

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

COMPLAINT OF CAPITAL ONE SERVICES, INC.

Docket No. C2008-3

**OBJECTION OF THE UNITED STATES POSTAL SERVICE
TO INTERROGATORY OF PUBLIC REPRESENTATIVE
(PR/USPS-12)
(September 5, 2008)**

In accordance with the Commission's Rules of Practice and Procedure, the United States Postal Service hereby objects to the following interrogatory filed on August 26, 2008, by the Public Representative: PR/USPS-12. The objectionable interrogatory is reprinted verbatim below, and is followed by the Postal Service's objection.

PR/USPS-12. Please refer to the Postal Service's response to PR/USPS-3.

- a. Pursuant to Rate Schedule 630A (First-Class Mail), please provide the value of the discounts earned by, but not paid to, Bank of America. Please provide an electronic spreadsheet showing the Postal Service's calculation of the discounts earned by Bank of America. If Bank of America has prepared a separate calculation of the discounts earned, please provide that calculation. Finally, please explain the differences between the Postal Service's and Bank of America's calculations.
- b. Pursuant to Rate Schedule 630D (Standard Mail), please provide the value of the discounts earned by, but not paid to, Bank of America. Please provide an electronic spreadsheet showing the Postal Service's calculation of the discounts earned by Bank of America. If Bank of America has prepared a separate calculation of the discounts earned, please provide that calculation. Finally, please explain the differences between the Postal Service's and Bank of America's calculations.

The Postal Service objects to the above-referenced interrogatory on the grounds of relevance and commercial sensitivity. The Postal Service fails to see how a

spreadsheet that explains the Bank of America discount calculations is relevant to the issues in the Capital One complaint. This interrogatory seeks a level of detail beyond what should be examined in the instant docket, and is not reasonably calculated to lead to the discovery of admissible evidence. Thus, the Postal Service objects on the grounds of relevance.

Additionally, the Postal Service is currently subject to a Non-Disclosure Agreement (NDA) with Bank of America and a third-party vendor. The existing NDA protects the requested information, as a spreadsheet containing the requested calculations would contain commercially sensitive data. These data are highly confidential both to Bank of America and its vendors. Disclosure of these data could give competitors of both Bank of America and its vendors intelligence that would enable them to assess their adoption of, and capabilities with respect to, new technologies. Disclosure in this docket would thus harm the Postal Service and Bank of America, along with its vendors, and would likely deter future NSA partners from engaging in NSAs with the Postal Service. Thus, the Postal Service objects to this interrogatory on the grounds of commercial sensitivity.

Therefore, the Postal Service respectfully objects to PR/USPS-12 for the aforementioned reasons.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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