

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

COMPLAINT OF CAPITAL ONE SERVICES, INC.) Docket No. C2008-3

VALPAK DIRECT MARKETING SYSTEMS, INC. AND
VALPAK DEALERS' ASSOCIATION, INC.
COMMENT ON PRESIDING OFFICER'S RULING NO. C2008-3/47
GRANTING MOTION TO WITHDRAW COMPLAINT
(June 2, 2009)

On May 21, 2009, Capital One Services, Inc. filed a motion to withdraw its complaint in this docket. On June 2, 2009, the Presiding Officer issued Ruling No. C2008-3/47 granting Capital One's motion. Valpak Direct Marketing Systems, Inc. and Valpak Dealers' Association, Inc. (hereinafter "Valpak") hereby submit this comment on POR No. C2008-3/47 as to the reporting of any costs of the Postal Service associated with settlement of this docket. Valpak believes the Commission rules require that such costs be reported (in the Postal Service's annual compliance report) pursuant to Commission Rule 3050.21(f)¹ as part of the costs of the Bank of America Corporation negotiated service agreement ("NSA") product, and thus the NSA program. Just as the Postal Service identified certain consultant, hardware, and software costs that were directly related to the Bank of America Corporation NSA (*see* PRC FY 2008 Annual Compliance Determination, p. 84), the costs of the litigation and settlement of this docket arose specifically out of the Postal Service's NSA program in general, and its

¹ "(f) For each market dominant negotiated service agreement:
(1) Identify its rates and service features;
(2) Estimate its costs, volumes, and revenues...."

NSA with Bank of America in particular, and should be identified by the Postal Service as such, pursuant to Commission Rule 3050.21(f).

Respectfully submitted,

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