

RULING NO. C2008-3/20

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  
CONCERNING ACCESS TO DEPOSITION TRANSCRIPTS

(Issued September 16, 2008)

A Motion of the United States Postal Service for Clarification of P.O. Ruling No. C2008-3/4, Regarding Transcripts of the Deposition of Jessica Dauer Lowrance (Motion) was filed September 11, 2008. The Postal Service requests that its counsel and employees be relieved of having to complete certification forms, or be bound by the limitations in the applicable protective conditions, in order to obtain access to that transcript.

The Postal Service further requests that no other individual be granted access to the transcript without providing at least two business days' notice, so that the Postal Service may file an opposition, if necessary. The Postal Service reports that Capital One does not oppose either request.

The Postal Service seeks to be able to facilitate internal review of the information produced during the deposition. The existence of limiting protective conditions would complicate the Postal Service's ability to prepare its defense in this case.

The Commission takes very seriously its responsibility for protecting sensitive business information made available in the course of its proceedings. Nonetheless, the Postal Service will be allowed full access to the deposition of a then-Postal Service employee concerning Postal Service positions and practices. It is incumbent on the

Postal Service to assure that any copies of this information that it distributes internally remain within its control.

The separate request to establish a two-day waiting period before permitting access to the deposition will also be granted.

#### RULING

The Motion of the United States Postal Service for Clarification of P.O. Ruling No. C2008-3/4, Regarding Transcripts of the Deposition of Jessica Dauer Lowrance, filed September 11, 2008, is granted as described in the body of this ruling.

Dan G. Blair  
Presiding Officer