

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

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POSTAL RATE AND FEE CHANGES, 2000

Docket No. R2000-1

COMMENTS OF THE UNITED STATES POSTAL SERVICE CONCERNING
STAMPS.COM'S OBJECTION TO INTERVENOR DOUGLAS CARLSON
OBTAINING ACCESS TO MATERIAL
SUBMITTED BY STAMPS.COM UNDER PROTECTIVE CONDITIONS
(August 17, 2000)

On August 15, 2000, Stamps.com filed notice of its objection to intervenor Douglas Carlson obtaining access to material submitted by Stamps.com under protective conditions established by the Presiding Officer in response to certain Postal Service discovery requests. The Postal Service hereby files these comments.

No participant in Commission proceedings is more sensitive than the Postal Service to the issue of protecting commercial information from public disclosure, especially if such disclosure could harm the competitive interests of the information provider. Accordingly, where appropriate, in accordance with the Commission's Rules of Practice and Procedure, the Postal Service requests the application of protective conditions, so that the Commission can attempt to strike a reasonable balance between allowing intervenors to effectively participate in the resolution of issues in these proceedings and protecting the Postal Service's legitimate interest in not suffering harm to its commercial interests.

Stamps.com expresses concern about members of the general public obtaining access to the materials it has filed under protective conditions. However, such concerns seem to be founded upon a belief that there is no distinction between members of the general public and rate case intervenors. Participation in Commission proceedings confers certain privileges, but more importantly, certain obligations and responsibilities on the individuals who are granted intervenor status (or authorized to

act on behalf of an intervenor). All parties, including the Postal Service, are dependent upon the Commission to enforce the responsibilities and obligations that accompany intervention in these proceedings. When it comes to access to information provided under protective conditions, the Postal Service is not aware of any basis for the Commission to discriminate among intervenors solely on the basis of whether they represent their own individual interests or the corporate or common interests of others.

At pages 1-2, Stamps.com argues that the Postal Service has "agreed that access [to the materials at issue] should be restricted." It would be more accurate to state that the Postal Service agrees to abide by the access restrictions that the Commission has deemed appropriate to impose and -- in the absence of any compelling basis to conclude otherwise -- agrees that these conditions should apply equally to all intervenors in this proceeding.

On page 1 of its Objection, Stamps.com asserts that Mr. Carlson should be denied access to the records in question because "other parties -- such as the Postal Service and the OCA -- will adequately represent Mr. Carlson's interests in these materials." The Postal Service considers that its rate and classification proposals (and the positions it takes concerning alternative intervenor proposals) are in the public interest. Nevertheless, the Postal Service has come to realize that its proposals (and its positions on alternative proposals) do not always coincide with the interests of each of the individuals, businesses, institutions and associations that intervene in Commission proceedings. Accordingly, it would not be prudent to presume that the interests of any particular intervenor on any issue in this proceeding are being represented by the Postal Service, in the absence of an express statement to that effect from the Postal Service and that intervenor.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Daniel J. Foucheaux, Jr.
Chief Counsel, Ratemaking



Michael T. Tidwell

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.



Michael T. Tidwell

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