

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

**REVIEW OF NONPOSTAL SERVICES**

**Docket No. MC2008-1**

**MOTION OF POSTCOM *ET AL.*  
FOR LEAVE TO FILE REPLY TO  
DECEMBER 12 RESPONSE OF USPS  
IN OPPOSITION TO MOTION TO SEVER**

The Association for Postal Commerce, Alliance of Nonprofit Mailers, Magazine Publishers of America, Inc., National Postal Policy Council, Parcel Shippers Association and The Direct Marketing Association (“PostCom *et al.*”) respectfully move for leave to reply to the December 12 response of the Postal Service to the December 5 motion of the undersigned parties to (1) sever consideration of the Postal Service’s October 17, 2008 filing of Proposed Mail Classification Schedule Language for Four Products it Requests Should be Added to the Product Lists As Postal Services, and (2) establish a separate docket for consideration of the proposed new product listing pursuant to Part 3020 Subpart B of the Commission’s rules.

Although the Commission’s rules do not authorize a response to a reply as a matter of right, Rule 21(b) allows the Commission or presiding officer to accept such a pleading as a matter of discretion in appropriate cases. Good cause exists for accepting such a reply here. The position advanced by the Postal Service in its December 12 response—that the Commission may classify particular services as competitive without the evidence on competition required by 39 U.S.C. § 3642 and Rules 3020.31 and 32 is novel and, if accepted by the Commission, potentially far-reaching in its consequences. Moreover, the December 12 response greatly

overstates the level of information that the Postal Service has provided in this docket about the competitive environment of the services at issue. Under the circumstances, good cause exists for accepting the brief reply that the undersigned parties have separately lodged with the Commission today.

Respectfully submitted,

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