

RULING NO. C2008-3/21

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Complaint of Capital One Services, Inc.

Docket No. C2008-3

PRESIDING OFFICER'S RULING
GRANTING MISCELLANEOUS PROCEDURAL MOTIONS

(Issued September 17, 2008)

A Motion of the United States Postal Service for Late Acceptance of Responses to Interrogatories of Public Representative, Filed Under Seal (PR/USPS-2 and 4) was filed on September 15, 2008. The motion requests late acceptance of the responses to PR/USPS-2 and 4, which were filed one business day late. This motion is granted.

A Motion of Capital One Services, Inc. for an Extension of Time to File Responses to Postal Service Motions to Strike Portions of the Lowrance Deposition Transcript was filed on September 16, 2008. This motion seeks an extension of time, until September 26, 2008 to file responses to the September 9 and 12, 2008 Postal Service motions to strike portions of the deposition testimony. Capital One further proposes to provide a response to the open session material and a separate response to the closed session material, instead of providing responses by day of deposition. Capital One represents that the Postal Service does not oppose the motion for extension of time. This motion is granted. Responses are due September 26, 2008.

Bank of America filed a second motion for access to the sealed deposition of Jessica D. Lowrance on September 16, 2008.¹ This motion includes Certifications for access by Ms. Mallon and Mr. Volner, both counsel for Bank of America. Access previously was granted to Ms. Mallon and Mr. Volner upon filing of certifications and a 48 hour waiting period allowing for objections. See P.O. Ruling C2008-3/18. Bank of America's second motion for access is granted consistent with P.O. Ruling C2008-3/18.

A Public Representative Motion for Extension of Time for Response to Objection of United States Postal Service was filed on September 17, 2008. The Public Representative requests three additional days, until September 24, 2008, to file a response to the Postal Service's objection to interrogatory PR/USPS-15. The Public Representative states he will be away from the office until September 22, 2008. He further represents that Postal Service counsel does not oppose this motion. This motion is granted. The response is due September 24, 2008.

A Motion of Capital One Services, Inc. for an Extension of Time to File Answers to Bank of America's Motion to Limit Scope and Motion to Stay Proceedings Pending Ruling was filed on September 17, 2008. This motion requests an extension of time, until September 24, 2008, to file responses to the September 10, 2008 Bank of America motions to limit the scope of the proceeding, or alternatively, to disqualify counsel for Complainant, and to stay the proceeding pending a ruling. Capital One states that it will be filing a Declaration, and that additional time is needed to verify facts. Capital One further represents that counsel for Bank of America has agreed to the request for extension of time. This motion is granted. Responses are due September 24, 2008.

¹ Bank of America Corporation's Motion for Access to Sealed Deposition of Jessica D. Lowrance, September 16, 2008.

RULING

1. Motion of the United States Postal Service for Late Acceptance of Responses to Interrogatories of Public Representative, Filed Under Seal (PR/USPS-2 and 4), filed September 15, 2008, is granted.
2. Motion of Capital One Services, Inc. for an Extension of Time to File Responses to Postal Service Motions to Strike Portions of the Lowrance Deposition Transcript, filed September 16, 2008, is granted. Responses are due September 26, 2008.
3. Bank of America Corporation's Motion for Access to Sealed Deposition of Jessica D. Lowrance, filed September 16, 2008, is granted. The procedures for access appear in P.O. Ruling C2008-3/1.
4. Public Representative Motion for Extension of Time for Response to Objection of United States Postal Service, filed September 17, 2008, is granted. The response is due September 24, 2008.
5. Motion of Capital One Services, Inc. for an Extension of Time to File Answers to Bank of America's Motion to Limit Scope and Motion to Stay Proceedings Pending Ruling, filed September 17, 2008, is granted. Responses are due September 24, 2008.

Dan G. Blair
Presiding Officer