

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

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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

COMPLAINT ON POST E.C.S.

Docket No. C99-1

**UNITED STATES POSTAL SERVICE
OBJECTION TO UNITED PARCEL SERVICE
INTERROGATORIES UPS/USPS—46(A), 47-49
(July 26, 1999)**

In accordance with Rules 25 and 26 of the Commission's Rules of Practice and Procedure, the Postal Service hereby objects to interrogatories UPS/USPS—46(a), 47-49, filed on July 15, 1999.

Interrogatory UPS/USPS-46(a) and 49. Interrogatory 46(a) requests a description of what factors "make" a Post E.C.S. transaction "domestic" or "international." Interrogatory UPS/USPS-49 requests information on whether different prices are charged for international versus domestic Post E.C.S. transactions. For the reasons stated in the Postal Service's Answer in Opposition to Motion of United Parcel Service for Clarification, or, in the Alternative, for Reconsideration and Modification of P.O. Ruling No. C99-1/3 Concerning the Scope of the First Phase of this Proceeding filed today, the Postal Service objects on grounds of relevance.¹ These questions extend beyond the scope of the first phase of this proceeding.

Interrogatory UPS/USPS-47. Interrogatory 47 requests information on the location of the server on which Post E.C.S. messages are retrieved depending on whether such messages are sent by, or addressed to, users or recipients who have, or

¹ To the extent interrogatory 46(a) requests a legal conclusion, the Postal Service
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do not have, what UPS defines as a "foreign top level domain" in their e-mail address. First, for the reasons stated in the Postal Service's Answer in Opposition to Motion of United Parcel Service for Clarification, or, in the Alternative, for Reconsideration and Modification of P.O. Ruling No. C99-1/3 Concerning the Scope of the First Phase of this Proceeding filed today, the Postal Service objects on grounds of relevance. These questions extend beyond the scope of the first phase of this proceeding.

Second, the interrogatory's attempt to ascertain information about Post E.C.S. messages sent by, or addressed to, users with e-mail addresses with, and without, what UPS defines as a "foreign top level domain" would yield meaningless results. The interrogatory defines a foreign top level domain as "a top level domain other than .com, .gov, .net, .edu., .us, and .mil." This distinction is of no consequence, even assuming one were trying to gauge information about the characteristics of cross-border and domestic transactions. The interrogatory mistakenly assumes that there is a direct correlation between these top level domains (*i.e.*, ".com," ".net," ".edu," *etc.*) and the "foreign," or "domestic" nature of a person, entity, or e-mail address.

First, a little background information from the Department of Commerce is in order:

The domain name space is constructed as a hierarchy. It is divided into top-level domains (TLDs), with each TLD then divided into second-level domains (SLDs), and so on. More than 200 national, or country-code, TLDs (ccTLDs) are administered by their corresponding governments or

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objects on that basis as well.

by private entities with the appropriate national government's acquiescence. A small set of [generic top level domains (gTLDs)] do not carry any national identifier, but denote the intended function of that portion of the domain space. For example, .com was established for commercial users, .org for not-for-profit organizations, and .net for network service providers. The registration and propagation of these key gTLDs are performed by [Network Solutions Incorporated], under a five-year cooperative agreement with NSF. This agreement expires on September 30, 1998.²

The interrogatory is based on the mistaken assumption that addresses containing gTLDs including ".com," ".net," and ".org," are domestic, and those not containing these gTLDs are foreign. Neither is the case. There is no residency or local presence requirement for registering a ".org," ".com," or ".net" domain with Network Solutions, a registrar for TLDs such as .com, .net, .org, and .edu.³ Furthermore, individuals and entities domiciled in the United States can register an address having a ccTLD.

² Department of Commerce National Telecommunications and Information Administration, Statement of Policy, *Management of Internet Names and Addresses*, Docket Number: 980212036-8146-02, 63 Fed. Reg. 31,741 (June 10, 1998).

³ This is evident from Network's Solution's web site, which makes clear that there is no residency requirement on prospective registrants:

2. Who can register .COM, .NET and .ORG domain names?

Network Solutions does not currently screen applications for organization type in the .COM, .NET or .ORG [top level domains] TLDs. However, Network Solutions does screen registration requests in the .EDU TLD.

* * * * *

6. What do COM, NET and ORG signify in a Web Address?

COM, NET, and ORG are top-level domains in the hierarchical Domain Name System. These top-level domains are just underneath the "root", which is the start of the hierarchy. Anyone may register Web Addresses in COM, NET, and ORG. In fact, the best way to protect the uniqueness of your online identity and brands is to register or reserve Web Addresses in all of the top-level domains.

Available at internet site:

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Network Solution's "idnames" service, as well as Register.com, an accredited "test bed" domain name registrar, make clear that there are no residency requirements for a variety of ccTLDs for which they offer registration services.⁴ Network Solutions' idnames service explains:

Country-code domains (also called International Web Addresses) are country specific. Today there are 191 countries that accept registrations-- each with very different registration requirements. Some country codes are restricted, and applicants must meet strict local presence, tax, or trademark guidelines in order to register. Other country-code domains are unrestricted (like .com) and allow anyone, from anywhere, to register in their domain on a first come, first served basis. Over 80 country codes follow this practice.⁵

According to Alldomains.com, the ccTLDs corresponding to major economies, such as Switzerland, the United Kingdom, and Mexico, do not have local presence requirements.⁶ In short, the interrogatory creates a distinction without meaning or purpose. Preparing a response to this interrogatory would be a pointless and time-consuming exercise.⁷

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<www.networksolutions.com/help/registration/faq_newreg.html>.

⁴ Register.com, Domain Name Rules < <http://www.register.com/domain-rules.cgi?1|99825121>>

⁵ <<http://www.idnames.com/about-intl-web.html>>

⁶ Alldomains.com, Regional Domain Registration Hotlist, <aol.alldomains.com/regional.html>

⁷ The Postal Service has gone out of its way to provide this lengthy explanation to clarify UPS's simplistic and erroneous beliefs about internet traffic in the hope that UPS will research its questions before asking them. It is our hope that UPS will consider withdrawing this question, along with interrogatories UPS/USPS-44 and 45, rather than persist in engaging the Postal Service's valuable resources in tiresome motions practice.

Interrogatory UPS/USPS-47(f) (additional grounds). In addition to the above objection on grounds of relevance, the Postal Service also objects to subpart (f) of interrogatory 47 on grounds of burden. The second question asks for a quantification of Post E.C.S. messages to and from senders and recipients not having what UPS defines as "foreign top level domain names." Again, the distinction drawn in this interrogatory between foreign top level domains and other e-mail addresses is without meaning or purpose. Furthermore, determining the proportion of a subset of all Post E.C.S. messages sent by test participants to recipients to specified TLDs, even if such quantification could be performed, could not be identified without undue burden. In particular, there is no mechanism that would facilitate automated searches of recipient e-mail addresses. As such, preparing a response to this interrogatory would require that computer programmers obtain raw data files from two computer systems. Each recipient e-mail address would appear in the raw data files proximate to other extraneous characters without any obvious visual separations from those characters. Consequently, the data would have to be converted manually, upon visual inspection, to a format that would lend itself to searching for what UPS defines as "foreign top level domains." Each of thousands of recipient e-mail addresses would then have to be independently examined to determine whether it incorporates a foreign top level domain in the address. The Postal Service estimates that this task would require at least 21 person days of time to prepare a response. This would be unduly burdensome, particularly given the complete lack of relevance of this information to the matters at

issue in this proceeding.

Interrogatory UPS/USPS-48. This interrogatory asks for information about the sharing of software, equipment, or other resources between Post E.C.S. and Mailing Online and PostOffice Online. The Postal Service objects on grounds of relevance and commercial sensitivity (in part). As the Postal Service pointed out in its objection to interrogatories UPS/USPS-1(b-c) and 7 and UPS/USPS-36-40, the sharing of internal resources in connection with Post E.C.S. and other products or functions does not elucidate the question of whether Post E.C.S. is a "postal" service. The service should be judged on its own merits. To the extent that the response to this interrogatory would give competitors indications of the capacity of the Postal Service's equipment or resources used in providing Post E.C.S., the Postal Service also objects on grounds of commercial sensitivity.

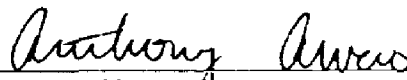
The undersigned counsel has sent a copy of this document to counsel for UPS via facsimile transmission.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Daniel J. Foucheaux, Jr.
Chief Counsel, Ratemaking


Anthony Alverno

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the Rules of Practice.


Anthony Alverno

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