COMPLAINT ON POST E.C.S.	Docket No. C99-1

UNITED STATES POSTAL SERVICE
COMPELLED RESPONSE TO UNITED PARCEL SERVICE
INTERROGATORIES UPS/USPS--47(F) (IN PART), --52, AND --54
(April 20, 2001)

In accordance with P.O. Ruling No. C99-1/20, the United States Postal Service

hereby provides its compelled responses to the following interrogatories of United

Parcel Service: UPS/USPS--47(f) (in part), --52, and --54. In a Motion filed on March

23, the Postal Service requested partial reconsideration with respect to interrogatory

UPS/USPS-47(f), concerning the production of the actual number of PosteCS

transactions. The Postal Service therefore is providing only the proportions requested

in interrogatory 47(f), pending resolution of the Postal Service's Motion for Partial

Reconsideration of Presiding Officer's Ruling No. C99-1/20 and Request for Extension

of Time to File Response, filed on March 23, 2001 ("Motion"), as amended by the

Postal Service's Supplement to that Motion filed on April 5, 2001.

The Postal Service also withdraws its request in its Motion and accompanying

Supplement that it be required to provide transaction data for a 30-day period. The

Postal Service has undertaken to provide data for all PosteCS transactions available for

the period from July 10, 2000, to April 19, 2001, including all PosteCS transactions sent

by Postal Service customers from August 22, 2000, to April 19, 2001. This effectively

moots the Postal Service's request that the Presiding Officer limit the response to a 30-

day period.

In providing this response, 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

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April 20, 2001

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UPS/USPS-47. For purposes of this question, the terms "Postal Service server" and "Postal Service's server" refer to a server owned or operated by or on behalf of the Postal Service, and the term "foreign top level domain" means a top level domain other than .com, .gov, .org, .net, .edu, .us, and .mil.

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(f) Is the Postal Service able, electronically or otherwise, to identify PostECS messages and documents addressed from a sender with an e-mail address that does not contain a foreign top level domain name to a recipient whose e-mail address does not contain a foreign top level domain name? If so, state the number of such PostECS transactions and the proportion of all PostECS transactions which they represent.

RESPONSE:

As an initial matter, and as the Postal Service has consistently argued in its pleadings, UPS's attempt to segregate PosteCS transactions on the basis of top level domains (TLDs) will not reveal the proportion of "foreign" or "domestic" PosteCS transactions, no matter how those terms are defined. The interrogatory's attempt to define a "foreign" top level domain is seriously flawed and based on erroneous assumptions about how internet addressing and traffic actually work. The fact that an electronic message is addressed to an e-mail address containing a generic top level domain (gTLD) such as ".com", ".org", and ".net" in no way signifies the "domestic" or "foreign" nature of a person, e-mail recipient, server, e-mail account, or location where a recipient receives electronic transmissions. As explained by Network Solutions' "idnames" service, these gTLDs are global in nature:

> .com, .net and .org are called "generic" domains because they are not affiliated with any country. Generic domains are unrestricted--this means anyone from anywhere can register as many .com, .net or .org domain names as they like.[1]

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[1] <http://www.networksolutions.com/en_US/catalog/idnames/faq.html#1> (accessed

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Indeed, not only are these gTLDs inherently global, but a person seeking to register a

gTLD is free to purchase registration services for ".com", ".org", and ".net" TLDs from

foreign-based registrars. According to the Internet Corporation for Assigned Names

and Numbers, numerous foreign firms offer registration services for ".com", ".net" and

".org" TLDs.[2]

Similarly, the fact that a message is addressed to an e-mail address containing a

country code top level domain (ccTLD)[3] in no way guarantees that a message is

"foreign," or that the recipient's e-mail server is outside the United States. A number of

ccTLDs, including those corresponding to the industrialized economies of the United

Kingdom (".uk") and Switzerland (".ch"), do not impose residency or physical presence

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April 19, 2001).
[2] <http://www.icann.org/registrars/accredited-list.html> (accessed April 19, 2001).
[3] The Department of Commerce explains the difference between gTLDs and ccTLDs as
follows:

> The domain name space ... is divided into top-level domains (TLDs), with
> each TLD then divided into second-level domains (SLDs), and so on.
> More than 200 national, or country-code, TLDs (ccTLDs) are administered
> by their corresponding governments or by private entities with the
> appropriate national government's acquiescence. A small set of [generic
> top level domains (gTLDs)] do not carry any national identifier, but denote
> the intended function of that portion of the domain space. For example,
> .com was established for commercial users, .org for not-for-profit
> organizations, and .net for network service providers.

Department of Commerce National Telecommunications and Information
Administration, Statement of Policy, *Management of Internet Names and
Addresses,* Docket Number: 980212036-8146-02, 63 Fed. Reg. 31,741 (June
10, 1998).

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requirements for domain registration.[4] Network Solutions' "idnames" service explains

that the numerous ccTLDs offered through its registration service follow this practice:

"Country-code top level domains offered on Network Solutions website can be

registered by anyone, from anywhere, just like .com."[5] Because the pretext underlying

interrogatories UPS/USPS--47(f), --52, and --54 is completely incorrect, there is no

factual foundation for them, and they have no bearing on the real matters at issue in

this proceeding. The interrogatories will accordingly not provide "information regarding

the respective origins and points of receipt of PosteCS transactions," as referred to in

Presiding Officer's Ruling No. C99-1/9. That said, the Postal Service offers the

following information requested by the interrogatories at issue.

For the period beginning on August 22, 2000, with the addition of an

additional 4 PosteCS transactions for which records were available between July

10, 2000 and August 22, 2000, and ending April 19, 2001 at 06:05:39 a.m. PDT,

the following proportions of PosteCS transactions sent by USPS customers were

calculated:

- the proportion of transactions where both sender and recipient e-mail

  addresses contain TLDs from the set (.com, .gov, .org, .net, .edu, .us, or .mil)

  was 92.93%;

- the proportion of transactions where both sender and recipient e-mail

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[4] *See, e.g.,* <http://aol.alldomains.com/regional.html> (accessed on April 19, 2001).
[5] <http://www.networksolutions.com/en_US/catalog/idnames/faq.html> (accessed on April 19, 2001).

addresses contain TLDs from the set (.com, .org, .net, or .edu) was 40.86%;

and

- the proportion of transactions where both sender and recipient e-mail

    addresses contain TLDs that are not from the set (.com, .gov, .org, .net, .edu,

    .us, .mil) was 0.56%.

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UPS/USPS-52.

(a) Have there been any PostECS transactions in which a message or a document was sent from (i) a sender with an email address containing a top level domain name of .com, .org, net, or .edu (ii) to an addressee with an email address containing a top level domain name of .com, .org, net, or .edu?

(b) If the answer to (a), above, is yes, what proportion of all PostECS transactions do such transactions represent?

RESPONSE:

See response to interrogatory UPS/USPS-47(f).

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UPS/USPS-54. State the proportion of PostECS transactions to date that have involved both (a) users who do not have a foreign top level domain in the domain name of their email addresses and (b) addressees who do not have a foreign top level domain in the domain name of their email addresses.

RESPONSE:

See response to interrogatory UPS/USPS-47(f).

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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