

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

COMPLAINT OF CAPITAL ONE SERVICES, INC.

Docket No. C2008-3

**NOTICE OF THE UNITED STATES POSTAL SERVICE OF
FILING SUPPLEMENTAL PRIVILEGE LOGS
ASSOCIATED WITH DEPOSITION OF
JESSICA DAUER LOWRANCE
(September 18, 2008)**

In accordance with P.O. Ruling No. C2008-3/17, the Postal Service hereby provides notice of filing its supplemental privilege logs pertaining to the first and second days of the deposition of Ms. Lowrance, which now provide transcript citations. These supplemental privilege log files are entitled "Supp.JDL.PrivLogDay1.xls" and "Supp.JDL.PrivLogDay2.xls", and are being filed today along with this notice pleading. The PDF versions of these supplemental logs are attached herein.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

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September 18, 2008

Supplemental Privilege Log
Associated with First Day of Deposition of Jessica Dauer Lowrance

Document	Date	Cite	Description	Privilege/Exemption
Memorandum from Postmaster General to Board of Governors	No date on document in JDL's files	Tr. 1/136 at 9, to Tr. 1/137 at 9	Memorandum sent by PMG to BOG, after issuance of PRC's Recommended Decision, advising BOG prior to issuance of Governors' Decision.	FOIA Exemption 5 (deliberative process privilege); 39 U.S.C. 410(c)(4)
Memorandum from General Counsel to Board of Governors	No date on document in JDL's files	Tr. 1/135 at 1-16	Memorandum sent by GC to BOG, after issuance of PRC's Recommended Decision, advising BOG prior to issuance of Governors' Decision.	attorney-client privileged; attorney work product; FOIA Exemption 5 (deliberative process privilege); 39 U.S.C. 410(c)(4)
Report from Office of Inspector General to Board of Governors	Document not in JDL's files	Tr. 1/121 at 4-15	Report sent by OIG to Chairman, BOG, after issuance of PRC's Recommended Decision, advising BOG prior to issuance of Governors' Decision.	Production of this document addressed by USPS in Response to P.O. Ruling No. C2008-3/7 (filed 9/4/08)
Capital One "NSA 2" Term Sheet	10/16/2006	Tr. 1/9 at 25, to Tr. 1/10 at 10	NSA contract term sheet circulated between postal counsel and Ms. Lowrance.	attorney-client privileged; attorney work product
Capital One "NSA 2" Term Sheet	10/18/2006	Tr. 1/9 at 25, to Tr. 1/10 at 10	NSA contract term sheet circulated between postal counsel and Ms. Lowrance (with updated edits from 10/16 version)	attorney-client privileged; attorney work product
Capital One "NSA 2" Term Sheet	10/18/2006	Tr. 1/9 at 25, to Tr. 1/10 at 10	NSA contract term sheet circulated between postal counsel and Ms. Lowrance (with updated edits from earlier 10/18 version)	attorney-client privileged; attorney work product
Capital One "NSA 2" Issues to Discuss/Meeting Notes	1/31/2007	Tr. 1/9 at 25, to Tr. 1/10 at 10	List of issues to discuss and meeting notes for NSA meeting between postal counsel and Ms. Lowrance	attorney-client privileged; attorney work product
Draft NSA between USPS and Capital One	No date on document in JDL's files	Tr. 1/9 at 25, to Tr. 1/10 at 10	Draft contract prepared by postal counsel, including comments on contract terms by postal counsel; circulated with Ms. Lowrance	attorney-client privileged; attorney work product
Notes from telecon between JDL and prospective NSA partner	11/26/2007	Tr. 1/9 at 25, to Tr. 1/10 at 10	Notes by Ms. Lowrance regarding telecon between Pricing Strategy staff and a prospective NSA partner	Commercially sensitive; subject to Non-Disclosure Agreement with prospective NSA partner

Supplemental Privilege Log
 Associated with Second Day of Deposition of Jessica Dauer Lowrance

Document	Date	Cite	Description	Privilege/Exemption
JDL Meeting Notes *	6/23/2006	(see below)	Attendees not listed; document indicates "Internal" meeting. Notes pertain to a prospective NSA partner, related to original Cap One NSA structure	Commercially sensitive; subject to Non-Disclosure Agreement with prospective NSA partner
JDL Notes from Telecon *	12/14/2007	(see below)	Telecon between JDL and prospective NSA partner; wide-ranging discussion; some notes on IMB, ACS, and Seamless Acceptance	Commercially sensitive; subject to Non-Disclosure Agreement with prospective NSA partner
E-mail re: BAC financial analysis in preparation for Govs Decision	10/11/2007	Tr. 2/261 at 20, to Tr. 2/262 at 2	E-mail from Ayub to Kearney, Plunkett, and USPS counsel re: PRC's financial model for BAC NSA and BAC's steps toward implementation	FOIA Exemption 5 (deliberative process privilege); 39 U.S.C. 410(c)(4)
E-mail re: BAC financial analysis in preparation for Govs Decision	10/29/2007	Tr. 2/261 at 20, to Tr. 2/262 at 2	E-mail from Mayes to JDL, Ayub, Abdirahman, Ankrah, Lyons re: revisions to PRC's BAC NSA workpapers	FOIA Exemption 5 (deliberative process privilege); 39 U.S.C. 410(c)(4)
E-mail re: BAC financial analysis in preparation for Govs Decision	11/26/2007	Tr. 2/261 at 20, to Tr. 2/262 at 2	E-mail from Mayes to JDL, Ayub, Dawson, Abdirahman, Lyons, Plunkett re: PRC's workpapers (final financial analysis for BOG)	FOIA Exemption 5 (deliberative process privilege); 39 U.S.C. 410(c)(4)
* = No specific citation found on the record in Transcript Volume 2; may have occurred off the record				