

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

Complaint on Electronic Postmark®

Docket No. C2004-2

OBJECTION OF THE UNITED STATES POSTAL SERVICE
TO INTERROGATORY OF DIGISTAMP (DS/USPS-T1-2.3)
(July 31, 2006)

The United States Postal Service hereby objects to the following interrogatory of DigiStamp, filed on July 21, 2006: DS/USPS-T1-2.3.

The question reads:

DS/USPS-T1-2. You state that “In fact, 97 percent of all Electronic Postmark users, since 2003, have been in conjunction with protecting content integrity of an electronic file—and not in the transmission of a message.” (page 11, lines 12-14) DigiStamp previously introduced multiple exhibits that date back to the mid 1990’s showing the USPS markets its EPM as a means for “secure communications.”

...

3. Consider this: cell phones are designed and marketed as high-quality communications devices, up-to and until the Telco appears before the FCC. The clock that is included in this device is used 10 times more often than the calling function. Therefore, by your logic, could the Telco claim that these devices are immune from regulation: they are not phones; they are clocks? If your answer is no, then please explain.

This question (part 3 of question 2) is objectionable because it assumes facts that are not in evidence (e.g., that clocks in cell phones are used 10 times more often than the calling function), and because it calls for a legal conclusion. Witness Foti does not testify about the legal basis of FCC regulation.

Therefore, the Postal Service objects to DS/USPS-T1-2.3.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

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Eric P. Koetting

CERTIFICATE OF SERVICE

I hereby certify that I have this date served the foregoing document in accordance with Section 12 of the Rules of Practice and Procedure.

Eric P. Koetting

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