

RULING NO. C2008-3/25

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

Complaint of Capital One Services, Inc.

Docket No. C2008-3

PRESIDING OFFICER'S RULING
GRANTING ACCESS TO MATERIAL FILED UNDER SEAL

(Issued September 26, 2008)

Bank of America filed a motion requesting access to the non-redacted version of the Answer of Capital One Services, Inc. in Opposition to the Motion of Bank of America to Limit the Scope of the Proceeding or, in the Alternative, to Disqualify Counsel, September 24, 2008 (Answer) that was filed under seal.¹ The Motion includes a Statement of Compliance with Protective Conditions that Bank of America asserts is consistent with the protective conditions established in P.O. Ruling C2008-3/9. The Motion includes Certifications signed by the following counsel representing Bank of America: Jennifer T. Mallon, Ian D. Volner, and John F. Cooney.

It appears appropriate to grant access to the named Bank of America representatives as the Answer was filed in response to a Bank of America motion. However, Bank of America could not represent that Capital One has no objection to access at the time it filed its motion. Thus, access will not be granted until Wednesday, October 1, 2008, to allow Capital One time to interpose an objection. If Capital One does object, it must provide written justification for its position. The person who is the

¹ Bank of America Corporation's Motion for Access to the Non-Redacted Answer of Capital One Services, Inc. in Opposition to the Motion of Bank of America to Limit the Scope of the Proceeding or, in the Alternative, Disqualify Counsel, September 25, 2008 (Motion).

subject of the objection may submit a written response to the objection no later than 48 hours thereafter. The matter will be referred to the Presiding Officer for resolution.

RULING

The Bank of America Corporation's Motion for Access to the Non-Redacted Answer of Capital One Services, Inc. in Opposition to the Motion of Bank of America to Limit the Scope of the Proceeding or, in the Alternative, Disqualify Counsel, filed September 25, 2008, is granted as set forth in the body of this ruling.

Dan G. Blair
Presiding Officer