

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
REQUEST FOR PARTIAL RECONSIDERATION OF P.O. RULING NO. C99-
1/20 AND REQUEST FOR EXTENSION OF TIME TO FILE RESPONSE**

On March 16, the Presiding Officer issued P.O. Ruling No. C99-1/20, which addresses the outstanding motions by United Parcel Service (UPS) to compel responses to interrogatories UPS/USPS-47(f), -48, -52, -54, and 58. In that Ruling, the Presiding Officer directed that the Postal Service file responses to interrogatories UPS/USPS-47(f), -52, -54, and -58(a). The Postal Service is today filing a compelled response to interrogatory 58(a). The Postal Service seeks further relief, as requested below.

I. PARTIAL RECONSIDERATION

The Postal Service seeks partial reconsideration on two issues. First, with regard to the interrogatories -47(f), -52, and -54, the Postal Service requests that the Presiding Officer narrow the response to proportions for transactions occurring in the past thirty days. The Postal Service has only identified records for PosteCS transactions taking place over the past thirty days. The Postal Service will continue to search accounting files containing responsive information, and will update this pleading if further files are found, but nevertheless submits that preparing a response based on transactions taking place over a 30-day period would be adequate. The Postal Service accordingly

requests that it be permitted to limit its response to data for the most recent 30-day period. This would provide ample data which the Postal Service firmly believes would be representative of all PosteCS transactions.

Second, the Postal Service seeks partial reconsideration of the Ruling as it relates to interrogatory 47. This interrogatory requests not only that the Postal Service provide proportions of transactions addressed from a sender not containing a foreign top-level domain to a recipient whose e-mail address does not contain a foreign top level domain, but also for the *total number* of such Post ECS transactions. The Postal Service is prepared to provide the requested proportions, but respectfully requests that it not be required to file the number of transactions. The total number of such transactions would be irrelevant, as the Postal Service argued in its objection. Furthermore, the number of transactions, combined with the proportions, would reveal total PosteCS transaction volumes. In P.O. Ruling No. C99-1/9, however, the Presiding Officer acknowledged that volume data are potentially commercial sensitive. The Postal Service submits that actual data are commercially sensitive, as they would allow competitors to evaluate the success of the Postal Service's PosteCS product, and thereby judge the Postal Service's strengths in, and share of, the secure electronic message market. Thus, the Postal Service requests that it not be required to file the total number of transactions requested in interrogatory 47(f). As alternative relief, if the Presiding Officer determines that the number of transactions is relevant, the Postal Service respectfully requests that responsive data be filed under the protective conditions specified in Order No. 1287.

II. EXTENSION

As the Postal Service noted in its objections to interrogatories -47 and -52, -54, and -58, and in answers in opposition to UPS's motions to compel responses to these interrogatories, preparing responses to these interrogatories would require substantial time, from 21 days for interrogatory 47(f) to 6 person weeks for interrogatories -52, -54, and -58. The Postal Service has already begun the process of identifying files containing responsive information and consulting with computer programmers to formulate procedures to prepare responses. Notwithstanding the Postal Service's belief that the data are wholly irrelevant and do not provide useful information to evaluate the international character of PosteCS, the Postal Service intends to commit its computer personnel to preparing responses to these interrogatories in good faith and as expeditiously as practicable. Given the estimated burden associated with preparing these responses, the Postal Service requests that it be given an extension until April 20, 2001 to file its response. The Postal Service will attempt to file its response sooner if possible.

CONCLUSION

WHEREFORE, the Postal Service requests that the Presiding Officer reconsider P.O. Ruling No. R2000-1/20 as discussed above and grant the Postal Service's request for extension.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Daniel J. Foucheaux, Jr.
Chief Counsel, Ratemaking


Anthony Alverno
Attorney

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

475 L'Enfant Plaza West, S.W.
Washington, D.C. 20260-1137
(202) 268-2997; Fax -6187
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