

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

Postal Regulatory Commission  
Submitted 8/25/2008 8:59:13 AM  
Filing ID: 60784  
Accepted 8/25/2008

COMPLAINT OF CAPITAL ONE  
SERVICES, INC.

Docket No. C2008-3

**RESPONSE OF CAPITAL ONE SERVICES, INC. TO  
INTERROGATORIES OF THE PUBLIC REPRESENTATIVE  
(PR/COS-1-4)**

August 25, 2008

Capital One Services, Inc. hereby provides its response to the following  
interrogatories of the Public Representative: PR/COS-1-4, filed August 11, 2008.

Each interrogatory is stated verbatim and is followed by the response.

Respectfully submitted,

Joy M. Leong  
Timothy D. Hawkes  
The Leong Law Firm PLLC  
2020 Pennsylvania Ave., N.W., Suite 229  
Washington, D.C. 20006  
(202) 640-2590

*Attorneys for Complainant  
Capital One Services, Inc.*

RESPONSE OF CAPITAL ONE SERVICES, INC. TO  
INTERROGATORIES OF PUBLIC REPRESENTATIVE

**PR/COS-1.** Please confirm that Capital One is currently a subscriber to Confirm service. If you do not confirm, please explain. If you do confirm, please identify the periods during which Capital One has been a Confirm Service subscriber.

**Response:**

Confirmed, for discrete portions of Capital One's First-Class Mail and Standard Mail, as specified in Capital One's Response to PR/COS-2 (which includes the relevant time periods).

RESPONSE OF CAPITAL ONE SERVICES, INC. TO  
INTERROGATORIES OF PUBLIC REPRESENTATIVE

**PR/COS-2.** For Fiscal Years 2006, 2007 and 2008, please provide the average read and accept rates for Capital One's First-Class Mail and Standard Mail.

**Response:**

Response provided under seal.

RESPONSE OF CAPITAL ONE SERVICES, INC. TO  
INTERROGATORIES OF PUBLIC REPRESENTATIVE

**PR/COS-3.** Please refer to 39 U.S.C. § 3622(c)(10), which references “the desirability of special classifications . . . including agreements between the Postal Service and postal users, when available on public and reasonable terms to similarly situated mailers.” With respect to the Bank of America NSA as implemented, please discuss all the ways in which Capital One is a mailer that is “similarly situated” to Bank of America.

**Response:**

In responding to this Interrogatory, Capital One does not concede that any factor other than No. 4 below is relevant to its claims in this proceeding. Capital One is "similarly situated" to Bank of America for at least the following reasons:

1. Capital One is a large mailer of First-class and Standard Mail.
2. Capital One is in the same industry as Bank of America.
3. Capital One is a competitor of Bank of America.
4. Capital One is ready, willing and able to enter into a Negotiated Service Agreement that is substantively identical to the Bank of America NSA.

This list may be supplemented depending on the Postal Service's Response to Interrogatory COS/USPS-9.

RESPONSE OF CAPITAL ONE SERVICES, INC. TO  
INTERROGATORIES OF PUBLIC REPRESENTATIVE

**PR/COS-4.**

- a. Please confirm that the systemwide average read and accept rates for First-Class Mail and Standard Mail specified in the Bank of America NSA as implemented were weighted by Bank of America's mail mix. If you do not confirm, please explain.
- b. In seeking to enter into a functionally equivalent NSA with the Postal Service, is Capital One requesting use of the specified First-Class Mail and Standard Mail read and accept rates in the Bank of America NSA as implemented, the systemwide average read and accept rates from Docket No. R2006-1, USPS-LR-L-110 for such classes weighted by Capital One's mail mix, or the systemwide average read and accept rates from Docket No. MC2007-1, USPS-LR-4 for such classes weighted by Capital One's mail mix? Please explain.

**Response:**

- a. Confirmed, as based on the record in MC2007-1.
- b. Capital One cannot fully answer this Interrogatory because the referenced USPS-LR-4 is under seal. Capital One proposes to apply to its mail mix the First-class and Standard Mail read and accept rates that were used to set the baselines in Paragraphs IV.C.2 and IV.F.2 of the Bank of America NSA, as indicated in USPS-LR-L-110, which was submitted to the Commission in MC2007-1.