

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON DC 20268-0001

REVIEW OF NONPOSTAL SERVICES)
)
) Docket No. MC2008-1

**SUPPLEMENTAL REPLY BRIEF OF EPOSTMARKS, INC.
CONCERNING COMMENTS OF
INTERNET ASSURANCE CONSORTIUM**

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October 14, 2008

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Epostmarks, Inc. respectfully submits this supplemental reply brief in response to the September 29 “Comments” of the Information Assurance Consortium (“IAC”).

IAC is an association of six “small businesses”—Geobridge, Proofspace, TimeCertain, Surety, Identity Associates LLC and Kinamik—that market date and time-stamp products to other businesses. See www.infoassurance.org/members.htm (site accessed Oct. 12, 2008). These products apparently comply with a data security protocol known as ANSI X9.95. IAC contends in its Comments that the Commission should terminate the authority of the Postal Service to offer an electronic postmark (“EPM”) because the Postal Service has declined to embrace ANSI X9.95 in lieu of the security protocols adopted by the Universal Postal Union (“UPU”). The notion that the Postal Service’s authority to provide the EPM should be terminated on this ground is nonsensical.

First, IAC does not—and cannot—dispute that there is a strong public need for a trusted and reliable means of verifying the trustworthiness of electronic

communications. See IAC Comments at 2 (agreeing that the development of a reliable and trusted means of “proving electronic data integrity” is an important goal).

Second, IAC does not begin to explain how ANSI X9.95—or any other protocol, no matter how robust and sophisticated—could become a reliable and trusted means of providing “electronic data security” for email communications without the brand name and government enforcement powers of the Postal Service. The American National Standards Institute (“ANSI”) is a private standards-setting body that has little brand recognition among consumers and no governmental enforcement powers. See www.ansi.org. Both IAC and its individual members are essentially unknown to the general public.

Perhaps what IAC really seeks is a Commission order allowing the Postal Service to continue providing the EPM, but ordering the Postal Service to jettison the UPU security standards in favor of the ANSI X9.95 standards. Micromanaging the choice of technology used by the Postal Service in providing the EPM, however, would be far outside the Commission’s statutory authority or institutional expertise. The question before the Commission in this docket is a binary one: to allow the Postal Service to continue providing the EPM or not.

Further, even if (contrary to fact) determining the relative technological merits of the UPU and ANSI X9.95 standards would otherwise be an appropriate task for the Commission in this docket, IAC’s failure to raise the issue before the close of the record prevents consideration of the merits of IAC’s claims. By waiting to raise the issue until after the close of the factual record, IAC has deprived the other participants of this case from submitting a meaningful factual response.

CONCLUSION

For the foregoing reasons, and those stated in the previous comments and briefs of Epostmarks, the Commission should find that the USPS EPM serves a significant public need that the private sector cannot fill effectively, and should authorize the Postal Service to continue providing the EPM.

Respectfully submitted,

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