

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

COMPLAINT OF CAPITAL ONE SERVICES, INC.

Docket No. C2008-3

**OBJECTION OF THE UNITED STATES POSTAL SERVICE
TO INTERROGATORIES OF PUBLIC REPRESENTATIVE
(PR/USPS-2 AND 4)
(August 21, 2008)**

In accordance with Rules 25 and 26 of the Commission's Rules of Practice and Procedure, the United States Postal Service hereby objects to the following interrogatories filed on August 11, 2008, by the Public Representative: PR/USPS-2 and 4. The objectionable interrogatories are reprinted verbatim below, and are followed by the Postal Service's objection.

PR/USPS-2. Please provide the average read and accept rate for Bank of America's First-Class Mail and Standard Mail since implementation of the Bank of America NSA.

PR/USPS-4. For Fiscal Years 2006, 2007 and 2008, please provide the average read and accept rate for Capital One's First-Class Mail and Standard Mail.

The Postal Service objects to the above-referenced interrogatories on the grounds of commercial sensitivity. With respect to PR/USPS-2, the Postal Service further objects on the grounds that producing the data is premature at this time. The Postal Service is currently subject to Non-Disclosure Agreements (NDAs) with both Bank of America and Capital One. The NDA between the Postal Service and Bank of America (to which one vendor of Bank of America is also a party) protects the requested

information. Such information is highly confidential, both to Bank of America and to its vendors. Disclosure of the data could give competitors of both Bank of America and its vendors intelligence that would enable them to assess their adoption of, and capabilities with respect to, new technologies. Disclosure would thus harm the Postal Service and Bank of America, along with its vendors, and would likely deter future NSA partners from engaging in NSAs with the Postal Service.

Disclosure of the data requested in PR/USPS-2 would also be premature. Data of this nature will be produced in due course to the extent required by the Data Collection Plan (DCP) in the Bank of America NSA. Disclosure at this juncture would accordingly be premature, and would defeat the scheduled production of data as spelled out in the Data Collection Plan. Moreover, as of the date of this filing, the requested data are still undergoing review and are not final. Hence, the requested data are predecisional in nature and merit protection on this separate basis.

With regard to PR/USPS-4, the Postal Service is subject to an existing NDA with Capital One. Public disclosure of the Capital One-specific data requested in PR/USPS-4 would be contrary to the terms of the existing NDA, which protects commercial information exchanged between the parties. Disclosure would thus harm to the Postal Service and Capital One and would likely deter future NSA partners from engaging in NSAs with the Postal Service.

Therefore, the Postal Service respectfully objects to PR/USPS-2 and 4 for the aforementioned reasons.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Daniel J. Foucheaux, Jr.
Chief Counsel, Pricing and Product Support

Elizabeth A. Reed

475 L'Enfant Plaza, S.W.
Washington, D.C. 20260-1135
(202) 268-3179; Fax -6187
August 21, 2008