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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

PRESIDING OFFICER'S
RULING NO. R2000-1/115

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

Postal Rate and Fee Changes

Docket No. R2000-1

PRESIDING OFFICER'S RULING
GRANTING IN PART THE UNITED STATES POSTAL SERVICE
MOTION TO COMPEL E-STAMP AND STAMPS.COM
TO RESPOND TO INFORMATION REQUEST

(Issued August 11, 2000)

On July 19, 2000, the Postal Service filed a motion to compel E-Stamp and Stamps.com to respond to a cross-examination question directed to witness Boggs at the July 17, 2000 hearing.¹ The question asks for information on E-Stamp's and Stamps.com's assessments of small business and home office spending on PC Postage for the year 2000. The Postal Service states it is attempting to compare year 2000 spending forecasts with actual experience. At the hearing, witness Boggs indicated that he was not aware of internal assessments made by either E-Stamp or Stamps.com, and suggested that the Postal Service should request this information directly from E-Stamp and Stamps.com. Counsel for witness Boggs stated that the Postal Service had the opportunity to address this issue as an institutional inquiry, and questioned whether it was appropriate to ask witness Boggs to respond to this question. The Postal Service, at the request of the Presiding Officer, filed this motion to resolve whether this question should be answered, and if so who should answer the question. (See Tr. 13880-82). Neither E-Stamps nor Stamps.com have filed a response to this motion.

¹ United States Postal Service Motion to Compel E-Stamp and Stamps.com to Respond to Information Request (filed July 19, 2000).

The answer to the Postal Service question appears relevant to examining the spending projections made by witness Boggs. Thus, an answer to the question may further the record. At the hearing, counsel for witness Boggs did not argue the relevance of the question, but only that witness Boggs was not the appropriate person to provide an answer. Witness Boggs testimony is sponsored by both E-Stamp and Stamps.com. The question logically could have been asked of E-Stamp and Stamps.com, and/or witness Boggs. Once witness Boggs stated that he was unable to answer the question, it became appropriate for the Postal Service to request that the witness's sponsors provide an answer.

While the instant motion was pending, P.O. Ruling No. R2000-1/97 was issued.² It resolved a discovery dispute and provided guidelines for responding to interrogatories related to customer demographics. The guidelines discuss relevant, useful information that will further the record.³ It became apparent that because of the potential similarity of the answers that could be provided in responding to P.O. Ruling No. R2000-1/97 and the instant motion, those guidelines also are applicable to answering the current Postal Service question. Furthermore, the E-Stamp and Stamps.com answers provided in response to P.O. Ruling No. R2000-1/97 have been reviewed to determine if there is an overlap between the information requested by the instant motion, and the customer demographic information provided in response to P.O. Ruling No. R2000-1/97.

The information that E-Stamp submitted in complying with P.O. Ruling No. R2000-1/97 provides insight into current PC postage spending and the number and types of PC postage customers. The year 2000 data provided can be used to draw

² Ruling Partially Granting Motions of the United States Postal Service to Compel Answers to Interrogatories Concerning Customer Demographic Information Requested From Stamps.com and E-Stamp (issued July 25, 2000). Errata Notice to Presiding Officer's Ruling No. R2000-1/97 (issued July 26, 2000).

³ P.O. Ruling No. R2000-1/97 at 12 states: The Stamps.com suggested categories of households (interpreted as including individuals), home office, small office (1-9 employees), and large office (10+ employees) are acceptable.

inferences about the accuracy of witness Boggs' projections. Thus, the motion to compel with respect to E-Stamps is moot.

Stamps.com chose to provide a narrower response to the answers compelled by P.O. Ruling No. R2000-1/97. Its answer does not include sufficient detail to analyze the accuracy of witness Boggs' projections. Therefore, if the information exists, Stamps.com should provide any periodically prepared internal assessments of year 2000 small business/home office spending on PC postage. Stamps.com may provide this response under the protective conditions delineated in P.O. Ruling No. R2000-1/97.

RULING

1. The United States Postal Service Motion to Compel E-Stamp and Stamps.com to Respond to Information Request (filed July 19, 2000) with respect to E-Stamps is dismissed as moot.
2. The United States Postal Service Motion to Compel E-Stamp and Stamps.com to Respond to Information Request (filed July 19, 2000) with respect to Stamps.com is granted. Stamps.com may provide this response under the protective conditions delineated in P.O. Ruling No. R2000-1/97.


Edward J. Gleiman,
Presiding Officer