

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
COMPELLED RESPONSES TO UNITED PARCEL SERVICE
INTERROGATORIES UPS/USPS-50 AND 57
(December 13, 2000)**

In accordance with P.O. Ruling No. C99-1/19, the United States Postal Service hereby provides compelled responses to the following interrogatories of United Parcel Service: UPS/USPS—50 and 57.


In providing these responses, the Postal Service does not intend to waive its position that the Postal Service's Motion to Dismiss this proceeding should have been granted.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

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Chief Counsel, Ratemaking



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December 13, 2000

RESPONSE OF UNITED STATES POSTAL SERVICE
TO INTEROGATORIES OF UNITED PARCEL SERVICE

UPS/USPS-50.

(a) Is it the position of the Postal Service that criminal statutes governing the mails such as 18 U.S.C. §§ 1701 ("Obstruction of mails generally"), 1708 ("Theft or receipt of stolen mail matter generally"), and 1735 ("Sexually oriented advertisements") apply to PostECS transactions? If so, please explain.

(b) Is it the position of the Postal Service that the interception of a PostECS message or document by one other than the sender or the addressee violates any federal statute relating to the mails? If so, explain, and identify the relevant statute.

RESPONSE:

(a-b) Although courts have not addressed this issue, the Postal Service believes that Post ECS communications do not have the same legal status as U.S. mail, because they are not physical mail. Thus, it appears that laws that apply to physical mail, such as 18 USC §§ 1701, 1708, and 1735, would not apply to Post ECS transactions.

RESPONSE OF UNITED STATES POSTAL SERVICE
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UPS/USPS-57.

(a) Did the Postal Service seek the consent of the President to any of its PostECS arrangements or agreements with the International Post Corporation, Canada Post, or LaPoste?

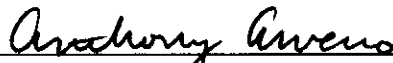
(b) Did the Postal Service seek the consent of the President to any of the rates or prices it is charging for PostECS service?

RESPONSE:

(a-b) The Postal Service neither sought from the President of the United States, nor did the President convey, a written or oral expression in relation to (i) arrangements with the International Post Corporation, Canada Post, or La Poste, or (ii) charges for Post ECS service.

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.



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