

ORIGINAL

DIVISION OF INVESTIGATION

third-party discovery in connection with the FTC's investigation of the proposed acquisition of Saint-Gobain Containers, Inc. by Ardagh Group S.A. The declaration contains secret and

public disclosure of that information would allow competitors of AGCC to exploit that information and inflict significant harm to AGCC's competitive position.

C. The Commission Has Consistently Accorded *In Camera* Treatment to Information Like That At Issue Here

As described above and in the Supporting Declaration, Exhibit A contains detailed information about AGCC's cost structure, productive capacity, business strategy, future investment decisions, and recent financial data, including actual performance. The Commission has consistently found that information substantially identical to that in Exhibit A

DuPont de Nemours & Co., 97 F.T.C. 116 (1981) (citing *H.P. Hood & Sons, Inc.*, 58 F.T.C.

1184 (1961)). As described above and in the Supporting Declaration, the information in Exhibit

A is both secret and highly material to AGCC's business, "the two elements of the serious injury

In camera treatment shall expire in five years, because the information pertains to AGCC's immediate and future plans for operation, and thus the threat of competitive injury to AGCC from disclosure will continue throughout the duration of that period.

The Honorable D. Michael Chappell
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that on December 9, 2013, I filed the foregoing document and accompanying exhibits by U.S. Mail including a non-public electronic copy of the proposed in camera exhibit

11/11/13

[REDACTED]

U.S. Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC

Counsel Supporting the Complaint

Alfonso Goude (agoude@shearman.com)

Richard Schwed (rschwed@shearman.com)
Lisl Dunlop (ldunlop@shearman.com)
Sherman & Sterling LLP
599 Lexington Avenue
New York, NY 10022

Counsel for Respondent Ardagh Group S.A.

Christine Varney
Yonatan Even
Veena Viswanatha
Athena Cheng
Cravath, Swaine & Moore LLP

Counsel for Third-Party Fevisa S.A. de C.V.


/s/ Chong S. Park
Chong Park

COPY CERTIFICATION

I certify that the electronic version of Non-Party Arkansas Glass Container Corporation's

MEMORANDUM TO THE COMMISSIONER OF THE ARKANSAS COMMISSION ON

electronically with the Secretary of the Commission is a true and accurate copy of the paper
original and that a paper copy with original signature has been filed with the Secretary of the

PUBLIC

EXHIBIT 1

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

_____)	
In the Matter of)	
)	
ARDAGH GROUP S.A.,)	Docket No. 9356
A public limited liability company,)	
)	PUBLIC
and)	
)	
SAINT-GOBAIN CONTAINERS, INC.,)	
A corporation,)	
)	
and)	
)	
COMPAGNIE DE SAINT-GOBAIN)	
a corporation.)	
_____)	

**DECLARATION OF ANTHONY RAMPLEY IN SUPPORT OF NON-PARTY
ARKANSAS GLASS CONTAINER CORPORATION'S MOTION FOR *IN CAMERA*
TREATMENT OF EXHIBIT DESIGNATED BY COMPLAINT COUNSEL**

I, Anthony Rampley, declare as follows:

[REDACTED]

of this information could cause serious injury to AGCC.

EXHIBIT A
PUBLIC VERSION

DECLARATION OF ANTHONY RAMPLEY

CRAIGHEAD COUNTY

STATE OF ARKANSAS)

I, Anthony Rampley, declare and state as follows:

1. I am the President and Chief Executive Officer of Arkansas Glass Container Corporation

REDACTED

7. REDACTED

8. REDACTED

9. REDACTED

10. REDACTED

investigation of the proposed acquisition of Spirit Cabin Containers, Inc. by Autodesk