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POSTAL RATE COMMISSION  
OFFICE OF THE SECRETARY

UNITED STATES OF AMERICA  
POSTAL RATE COMMISSION  
WASHINGTON, D.C. 20268-0001

PRESIDING OFFICER'S  
RULING NO. C99-1/10

Complaint on Post E.C.S.

Docket No C99-1

PRESIDING OFFICER'S RULING GRANTING  
OCA MOTION TO COMPEL RESPONSES TO  
INTERROGATORIES OCA/USPS-12 AND -14

(August 13, 1999)

On July 30, the Office of the Consumer Advocate filed a motion to compel the Postal Service to respond to two of its interrogatories, OCA/USPS-12 and OCA/USPS-14. The first interrogatory asks the Service to provide the location or locations of the server or servers that host the addresses <http://global.postecs.com> and <https://global.postecs.com>, and whether separate computers are used to serve the system's unsecured and secure variants of the Hypertext Transfer Protocol. The latter interrogatory asks who owns and controls the system's host server or servers, and to whom the global domain name "postecs.com" belongs. The Postal Service objected to these interrogatories on the grounds that the requested information is wholly irrelevant and commercially sensitive in part, in that knowledge of the physical location of servers could enable persons intent on improper access to the system to concentrate their efforts on proximate points of access.

In its Motion to Compel, OCA argues that the requested information concerning the location, ownership and control of Post E.C.S. servers would be relevant to assessing the "mail-like character" of the service from its operational detail. OCA also argues that responsive information would bear significantly on the "domestic" versus "international" issue, in that any Post E.C.S. transaction initiated by a computer in the

United States, routed through Postal Service servers situated in the United States, and received by a computer located in the United States would indisputably be domestic. With regard to the Service's claim that the physical location of servers is sensitive, OCA argues that the anticipation of security breaches is "highly conjectural and improbable[.]" particularly in light of the Service's Post E.C.S. promotional material touting the service's multiple protective security measures. Motion to Compel at 4-5.

In its Answer in Opposition, the Postal Service challenges the rationales advanced by OCA for establishing the relevance of the requested information. According to the Service, whether or not it owns and controls Post E.C.S. servers and web domains is a question completely irrelevant to the "postal" character of the service. The Service notes that it out-sources a substantial portion of its hardcopy delivery network, yet this does not change the fundamental character of the admittedly "postal" services handled by such contractors. Furthermore, the Service argues that OCA's rationale relies on a fallacious analogy of Post E.C.S. operations to the hardcopy mail network. Postal Service Answer of August 6 at 2-3.

The Service also disputes OCA's rationale in support of the claimed relevance of the requested information to the "domestic" versus "international" issue. According to the Service, the fact that a Post E.C.S. message is initiated in, routed through, and received by computer equipment and servers in the United States would not necessarily establish that it is domestic, owing to the nature of Internet-based communications. Thus, the Service argues, the physical location of a server "does nothing to prove the cross-border or domestic nature of any particular transaction." Id. at 4-5.

I will direct the Postal Service to respond to these interrogatories, inasmuch as they "appear[ ] reasonably calculated to lead to the discovery of admissible evidence," as § 25(a) of the rules of practice provides. In requesting information concerning the ownership, control and location of equipment and other assets used to provide Post E.C.S. service, the interrogatories seek information directly related to the operation of the service. Qualitatively, this information could contribute to establishing what Post

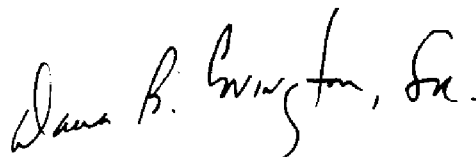
E.C.S. service is, which is a necessary component of the Commission's inquiry into the "postal" or "nonpostal" character of the service. If the Postal Service believes it has grounds for objecting to the inclusion of this information in the record in this phase of the proceeding, it will have an opportunity to do so should it be proffered for admission into evidence,

Additionally, as OCA has argued, the requested information may bear on the "domestic" versus "international" issue, which the Commission has recently found to be appropriate for consideration in this phase of the proceeding. Order No. 1258, August 6, 1999, at 4-6. The physical location of equipment used in sending, processing, storing and accessing Post E.C.S. transactions *may* bear on establishing that they are, or are not, domestic components of the service within the purview of Chapter 36 of Title 39. Again, if the Postal Service wishes to object to the admission of such information on the ground of relevance, it will have an opportunity to do so if and when it is proffered.

With regard to the potential sensitivity of information that would disclose the physical location of equipment used in providing Post E.C.S. service, the Postal Service may accommodate this concern by couching its answer to OCA/USPS-12 in general terms. However, the answer should clearly indicate: (1) whether each such server is located within the United States or a different country; and (2) the State, Province, or other territorial unit within which each such server is located.

#### RULING

The Office of the Consumer Advocate Motion to Compel Responses to Interrogatories OCA/USPS-12 and -14, filed July 30, 1999, is granted.

A handwritten signature in black ink, reading "Dana B. Covington, Sr." in a cursive script.

Dana B. Covington, Sr.  
Presiding Officer