

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

**COMPLAINT OF CAPITAL ONE
SERVICES, INC.**

DOCKET NO. C2008-3

**MOTION OF BANK OF AMERICA CORPORATION
FOR ACCESS BY STACEY STONE BENNETT TO
SEALED TRANSCRIPT AND OTHER PROTECTED DOCUMENTS FROM
DEPOSITION OF JESSICA D. LOWRANCE**

The Bank of America Corporation ("BAC"), an intervenor in this case, hereby moves for access by one of its attorneys, Stacey Stone Bennett, to the sealed transcript of the Deposition of Jessica D. Lowrance held on August 28, 2008, and to documents identified during the deposition by its participants. In accordance with the Commission Ruling No. C2008-3/4, Ms. Stone Bennett has executed a Statement of Compliance with Protective Conditions (Attachment A of Ruling No. C2008-3/4), which is attached to this motion. BAC has separately filed today a notice of her appearance as counsel for BAC.

Bank of America, as a participant in this matter, has the right to obtain a copy of Ms. Lowrance's deposition transcript and all documents identified during the deposition so long as BAC satisfies the protective conditions. Access by Ms. Stone Bennett to the proceedings is necessary for her to represent the interests of BAC effectively. No party will be prejudiced by granting her the requested access.

Respectfully submitted,

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December 12, 2008

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EXHIBIT A**UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001**

Complaint of Capital One Services, Inc.

Docket No. C2008-3

STATEMENT OF COMPLIANCE WITH PROTECTIVE CONDITIONS

The following protective conditions limit access to the August 27, 2008, closed session of the deposition of Jessica Dauer Lowrance in Docket No. C2008-3, and the discussions and materials presented therein. The purpose of the closed session of the deposition is to obtain a sworn copy of written or oral testimony, or cross-examination, of Postal Service employee Lowrance that may be of a confidential nature. Individuals attending the closed session must agree to comply with these conditions, complete the attached certification, and provide the completed certification to Katja Eichinger, the officer assigned for purposes of taking oaths and clarifying procedures in this matter, prior to admittance to the closed session of the deposition.

1. Only a person who is either:
 - (a) an employee of the Commission with a need to know; or
 - (b) a counsel of a participant in Docket No. C2008-3, shall be granted access to the closed session. However, no person involved in competitive decision-making for any entity that might gain competitive advantage from use of this

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information shall be granted access to the closed session of the deposition. "Involved In competitive decision-making" includes consulting on marketing or advertising strategies, pricing, product research and development, product design, or the competitive structuring and composition of bids, offers or proposals. It does not include rendering legal advice or performing other services that are not directly in furtherance of activities in competition with a person or entity having a proprietary interest in the protected discussions and materials.

2. The discussions and materials presented in the closed session of the deposition are assumed to be of a confidential nature. No person granted access to the closed session is permitted to disseminate in whole or in part the discussions and materials presented in the closed session of the deposition to any person not authorized to obtain access under these conditions.
3. The duty of nondisclosure of anyone obtaining access to the discussions and materials is continuing, terminable only by specific order of the Commission, or as specified in paragraphs 4 through 6, below.
4. Any written materials — including but not limited to discovery requests and responses, requests for admission and responses, deposition transcripts and exhibits, pleadings, motions, affidavits, written testimony and briefs — that quote, summarize, or contain the discussions or materials protected under these protective conditions also are covered by the same protective conditions and

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certification requirements, and shall be filed with the Commission only under seal. Documents submitted to the Commission as confidential shall remain sealed while in the Secretary's office or such other place as the Commission may designate so long as they retain their status as confidential documents.

5. A participant may apply to the Commission for a ruling that the discussions and materials presented in the closed session of the deposition, stamped or designated as confidential, are not entitled to such status and protection. The Postal Service and Bank of America shall be given notice of the application and an opportunity to respond.
6. **Subpoena by Courts or Other Agencies.** If a court or other administrative agency subpoenas or orders production of confidential information which a participant has obtained under the terms of this protective order, the target of the subpoena or order shall promptly (within two business days) notify the Postal Service and Bank of America of the pendency of the subpoena or order to allow the designating party time to object to that production or seek a protective order.

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CERTIFICATION

The undersigned represents that:

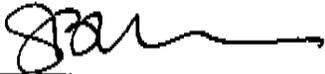
Access to the August 27, 2008, closed session of the deposition in Docket No. C2008-3, and the discussions and materials presented therein has been authorized by the Commission by compliance with the attached Statement of Compliance with Protective Conditions and completion of this Certification. I agree to use the information ascertained only for purposes of analyzing matters at issue in Docket No. C2008-3. I certify that I have read and understand the above protective conditions and am eligible to attend the August 27, 2008, closed session of the deposition in Docket No. C2008-3 as referred to under paragraph 1 of the protective conditions. I further agree to comply with all protective conditions and will maintain in strict confidence the information disseminated in accordance with all of the protective conditions set out above.

Name STACEY STONE BENNETT

Firm BANK OF AMERICA

Title ASSISTANT GENERAL COUNSEL

Representing BANK OF AMERICA

Signature 

Date DECEMBER 11, 2008