

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 THIRD STATUS REPORT
REGARDING SUPPLEMENT TO PRIVILEGE LOG
(October 10, 2008)**

The United States Postal Service hereby provides its third 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, with appropriate privileges and exemptions. Also this week, the Postal Service has completed an initial search for responsive documents based on agreed-upon search criteria, which has assisted the parties' discussions regarding the privilege log. The Postal Service is now engaged in a review of those documents as well.

The parties have continued to discuss this week how to most efficiently compile the privilege logs, to meet the interests of Capital One's discovery requests but not unduly burden the Postal Service or cause unnecessary delay. The Postal Service expects these discussions to continue next week, and hopes to work with Capital One

over the course of the coming week to further develop an action plan. The Postal Service believes that the ongoing discussions and informal communications have allowed the parties to continue to make progress regarding discovery in this docket. The Postal Service will file an additional status report next Friday, October 17, 2008, to update the Commission on additional 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
October 10, 2008