

Before the
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268-0001

Complaint on Electronic Postmark)

Docket No. C2004-2

OFFICE OF THE CONSUMER ADVOCATE
INTERROGATORIES TO UNITED STATES POSTAL SERVICE
WITNESS THOMAS J. FOTI (OCAJSPS -RT1-1-28); REVISED
(August 1, 2006)

Pursuant to Rules 25 through 28 of the Rules of Practice of the Postal Rate Commission, the Office of the Consumer Advocate hereby submits interrogatories and requests for production of documents.

If data requested are not available in the exact format or level of detail requested, any data available in (1) a substantially similar format or level of detail or (2) susceptible to being converted to the requested format and detail should be provided.

The production of documents requested herein should be made by photocopies attached to responses of these interrogatories. If production of copies is infeasible due to the volume of material or otherwise, provision should be made for inspection of responsive documents at the Office of the Consumer Advocate, 901 New York Ave., N.W. Suite 200, Washington, D.C. 20268-0001, during the hours of 8:00 a.m. to 4:30 p.m.

If a privilege is claimed with respect to any data or documents requested herein, the party to whom this discovery request is directed should provide a Privilege Log (see, e.g., Presiding Officer Ruling C99 1/9, p. 4, in Complaint on PostECS, Docket No. C99 1). Specifically, "the party shall make the claim expressly and shall describe the nature

of the documents, communications, or things not produced or disclosed in a manner that, without revealing information itself privileged or protected, will enable other parties to assess the applicability of the privilege or protection.” Fed. R. Civ. P. 26(b)(5).

The term “documents” includes, but is not limited to: letters, telegrams, memoranda, reports, studies, newspaper clippings, speeches, testimonies, pamphlets, charts, tabulations, and workpapers. The term “documents” also includes other means by which information is recorded or transmitted, including printouts, microfilms, cards, discs, tapes and recordings used in data processing together with any written material necessary to understand or use such punch cards, discs, tapes or other recordings.

“All documents” means each document, as defined above, that can be located, discovered or obtained by reasonable diligent efforts, including without limitation all documents possessed by: (a) you or your counsel; or (b) any other person or entity from whom you can obtain such documents by request or which you have a legal right to bring within your possession by demand.

“Communications” includes, but is not limited to, any and all conversations, meetings, discussions and any other occasion for verbal exchange, whether in person or by telephone, as well as all documents, including but not limited to letters, memoranda, telegrams, cables, or electronic mail.

“Relating to” means discussing, describing, reflecting, containing, analyzing, studying, reporting, commenting on, evidencing, constituting, setting forth, considering, recommending, concerning, or pertaining to, in whole or in part. Responses to requests for explanations or the derivation of numbers should be accompanied by workpapers. The term “workpapers” shall include all backup material whether prepared manually,

mechanically or electronically, and without consideration to the type of paper used. Such workpapers should, if necessary, be prepared as part of the witness's responses and should "show what the numbers were, what numbers were added to other numbers to achieve a final result." The witness should "prepare sufficient workpapers so that it is possible for a third party to understand how he took data from a primary source and developed that data to achieve his final results." Docket No. R83-1, Tr. 10/2795 96. Where the arithmetic manipulations were performed by an electronic digital computer with internally stored instructions and no English language intermediate printouts were prepared, the arithmetic steps should be replicated by manual or other means.

Please especially note that if you are unable to provide any of the requested documents or information, as to any of the interrogatories, provide an explanation for each instance in which documents or information cannot be or have not been provided.

Respectfully submitted,

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OCA/USPS-RT1-1. At page 3 of your testimony, you make the statement that the Technology Applications group was tasked with developing technology-based applications products, or services-oriented capabilities that would enable the Postal Service to better serve its customers. The following questions are limited to domestic (non-international) activities of the Postal Service.

- a. Please provide a detailed description of the Postal Service's "customers" as used at page 3, line 7. Address, in this description, whether the Postal Service views its customers as limited to those individuals and businesses that send or receive "personal, educational, literary, and business correspondence," as well as packages.
- b. If the Postal Service customer base is limited to individuals and businesses that send or receive "personal, educational, literary, and business correspondence," and packages, then does the Postal Service view Electronic Postmark (EPM) customers as part of the set of individuals and businesses that send or receive "personal, educational, literary, and business correspondence" and packages. Explain in full.
- c. If the Postal Service customer base includes other types of "customers," additional to individuals and businesses that send or receive "personal, educational, literary, and business correspondence," and packages, are there any limits on whom the Postal Service might view as a customer? If there are limits, what are they?
- d. Are there any limits on the types of commercial or retail services that the Postal Service might decide to provide to its customers, e.g., selling doughnuts? Selling shoes? Selling homeowners insurance to non-employees? Providing a full array of banking services (for a fee) to non-employees? Explain fully. If there are limits, what are they?

- e. Is it the policy of the Postal Service to limit the commercial or retail services it provides to mail-related services? If not, why not?
- f. Is it the policy of the Postal Service to limit the commercial or retail services it provides to services that are close substitutes for mail, e.g. PostECS? If not, why not?
- g. Does the Postal Service take the view that it may provide any type of commercial/retail product or service solely to earn additional revenues, without regard to the nature of the service and whether it has a close relationship to mail? Please explain fully.
- h. Does the Postal Service take the view that there are any limitations on its ability to provide “nonpostal” services to its customers? Please explain fully.
- i. Is EPM a postal service? Please explain
- j. Or is EPM a “nonpostal” service? Please explain.
- k. How does EPM relate to the Postal Service’s core mission to provide *mail* services and services incidental to *mail* services?
- i. Is EPM a mail service?
- ii. Is EPM incidental to a mail service?
- iii. Is it the Postal Service’s position that EPM has nothing whatsoever to do with mail?
- iv. Is EPM a service that comes within the Postal Service’s fundamental mission because it is a substitute for/functions like a mail service?
- v. Explain your answers to k.i. – iv. fully.

OCA/USPS-RT1-2. At page 3 of your testimony, you state that in a 1991 report commissioned by the Postal Service and prepared by a consulting firm, the consultant

used the name “electronic postmark” and clearly described the function of the electronic postmark as “a secure time and date applied to electronic messages and documents.” Further down the page, you describe a 1995 Technology Applications focus group that discussed “the notion of electronically time and date stamping electronic documents and messages.” Are these descriptions still applicable to describe the functions of Electronic Postmark (EPM)? If not, explain fully and provide the current description. Provide all Postal Service documents that support any description different from that used in the 1991 consulting report or 1995 focus group.

OCA/USPS-RT1-3. Please provide the Statement of Work for the 1991 report commissioned by the Postal Service (USPS-T-1 at 3, l. 4 -11). Also, provide the resulting report and any memoranda produced by the consultant or Postal Service in connection with this report.

OCA/USPS-RT1-4. Please provide the internal documentation that led to the creation of the Technology Applications group (USPS-T-1 at 3, l. 13 – 17). Also provide any documentation describing the functions, goals, and mission of the Technology Applications group.

OCA/USPS-RT1-5. Please provide the Statement of Work for the 1995 focus group research (USPS-T-1 at 3, L. 19 – p. 4, l. 8). Provide the results of the focus group, including any reports that describe the results of the research.

OCA/USPS-RT1-6. Please provide copies of the 1994 and 1995 speeches of postal officials cited at USPS-T-1 at 4, l. 10 – 12.

OCA/USPS-RT1-7. Please provide the Statement of Work for the CygnaCom Solutions contract cited at USPS-T-1 at 4, l. 13 – p. 5, l. 5.

OCA/USPS-RT1-8. Please provide any slides or handouts that were presented at the May 1996 meeting at Aegis Star (USPS-T-1 at 5, l. 7 -9).

OCA/USPS-RT1-9. Please provide any slides or handouts that were presented at the June 1996 demonstration at Foote, Cohn, Belding (USPS-T-1 at 5, l. 9 - 10). What was the purpose of the demonstration at Foote, Cohn, Belding?

OCA/USPS-RT1-10. Please provide the Statement of Work for the Cylink project (USPS-T-1 at 5, l. 12 – 21).

OCA/USPS-RT1-11. Please provide all public announcements, speeches, and press releases concerning Electronic Postmark (EPM) (USPS-T-1 at 6, l. 1 – 4).

OCA/USPS-RT1-12. Please provide any slides, handouts or other materials distributed in connection with the Board of Governors briefing (USPS-T-1 at 6, l. 4 – 5).

OCA/USPS-RT1-13. Please provide any slides, handouts or other materials distributed in connection with the briefings for members of Congress, The Electronic Frontier Foundation, and any other groups (USPS-T-1 at 6, l. 5 -6).

OCA/USPS-RT1-14. Please provide copies of all materials used to demonstrate Electronic Postmark (EPM) at the San Jose, Chicago, and Boston trade shows, as well as multiple Postal Forum trade shows (USPS-T-1 at 6, l. 11-15).

OCA/USPS-RT1-15. Please provide copies of materials and exhibits used at all “eCommerce’ trade shows” (USPS-T-1-6, l. 15 – 17).

OCA/USPS-RT1-16. Please provide all communications from the Postal Service to hundreds of companies and organizations describing Electronic Postmark (EPM)’s functions and how EPM might be applied to their specific needs (USPS-T-1 at 7, l. 1 – 3). (Identifying information may be redacted. However, please indicate the type of work the company or organization performs).

OCA/USPS-RT1-17. Please provide all communications from the Postal Service to “dozens . . . of IT developers” describing Electronic Postmark (EPM)’s functions and how EPM might be utilized by their customers (USPS-T-1 at 7, l. 4 – 6). (Identifying information may be redacted. However, please indicate the type of work the company or organization performs).

OCA/USPS-RT1-18. Please provide all communications from the Postal Service to Microsoft, IBM, Lotus, Digital, Hewlett-Packard, Verisign, eTRade, and Entrust describing EPM’s functions and how Electronic Postmark (EPM) might be applied to their specific needs or the needs of their customers (USPS-T-1 at 7, l. 1 – 3).

OCA/USPS-RT1-19. Please provide all communications from the Postal Service to “a dozen top law firms” describing Electronic Postmark (EPM)’s functions and how EPM might be utilized by their customers (USPS-T-1 at 7, l. 9). (Identifying information may be redacted. However, please indicate the type of work the company or organization performs).

OCA/USPS-RT1-20. Please provide all communications from the Postal Service to “the EDI community” describing Electronic Postmark (EPM)’s functions and how EPM might be utilized by their customers (USPS-T-1 at 7, l. 9). (Identifying information may be redacted. However, please indicate the type of work the company or organization performs).

OCA/USPS-RT1-21. Please provide all communications from the Postal Service to each of the “host of government agencies” describing Electronic Postmark (EPM)’s functions and how each agency might utilize EPM (USPS-T-1 at 7, l. 9).

OCA/USPS-RT1-22. Please list the “two dozen active participants in this sector” (USPS-T-1 at 7, l. 20- 21).

OCA/USPS-RT1-23. Please provide a copy of the October 2001 Request for Information (RFI) published in the Commerce Business Daily concerning Electronic Postmark (EPM) (USPS-T-1 at 10, l. 10 -12).

- a. How many companies responded?
- b. Which companies responded?
- c. Why did the Postal Service choose Authentidate?
- d. What were the reasons for not choosing the other applicants?

OCA/USPS-RT1-24. Please provide the Strategic Alliance Agreement between the Postal Service and Authentidate (USPS-T-1 at 10, l. 15 -18).

OCA/USPS-RT1-25. Please provide the number of transactions that underlie the 97 percent figure set forth at USPS-T-1 at 11, l. 12 – 14. Break down the number given into the 10 most numerous types of usage, and rank these uses by amount of volume for the usage type.

OCA/USPS-RT1-26. Please refer to your testimony at 11, l. 16 -22. You mention the use of a fax at line 19.

- a. Does the “largest customer” (“A”) send the referenced fax to itself?
- b. Or to another entity (“B”)?
- c. What is the nature of A’s business?
- d. If the fax is sent to a different entity, what is the nature of the recipient’s business (“B”)?
- e. What kind of information is contained in the fax?
- f. Before the availability of Electronic Postmark (EPM) and like services, how did A transmit the information contained in the fax to B?
 - i. Was mail a suitable means of transmitting the contents of the fax from A to B? If not, please explain.
 - ii. Are you aware of businesses such as A today sending information such as that contained in the fax to recipients such as B? If not, please explain.
 - iii. Are you aware of businesses such as A sending information such as that contained in the fax to recipients such as B prior to the availability of EPM and like services? If not, please explain.
- g. If A preferred to use hardcopy mail, could it print the fax (or the information contained in the fax), put it in an envelope, and mail it to B? If not, why not?

OCA/USPS-RT1-27. An example of a “second customer’s” use of Electronic Postmark (EPM) is given at page 12 of your testimony at lines 1 – 4.

- a. What is the nature of the customer’s business?
- b. Will the Worker Compensation claim forms be sent to another entity or entities?
If so, what is the nature of the other entities?
- c. Before the availability of EPM, did businesses like this (i.e., the “second customer’s” business) often use mail to achieve what is now done through EPM? If not, why not?
- d. Would hardcopy mail be a good substitute for the second customer’s use of EPM? If not, why not? How could the second customer use mail to achieve comparable results?
- e. For the doctor example set forth at page 12, l. 6 – 11, you emphasize that the doctors “keep this record” and “don’t forward it to anyone.” However, you do not make the same claim for the second customer. Is that because the second customer does forward the Worker Compensation forms to another entity? If not, then please explain.

OCA/USPS-RT1-28. Please refer to the 3 examples set forth on page 12 of your testimony. Isn’t it correct that businesses that want to prove they have not altered a document could print the document, seal it in an envelope, address to themselves, have it postmarked by mailing it, and keep the unopened envelope as proof that the document contained in the envelope had not been modified since the time of mailing?

- a. If not, why not?

b. Are you aware of current examples of such mail use? If so, please describe your understanding of this practice.

c. Are you aware of past examples of such mail use? If so, please describe your understanding of this practice.