

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 FIRST DAY OF THE
DEPOSITION OF JESSICA DAUER LOWRANCE**
(September 5, 2008)

The United States Postal Service hereby provides notice of filing its privilege log associated with the first 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 5, 2008, as the deadline for the filing of the Postal Service's privilege log associated with the first day of the deposition of Ms. Lowrance, and based on Volume 1 of the transcript. Please note that certain documents not produced on August 27, 2008 (based on claims of privilege and exemption) were produced on August 28, 2008. The Postal Service is also today filing

a motion for additional time to supplement its privilege log, to allow for additional time to examine Ms. Lowrance's electronic files and e-mails.

The Postal Service's privilege log based on Volume 1 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 (PMG, 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 5, 2008

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

Document	Date	Description	Privilege/Exemption
Memorandum from Postmaster General to Board of Governors	No date on document in JDL's files	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	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	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	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	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	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	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	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	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