, 2002.

Jacqueline S. Kelley