

RULING NO. C2008-3/32

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
JOINT MOTION APPROVING STIPULATION

(Issued December 12, 2008)

Capital One Services, Inc. and the Postal Service have filed a joint motion proposing resolution of discovery issues pertaining to the disclosure of two documents: (1) a memorandum from Postmaster General Potter to the Board of Governors, distributed prior to the Governors' meeting in early December 2007, relating to the Bank of America negotiated service agreement; and (2) a PowerPoint slide show presented at the December 10, 2007 Governors' meeting by Anita Bizzotto, relating to the Bank of America negotiated service agreement.¹ The documents were initially identified during the August 27-28, 2008, deposition of Jessica Lowrance.

The Joint Motion requests approval of an attached Joint Stipulation Between Capital One Services, Inc. and the United States Postal Service Regarding Specific Discovery Request, which outlines the terms and conditions of disclosure and access to the above referenced documents (Stipulation). Also attached are an identification of the documents under consideration (Stipulation, Attachment A), and proposed protective condition for allowing access to this material (Stipulation, Attachment B).

¹ The Joint Motion of Capital One Services, Inc. and the United States Postal Service for Acceptance of Joint Stipulation on Filing of Two Documents and to Protective Conditions for Filing of the Documents, December 4, 2008 (Joint Motion).

No participant has filed an opposition to this motion. The motion is granted. The Postal Service shall file the documents that are the subject of this Ruling with the Commission by December 16, 2008. Access to the documents may be obtained by filing a completed copy of the protective conditions appearing at Stipulation, Attachment B, with the Commission. Access will be delayed for 48 hours from the time of filing to provide the Postal Service time to interpose an objection. If the Postal Service does object, it must provide written justification for its position. The person who is the subject of the objection may submit a written response to the objection no later than 48 hours thereafter. The matter will be referred to the Presiding Officer for resolution.

RULING

1. The Joint Motion of Capital One Services, Inc. and the United States Postal Service for Acceptance of Joint Stipulation on Filing of Two Documents and to Protective Conditions for Filing of the Documents, filed December 4, 2008, is granted.
2. The Postal Service shall file the documents that are the subject of this Ruling with the Commission by December 16, 2008.
3. Access to the documents that are the subject of this Ruling shall be granted as specified in the body of this ruling.

Dan G. Blair
Presiding Officer