

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

COMPLAINT OF CAPITAL ONE SERVICES, INC.

Docket No. C2008-3

**RESPONSE OF THE UNITED STATES POSTAL SERVICE TO
P.O. RULING NO. C2008-3/6, RULING SCHEDULING ADDITIONAL APPEARANCE**
(August 28, 2008)

The United States Postal Service hereby responds to P.O. Ruling No. C2008-3/6, Ruling Scheduling Additional Appearance, issued by the Presiding Officer on August 27, 2008. In that Ruling, the Presiding Officer requests that participants file written pleadings regarding whether or not other participants will be allowed to question Ms. Lowrance at her ongoing deposition. The Ruling requires that such pleadings must be filed with the Commission by 8:00 a.m., August 28, 2008.¹

The Postal Service does not oppose a determination by the Presiding Officer that allows other participants to question Ms. Lowrance, but only if this would not extend the seven hour restriction on the “on the record” time allowed for this deposition. Ms. Lowrance has other responsibilities to carry out in her final two days as a postal

¹ It is the Postal Service’s understanding that, given the time-sensitive nature of these pleadings, anything submitted electronically to the Commission’s website on the evening of August 27, 2008, or the morning of August 28, 2008 (prior to 8:00 a.m.), will be accepted as filed consistent with this Ruling, regardless of the exact time when those documents are uploaded to the Commission’s Daily Listing page on the morning of August 28, 2008.

employee, including performing a number of required tasks that any departing postal employee must complete prior to separation from the Postal Service.² This emergency deposition, and the preparation required for this deposition, has already greatly limited the time Ms. Lowrance has had to attend to these responsibilities this week.

The Postal Service would strongly oppose any attempt to extend this deposition any further.³ It should be noted that the all-day deposition held on August 27, 2008, resulted in a mere four hours of “on the record” time, not including time spent by counsel making legal argument. The seven hour limitation, on its own, will require yet another full day from Ms. Lowrance, in order to complete the final three hours “on the record.” Any extension of the time beyond seven hours would prevent Ms. Lowrance from performing necessary tasks prior to her departure from the Postal Service.

Finally, to the extent counsel for any participant elect to participate in the closed session, the Postal Service does not oppose the presence of counsel that are able to agree to and abide by the protective conditions in P.O. Ruling No. C2008-3/4.

² For instance, as is the case with most federal agencies, departing a postal employee must complete a checklist of required tasks, and obtain signatures from various departments on that checklist, on his/her final day of employment. These tasks are separate from any other work assignments that Ms. Lowrance must ensure are in order prior to her departure.

³ As such, the Postal Service plans to oppose any pleadings that may be filed in the midst of today’s deposition, while participants are otherwise occupied, that seek to extend this deposition any further. The Postal Service reserves its rights to file specific responses in opposition to any pleadings, prior to rulings by the Presiding Officer.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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