

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

Complaint of Capital One Services, Inc.     )

Docket No. C2008-3

PUBLIC REPRESENTATIVE INTERROGATORIES TO  
UNITED STATES POSTAL SERVICE  
(PR/USPS-16-17)  
September 9, 2008

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Pursuant to Rules 25 through 28 of the Rules of Practice of the Postal Rate Commission, the Public Representative hereby submits interrogatories and requests for production of documents. Instructions included with Public Representative interrogatories PR/USPS-1-7 dated August 11, 2008, are hereby incorporated by reference.

Respectfully submitted,

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Public Representative

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## PR/USPS-16.

- a. Please refer to the response to PR/USPS-10(a), where it states “the read and accept rates used in the Bank of America NSA are lower, on average, than would be expected for any mailer with above average characteristics.”
  - i. Please define and explain the phrase “above average characteristics” as used with respect to “any mailer” and the Bank of America NSA.
  - ii. During the quarter following implementation on April 1, 2008, please confirm that Bank of America was a mailer with “above average characteristics” with respect to the read and accept rates used in the Bank of America NSA. If you do not confirm, please explain.
  
- b. Please refer to the response to PR/USPS-10(a), where it states  
  
if a prospective NSA partner were offered the same baselines on read and accept rates, it may free-ride or piggyback on the progress already made by first adopters in accelerating industry and USPS implementation of new processes and technologies, such as IMB, with little or no corresponding benefit to the Postal Service.

Please explain how a mailer could "free-ride or piggyback on progress already made by first adopters" if Bank of America, its contractor(s), and the Postal Service are subject to nondisclosure agreements.

- c. Please refer to the response to PR/USPS-10(a), where it states  
  
management’s expectation would be that, in the absence of evidence to the contrary, Capital One’s read and accept rates for automation letter mail would be significantly above the thresholds used in the Bank of America NSA, and that using those thresholds and discount schedules would result in a net reduction in contribution to the Postal Service.

During the quarter following implementation on April 1, 2008, please confirm Bank of America's read and accept rates for automation letter mail were "significantly above" the thresholds used in the Bank of American NSA. If you do not confirm, please explain.

PR/USPS-17. 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 confirm that Capital One is a mailer that is "similarly situated" to Bank of America. If you do not confirm, please discuss all the ways and differences in which Capital One is not a mailer that is "similarly situated" to Bank of America.