

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

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

COMPLAINT ON POST E.C.S.

Docket No. C99-1

**UNITED STATES POSTAL SERVICE NOTICE OF FILING COMMENTS OF
CANADA POST CORPORATION
AND SUPPLEMENTAL STATEMENT REGARDING DISCLOSURE
(March 8, 2000)**

The United States Postal Service hereby gives notice of the filing of the attached comments of Canada Post Corporation. In its comments, Canada Post expresses its concern for disclosure of its commercial information as well as its support for the Postal Service's Motion for Issuance of a Tentative Ruling on Protective Conditions.¹ The Postal Service reemphasizes that issuance of a tentative ruling is a critical because it will ensure that the stakeholders, including, *inter alia*, Canada Post Corporation, La Poste, the International Post Corporation, and Tumbleweed Communications Corporation, are given the opportunity to express their views on proposed forms of disclosure, thereby providing a means to avert potential commercial harm that could result from proposed forms of disclosure.

The Postal Service also wishes to supplement its objection relating to two documents in category 5G20.² Specifically, after the documents were produced on February 22, the undersigned counsel became aware that two documents

¹ United States Postal Service Response to P.O. Ruling No. C99-1/14 and Motion For Issuance Of Tentative Ruling On Disclosure (February 22, 2000).


marked as 5Gen20-21 and 5Gen20-22 contain restricted information about Internet protocol addresses; system certification; and the risks to and vulnerabilities of postal computer systems. If disclosed publicly, such information could expose the Postal Service's computer systems to unauthorized access or sabotage. The Postal Service reemphasizes that these documents should be protected from any form of disclosure and requests that they be returned upon completion of the *in camera* inspection.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

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March 8, 2000

² As provided in the Postal Service's Descriptive List of Documents filed on August 30, 1999, this category includes documents concerning other Postal Service initiatives which tangentially refer to PostECS.

Legal Affairs

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March 6, 2000
Our File: 26265

VIA FACSIMILE & COURIER

Anthony F. Alverno, Esq.
United States Postal Service
475 L'Enfant Plaza, SW
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U.S.A.

Re: PRC Docket No. C99-1; Post E.C.S.

Dear Sir:

I write as counsel to Canada Post Corporation ("CPC") concerning the documents that the United States Postal Service ("USPS") has produced to the Postal Rate Commission ("PRC") Presiding Officer in connection with Postal Rate Commission case No. C99-1. In that case, as we understand it, United Parcel Service ("UPS") has sought to challenge the efforts of the USPS to participate with CPC and La Poste to establish a secure Internet-based communications service known as Post E.C.S.

CPC vigorously opposes any release of CPC documents to the public because of the likelihood that such documents could be used by CPC's competitors (including but not limited to UPS) to their advantage in establishing similar services in and through Canada. If such documents are released outside the PRC at all, they should only be released pursuant to the Order on Protective Conditions which we understand the PRC issued on January 28, 2000 and modified by a further Order dated March 1, 2000. CPC feels very strongly that no individual involved in any way in competitive decision-making for a competitor of CPC (such as UPS) should have access to the information now at issue.

CPC is concerned about this matter for two basic reasons. First, the documents CPC provided to the USPS in connection with the Post E.C.S. project were submitted with the understanding that the documents would be treated confidentially by the USPS. It obviously would be problematic for the development of Post E.C.S. and other future projects between the USPS and its international partners if the parties cannot exchange ideas and information freely, without fear that the information exchanged will fall into the hands of the parties' competitors. Second, the documents themselves contain information which is highly confidential, such as market analyses, the

identification of the specific customers to whom CPC has sold Post E.C.S. and expectations regarding future sales. If released, such information could readily be used by CPC's competitors to harm CPC's existing and future business activities.

CPC, therefore, joins the USPS in seeking the PRC's implementation of procedures intended to ensure that the foreign posts be given notice and some opportunity to respond before any potentially sensitive information is disclosed in any form, whether under protective conditions (with or without redactions) or publicly. CPC also supports the USPS's request for a tentative ruling by the PRC, which would allow CPC the chance to effect any appropriate redactions prior to disclosure.

We respectfully request that you file this letter with the PRC so that CPC's views on this subject may be made known to that body.

Thank you for your cooperation and assistance in this matter.

Yours very truly,



Rodger Brennan

RB/cb

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the Rules of Practice.


Anthony Alverno

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March 8, 2000