

UNITED STATES OF AMERICA  
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.

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Docket No. C99-1

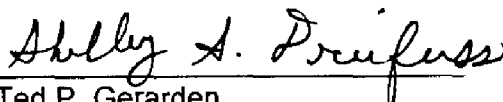
OFFICE OF THE CONSUMER ADVOCATE  
CORRECTION TO MOTION TO COMPEL RESPONSES  
TO INTERROGATORIES OCA/USPS-19, 20(A-B), 21, 23, 24,  
26, 27(B-D), and 28-33, FILED SEPTEMBER 21, 1999  
(September 28, 1999)

The Office of the Consumer Advocate (OCA) hereby submits the following corrections to a Motion to Compel Responses to Interrogatories OCA/USPS-19, 20(A-B), 21, 23, 24, 26, 27(B-D), and 28-33, filed September 21, 1999. A revised page 3 and re-formatted pages 1, 2, and 4 are attached.

<u>Page</u>	<u>Footnote</u>	<u>Correction</u>
3	4	Add "and non-domestic transactions" after "U.S.)" and before the period ending the sentence.
3	5	In the second sentence of the footnote, change "a reader if" to "a reader of"

Respectfully submitted,

OFFICE OF THE CONSUMER ADVOCATE



Ted P. Gerarden  
Director

Shelley S. Dreifuss  
Attorney

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OFFICE OF THE CONSUMER ADVOCATE  
MOTION TO COMPEL RESPONSES TO INTERROGATORIES  
OCA/USPS-19, 20(A-B), 21, 23, 24, 26, 27(B-D), and 28-33  
(September 21, 1999)

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Pursuant to Special Rule 2B,<sup>1</sup> the Office of the Consumer Advocate (OCA) hereby files a motion to compel responses to interrogatories OCA/USPS-19, 20(A-B), 21, 23, 24, 26, 27(B-D), and 28-33.<sup>2</sup> In an Objection filed on September 7, 1999, the Postal Service states a variety of grounds for objecting to OCA's interrogatories. OCA disputes the Postal Service's contentions and asks the Presiding Officer to direct the Postal Service to respond to all of the interrogatories referenced above.

Interrogatory OCA/USPS-19

Interrogatory OCA/USPS-19 poses questions about the Postal Service's registration of the Post E.C.S. domain with Network Solutions. One of the bases for the objection is the allegation that the information contained in the Post E.C.S. registration form is "commercially sensitive." This position is nonsensical since

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<sup>1</sup> Adopted in P.O. Ruling C99-1/3, July 7, 1999.

<sup>2</sup> Although the Postal Service filed an objection to interrogatory OCA/USPS-25, it filed a "response (over objection)" on September 9, 1999. OCA finds the response given adequate and does not include interrogatory 25 in the instant motion to compel.

[Page revised 9/28/99]

the registration form (attached to OCA interrogatory 19) is published on the internet for any and all to see. The Postal Service's argument that very public information, such as an internet domain registration form, is "sensitive" and suitable for confidential treatment is unreasonable and must be overruled.

The Postal Service ventures an additional justification for not responding to interrogatory 19—that OCA's questions are not relevant to the issue of the postal character of Post E.C.S. This argument also lacks merit, as the Presiding Officer has previously ruled in Ruling No. C99-1/10 that

ownership, control and location of equipment and other assets used to provide Post E.C.S. service . . . seek information directly related to the operation of the service. Qualitatively, the 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.

Parts A-E of interrogatory 19 fall within that rationale, consisting of questions about the servers used to provide Post E.C.S. service. Likewise, parts F-I pose questions about the relationship between 1) the registrant of Post E.C.S.—Martineau & Associates, and 2) the billing contact—Pierre Martineau, and the Postal Service. Responses to OCA's questions would shed additional light on the "*control . . . of equipment . . . to provide Post E.C.S. service.*"<sup>3</sup>

The Postal Service makes unsupported claims that system security is risked by answering OCA's questions. No reasons or explanations for this contention are advanced. Therefore, the third prong of the objection should be dismissed out of hand.

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<sup>3</sup> (Emphasis added).

[Page revised 9/28/99]

Interrogatory 20, parts A. and B.

The Postal Service objects to parts A. and B. of interrogatory OCA/USPS-20<sup>4</sup> on the grounds of "commercial sensitivity and privilege," asserting that "[d]isclosure of any such information would be highly detrimental to the Postal Service by disclosing to competitors valuable information about the market characteristics of Post E.C.S. usage." The Postal Service's support for its claims consists only of vague assertions of harm.<sup>5</sup> This feeble support must be weighed against the Commission's and the participants' concrete need for relevant information on the percentage of Post E.C.S. transactions that are domestic or international in character. In Order No. 1258, the Commission declared: "if the record identifies an appreciable segment of Post E.C.S. transactions that are wholly domestic, those transactions arguably may be postal services subject to the requirements of Chapter 36." The ratio sought by OCA in interrogatory 20 will aid in the determination whether there is an appreciable segment of Post E.C.S. transactions that are wholly domestic.

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<sup>4</sup> In parts A and B of interrogatory 20 OCA asked the Postal Service to break down specific communications between the Postal Service and its customers (customer feedback and informal interviews) into domestic transactions (which OCA defined as originating in the U.S. and directed to recipients within the U.S.) and non-domestic transactions.

<sup>5</sup> The Postal Service cites Ruling No. R97-1/60 in defense of its position. However, a reader of this ruling should logically reach the opposite of the conclusion articulated by the Postal Service. In Ruling 60 the Presiding Officer reaffirmed an earlier ruling that required the Postal Service to "provide the underlying *factual* data from the ongoing SAI alternate delivery study." The Postal Service was permitted to redact "the SAI researchers' and Postal Service's comments and conclusions on, and analysis and/or interpretation of that data, as well as the company and product names of alternative delivery providers." In interrogatory 20, OCA has not asked for the names of any Post E.C.S. customers nor for interpretation of or comments on the customer responses. In Docket No. R97-1, the Presiding Officer required the Postal Service to provide extensive factual information, but permitted the Service to withhold interpretive information. Ruling 60 certainly does not stand for the proposition that the Postal Service be excused from making a count of the responses and computing the percentage of domestic and non-domestic transactions.

[Page revised 9/28/99]

Interrogatory 21

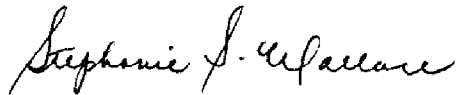
The Postal Service objects to interrogatory OCA/USPS-21 on the ground of relevance. In this interrogatory, OCA asks the Postal Service to confirm that the Adobe Acrobat portable document format (PDF) technology available to Post E.C.S. users enables recipients to read any document regardless of the software applications used to create them. A confirmation of this statement is relevant because it demonstrates that Post E.C.S. permits the sender to generate a document that is very similar to documents mailed as hard copy. Unlike many other electronic exchanges of information that depend on compatibility of software resident on sender and recipient computers, Post E.C.S. transmissions written as PDF files can immediately be read on the screen or printed with virtually the same appearance as the original document so long as the recipient has downloaded a free copy of Adobe Acrobat Reader from the internet or obtained a copy by some other method.<sup>6</sup> The ability of a Post E.C.S. user to create a PDF version of a document allows transmission of documents in a manner very similar to the transmission of conventional mail. When a document is sent through the mail, if it is legible, it may be read or viewed without any additional steps taken by the recipient to transform it. In like manner, if a Post E.C.S. user transmits a PDF file, the recipient may open it with the Adobe Reader application so that it is readily viewed

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<sup>6</sup> Gaining access to Adobe Acrobat Reader should never be an impediment to opening a PDF document since the Reader is widely available as free, downloadable software on the internet. The Postal Rate Commission makes available PDF files of documents filed as hard copy at its website— <http://www.prc.gov/>. Cognizant that would-be readers of such documents might need Acrobat Reader to open the PDF files, the Commission provides a link at the bottom of the homepage to [adobe.com](http://adobe.com) where the most recent version of Adobe Reader can be downloaded free of charge.

# CERTIFICATE OF SERVICE

I hereby certify that I have this date served the foregoing document upon all participants of record in this proceeding in accordance with section 12 of the rules of practice.

A handwritten signature in cursive script, reading "Stephanie S. Wallace".

Stephanie S. Wallace

Washington, D.C. 20268-0001  
September 28, 1999