

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

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

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**DOCKET No. MC2002-2**

**CAPITAL ONE SERVICES, INC.'S OBJECTION  
TO THE OFFICE OF THE CONSUMER ADVOCATE FOLLOW-UP  
INTERROGATORIES TO WITNESS DONALD JEAN  
(OCA/COS-T1-30(c), (d) and (e), and 31 (a) and (b))**

Capital One Services, Inc. hereby objects to Interrogatories of the Office of Consumer Advocate (OCA): OCA/COS-T1-30(c), (d) and (e), and 31 (a) and (b) filed on November 26, 2002.

The interrogatories are stated verbatim and are followed by an explanation of the objection.

Respectfully submitted

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Timothy J. May  
Patton Boggs LLP  
2550 M Street, NW  
Washington, D.C. 20037-1350  
Tel: 202 457 6050  
Fax: 202 457 6315  
Counsel for Capital One Services, Inc.

Dated: December 2, 2002

**OCA/COS-T1-30.** Please refer to your responses to OCA/COS-T1-25(a) and NAA/COS-T1-15, which state

Information that a mailpiece has been returned for a particular address is added to the company's records. This information is then used as part of the mailing decision process for future campaigns....

- (c) Considering Capital One's current practices with respect to "[i]nformation that a mailpiece has been returned for a particular address," under what circumstances (if any) may the address on such a returned mailpiece be used in subsequent First-Class solicitation mail marketing campaigns? Please explain.
  
- (d) Considering Capital One's practices under the NSA with respect to an electronic notification that a mailpiece has been "returned" for a particular address, under what circumstances (if any) may the address for such a "returned" mailpiece be used in subsequent First-Class solicitation mail marketing campaigns? Please explain.
  
- (e) Does the "mailing decision process" refer to an existing computer program? Please explain.
  - (i) If so, list the decision rules of the computer program.
  - (ii) If not, is it a human judgment whether to send additional solicitation mailpieces to undeliverable-as-addressed (UAA) addresses? What are the dominant factors resulting in a decision to mail again to a

UAA address? What are the dominant factors resulting in a decision not to mail again to a UAA address?

**OBJECTION:** OCA/COS-T1-30(c) and (d) ask Capital One to explain in what circumstances the address on a return mailpiece might be used currently or under the NSA in a subsequent First-Class solicitation mail marketing campaign. To the extent that there are such circumstances, that information is highly privileged. Moreover, we object on the grounds that there is no demonstrated relevance to these questions.

Sub-part (e) of this question asks the Company to explain the decision rules of a computer program that may be the “mailing decision process” or factors controlling human judgment, if there is not such a computer program, for determining when to send an additional solicitation mailpiece to a UAA address. Where there is a computer program or a human judgment, the “dominant factors” resulting in a decision to re-mail such an address are highly confidential and privileged business secrets, the publication of which could cause commercial damage to the Company. Once again, there is no demonstrated relevance to such questions that probe into how the Company makes decisions about when and to whom it will make a re-mailing of a solicitation to an address the Postal Service says is UAA. There is no provision in the NSA that is in any way dependent upon the answer to this question. Nor, in any quantitative measure,

would the answer to this question have a bearing upon the benefits of this agreement to the Postal Service and to postal stakeholders.

**OCA/COS-T1-31.** Please refer to your response to OCA/COS-T1-25(a), which asks whether the term “updating” includes the activity “address suppression.”

- (a) Considering Capital One’s current practices with respect to “[i]nformation that a mailpiece has been returned for a particular address,” under what circumstances (if any) is address suppression used with respect to subsequent First-Class solicitation mail marketing campaigns? Please explain.
  
- (b) Considering Capital One’s practices under the NSA with respect to an electronic notification that a mailpiece has been “returned” for a particular address, under what circumstances (if any) will “enhanced address suppression on subsequent [First-Class solicitation] mailings” be used, as stated in COS-T-1, at 6, line 16? Please explain.

**OBJECTION: OCA/COS-T1-31(a) and (b)** are simply variants of the same questions asked in question 30 to which we have objected above. We renew our objection on the same grounds as our objections to question 30 (c), (d) and (e). The Company is quite willing to state whether it does or does not re-mail to a UAA address currently or will under the NSA; and whether it will or will not, currently and under the NSA, “suppress”, or delete, an address the Postal Service deems to be UAA. However, the Company regards the reasons for which it will or will not do these things, and in what circumstances, to be of a

highly confidential nature. Suffice it to say, Capital One is not recklessly spending First-Class Mail postage on mailings that it has good reason to believe will never reach their destination. Its ability to know when, if ever, to re-mail a UAA address is one of the bases for its success and is among its most highly sensitive proprietary information. The, at best, slightly tangential relevance of the requested information to the issues in this case does not justify its disclosure.