

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 TWELFTH STATUS REPORT
REGARDING SUPPLEMENT TO PRIVILEGE LOG
(December 12, 2008)**

The United States Postal Service hereby provides its twelfth 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. The process of reviewing the highlighted entries in the privilege log, and comparing them to the documents obtained via an electronic search has continued this week, and will continue next week.

The parties held an additional teleconference this week, as planned, and discussed a variety of discovery issues. The parties have been awaiting a ruling on their December 4, 2008, joint motion and stipulation regarding the production of documents that arose out of the deposition of Ms. Lowrance. The Presiding Officer granted this joint motion earlier today. The Postal Service expects additional informal communications between the Postal Service and Capital One will continue early next

week to discuss P.O. Ruling No. 32 and other discovery topics. The Postal Service will file an additional status report next Friday, December 19, 2008, to apprise the Commission of further developments.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Daniel J. Foucheaux, Jr.
Chief Counsel, Pricing and Product Support

Elizabeth A. Reed

475 L'Enfant Plaza, S.W.
Washington, D.C. 20260-1135
(202) 268-3179; Fax -6187
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