

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

**EXPERIMENTAL RATE AND SERVICE
CHANGES TO IMPLEMENT NEGOTIATED
SERVICE AGREEMENT WITH
CAPITAL ONE SERVICES, INC.**

DOCKET No. MC2002-2

**CAPITAL ONE SERVICES, INC.'s OBJECTION
TO NAA INTERROGATORIES TO WITNESS DONALD JEAN
(NAA/COS-T1-2, 4 & 7), FILED OCTOBER 17, 2002**

- 1. NAA/COS-T1-2** asks Capital One to “identify the unique market and environmental conditions in the post-9/11 period, including the anthrax attacks that led Capital One to make proportionately heavier use of First-Class mail in the fourth quarter of 2001 and first quarter of 2002,” and to explain further how each “condition” led Capital One to make more use of First-Class Mail. This response would require the Company to divulge highly confidential business considerations, particularly the request that the effect of each of the “conditions” be explained as a causative force in the Company’s decisions. Nevertheless, the Company would supply these responses under seal if such responses would be material and relevant to the Commission’s consideration of the Agreement. We fail to see how an explanation of the factors that influenced the Company’s choice of class of mail in the immediate aftermath of 9/11 would lead to the discovery of admissible evidence material and relative to the issues in this proceeding.

2. **NAA/COS-T1-4** asks the Company to provide a “profile”, that is, the volumes of Capital One’s Standard Mail solicitations by rate category within Standard A. Which rate categories are used by Capital One within Standard A cannot possibly be of any relevance to the issues in this proceeding. Additionally, the relative proportions of mail that are mailed within each category is commercially sensitive information.

3. **NAA/COS-T1-7** asks the witness to describe Capital One’s experience with non-delivered Standard Mail solicitations. Standard Mail is not covered by the Agreement; no provision in the Agreement will have any affect upon the undeliverable Standard Mail of Capital One. This question asks for information which is utterly devoid of materiality or relevance to the issues in this proceeding.

Respectfully submitted

Timothy J. May