

BEFORE THE
POSTAL RATE COMMISSION

RECEIVED
JUL 15 2 05 PM '99
POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

COMPLAINT ON POST E.C.S.

DOCKET NO. C99-1

OBJECTIONS OF UNITED PARCEL SERVICE
TO OFFICE OF THE CONSUMER ADVOCATE
INTERROGATORIES OCA/UPS-5, 6, 8, 9(c), 11, and 12-18
(July 15, 1999)

Pursuant to Section 25(c) of the Commission's Rules of Practice, 39 C.F.R. § 3001.25(c), United Parcel Service ("UPS") hereby objects, on the grounds set forth herein, to the following interrogatories of the Office of the Consumer Advocate directed to United Parcel Service: OCA/UPS-5 (in part), 6, 8 (in part), 9(c), 11 (in part), and 12-18.

OCA/UPS-5. This interrogatory asks whether UPS has entered into any arrangements with third parties in order to provide UPS Document Exchange service; it goes on to ask UPS to identify such third parties and the nature of their activities.

UPS objects to this request on the grounds that the information it seeks is not relevant to any issue in this proceeding, nor is it reasonably calculated to lead to the discovery of admissible evidence. What arrangements UPS has concerning its own service is not relevant at all to the question whether PostECS falls within the Commission's jurisdiction, or to whether PostECS meets the requirements of the Postal Reorganization Act.

UPS also objects on the ground that information concerning UPS's contractual relationships with third parties is confidential. UPS has provided an answer stating that Tumbleweed Software Corporation is the UPS Document Exchange service provider because that is public information which can be found at UPS's website. However, information on whether UPS has contractual arrangements with other third parties, the identity of those parties, and the nature of the contractual relationship is not publicly available and is commercially sensitive.

OCA/UPS-6 and 8 (in part). These interrogatories ask for information on the volume of UPS Document Exchange transactions and on the proportion of such transactions to, from, or between foreign countries (Interrogatory 6), and on UPS's charges for UPS Document Exchange transactions (Interrogatory 8).

UPS objects to Interrogatory 6 (volume information) on the grounds of lack of relevance and confidentiality. UPS has answered Interrogatory 8 (prices charged) to the extent that it calls for UPS's published rates for Document Exchange service; UPS objects to it, on the grounds of lack of relevance and confidentiality, to the extent it requests information beyond that.

Prior rulings in other proceedings have already held that an intervenor such as UPS need not supply disaggregated volume information or unpublished rates. See, e.g., Presiding Officer's Ruling Nos. R97-1/104 (February 27, 1998); R90-1/68 (September 11, 1990); R87-1/144 (November 4, 1987) at 2-3.

OCA/UPS-9(c). This question asks whether any UPS customers have substituted UPS Document Exchange service for PostECS service. UPS has responded to subsections (a) and (b) of this question concerning the substitution of UPS

Document Exchange service for UPS's hardcopy services (subsection a), and for Postal Service hardcopy delivery services (subsection b). However, whether any customers have substituted one electronic service (UPS Document Exchange) for another electronic service (PostECS) is irrelevant because it says nothing about whether either of the electronic services are substitutes for hardcopy mail services. Moreover, to the extent UPS might have any such information, it is confidential.

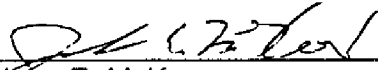
OCA/UPS-11 (in part). This interrogatory asks whether UPS will evaluate its Document Exchange service to determine whether to continue, terminate, or modify the service. UPS has responded to this part of the interrogatory. However, UPS objects to the additional request that it provide "all documents relating to such evaluation or plan for such evaluation." Again, this information is not relevant to any of the issues in this proceeding, which involve **the Postal Service's** service offerings. Moreover, any such information that may exist is confidential.

OCA/UPS-12. Interrogatory 12 seeks information on the costs and revenues of UPS's Document Exchange service. In prior proceedings, similar information on UPS's costs and revenues by type of service has been shielded from discovery. See Presiding Officer's Ruling Nos. R97-1/104 (February 27, 1998); R90-1/68 (September 11, 1990); and R87-1/144 (November 4, 1987) at 2-3. UPS objects to these interrogatories on the grounds of lack of relevance and confidentiality.

OCA/UPS-13 through OCA/UPS-18. These questions seek information on UPS's Document Exchange service such as the nature of UPS's relationship with other organizations (Interrogatory 13), whether those arrangements are exclusive or not (Interrogatory 14), the location of the servers used in providing Document Exchange

service (Interrogatory 15), UPS Document Exchange security measures (Interrogatory 16), who owns the UPS Document Exchange servers (Interrogatory 17), and UPS's internal processes for licensing applicants to use UPS Document Exchange (Interrogatory 18). None of this information is relevant to any of the issues in this proceeding. The information is also confidential. Again, it is shielded from discovery pursuant to the Presiding Officer's rulings cited above.

Respectfully submitted,



John E. McKeever
Kenneth G. Starling
Nicole P. Kangas
Attorneys for United Parcel Service

PIPER & MARBURY L.L.P.
3400 Two Logan Square
18th and Arch Streets
Philadelphia, PA 19103
(215) 656-3300

and

1200 19th Street, N.W.
Washington, DC 20036
(202) 861-3900

Of Counsel.

CERTIFICATE OF SERVICE

I hereby certify that on this date I have caused to be served the foregoing document on all parties to this proceeding in accordance with Section 12 of the Commission's Rules of Practice.

Nicole P. Kangas
Nicole P. Kangas

Dated: July 15, 1999
Philadelphia, PA