

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 PRIVILEGE LOG ASSOCIATED WITH THE SECOND DAY OF THE
DEPOSITION OF JESSICA DAUER LOWRANCE**
(September 9, 2008)

The United States Postal Service hereby provides notice of filing its privilege log associated with the second day of the deposition of Jessica Dauer Lowrance, pursuant to P.O. Ruling No. C2008-3/12. As background, on August 26, 2008, the Presiding Officer ruled:

With regard to any documents not produced at the deposition by Ms. Lowrance based on a claim that the documents are either privileged or exempt from disclosure under 39 U.S.C. 410(c) or 5 U.S.C. 552(b), the Postal Service must expressly allege the privilege or exemption claim asserted, and provide a detailed privilege log within 7 days.

P.O. Ruling No. C2008-3/3 at 4.

P.O. Ruling No. C2008-3/12 set September 9, 2008, as the deadline for the filing of the Postal Service's privilege log associated with the second day of the deposition of Ms. Lowrance, and based on Volume 2 of the transcript. The Postal Service is still examining Ms. Lowrance's electronic files and e-mails and plans to provide an appropriate privilege log for those documents at a later date. As the Postal Service stated in its Motion for Extension of Time (filed September 5, 2008), that task requires a

significant effort involving several postal employees to review numerous electronic files. Nevertheless, that task is underway and the Postal Service expects to make additional progress on that privilege log throughout this week.

The Postal Service's privilege log based on Volume 2 of the transcript is attached herein, and the associated MS Excel file is also included with today's notice filing. In the attached privilege log, the Postal Service has used a number of commonly-known abbreviations (BOG, NSA, etc.), but please note that the abbreviation "JDL" in the attachment refers to Ms. Lowrance.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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September 9, 2008

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

Document	Date	Description	Privilege/Exemption
JDL Meeting Notes	6/23/2006	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	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	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	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	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)