

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. C2008-3/23, PROVIDING FOURTH STATUS REPORT
REGARDING SUPPLEMENT TO PRIVILEGE LOG
(October 17, 2008)**

The United States Postal Service hereby provides its fourth status report in response to P.O. Ruling No. C2008-3/23, regarding the supplement to the privilege log for the e-mails on Jessica Dauer Lowrance's computer. This week, the Postal Service has continued the task of reviewing the e-mail files of Ms. Lowrance and further supplementing its privilege log. As discussed in its third status report, filed last week, the Postal Service also completed an initial search for responsive documents based on agreed-upon search criteria, and is now reviewing those documents as well. The parties are engaged in discussions about the best approach to take regarding these documents, and have scheduled a teleconference for Monday, October 20, 2008.

Also this week, Capital One has advised the Postal Service of its initial review of the partial privilege log of Ms. Lowrance's e-mails, which the Postal Service informally provided to Capital One. Further discussion is required on certain entries in the Postal Service's privilege log, where Capital One has identified the need for additional

information. The Postal Service expects those discussions to continue next week, along with the ongoing discussions pertaining to the documents retrieved based on agreed-upon search terms. The Postal Service submits that these informal communications have continued to be productive toward resolving discovery disputes in this docket. The Postal Service will file an additional status report next Friday, October 24, 2008, to apprise the Commission of further developments.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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