

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

COMPLAINT OF CAPITAL ONE  
SERVICES, INC.

Docket No. C2008-3

**REQUEST OF CAPITAL ONE SERVICES, INC.  
FOR ACCESS TO SEALED DOCUMENTS  
PURSUANT TO RULING NO. C2008-3/32  
(December 17, 2008)**

On December 12, 2008, Presiding Officer granted the Joint Motion of Capital One Services, Inc. (Capital One) and the United States Postal Service,<sup>1</sup> in Ruling No. C2008/3-32. The Joint Motion proposed the filing under seal of redacted versions 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. Pursuant to Ruling No C2008/3-32, the Postal Service filed these two documents under seal on December 16, 2008.

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<sup>1</sup> 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).

The Ruling allows access to the documents upon filing of the appropriate Certification (from Attachment B of the Joint Stipulation) with the Commission. Counsel for Capital One has completed the certification and requests access to the sealed documents. The Postal Service has indicated that it does not oppose this request.

Respectfully submitted,

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Joy M. Leong  
Timothy D. Hawkes

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Washington, D.C. 20006  
(202) 640-2590

*Attorneys for Complainant  
Capital One Services, Inc.*

## ATTACHMENT B

### **STATEMENT OF COMPLIANCE WITH PROTECTIVE CONDITIONS**

The following protective conditions limit access to the redacted documents referred to in the Joint Stipulation between Capital One and the Postal Service, filed December \_\_\_\_, 2008, in PRC Docket No. C2008-3. Individuals seeking access to these documents must agree to comply with these conditions, complete the attached certification, and file the completed certification with the Postal Regulatory Commission.

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 documents.
  
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 these documents 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 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 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 of the pendency of the subpoena or order to allow the designating party time to object to that production or seek a protective order.

## CERTIFICATION

The undersigned represents that:

Access to the redacted documents referred to in the Joint Stipulation between Capital One and the Postal Service, filed December 16, 2008, in PRC Docket No. C2008-3. 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 have access to these documents 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

Cindy Yoe

Firm

The Leong Law Firm PLLC

Title

Asst. Legal Administrator

Representing

Capital One Services, Inc.

Signature

Cindy Yoe

Date

December 17, 2008

## CERTIFICATION

The undersigned represents that:

Access to the redacted documents referred to in the Joint Stipulation between Capital One and the Postal Service, filed December 16, 2008, in PRC Docket No. C2008-3. 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 have access to these documents 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 Joy M. Leong  
Firm The Leong Law Firm PLLC  
Title Attorney  
Representing Capital One Services, Inc.  
Signature Joy M. Leong  
Date December 17, 2008