

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

Review of Nonpostal Services

Docket No. MC2008-1

PITNEY BOWES INC. NOTICE OF PROPOSED DISCOVERY
(February 19, 2009)

Pitney Bowes Inc. (Pitney Bowes) hereby responds to the Presiding Officer's Ruling on Procedural Dates, issued February 11, 2009. Pitney Bowes appreciates the Postal Regulatory Commission's (Commission) initiation of further proceedings to develop a more complete record regarding the Postal Service's commercial licensing activities generally, and the Postal Service's commercial licensing activities with respect to postage meter and printer ink cartridges, specifically.

Pitney Bowes believes that the exchange of sworn statements by interested parties will provide a sufficient record to allow the Commission to determine whether the Postal Service should be permitted via commercial licensing arrangements to enter into the imaging supplies business, without the need for written or oral discovery. As with the other nonpostal services previously reviewed by the Commission pursuant to section 404(e), the information provided via sworn statements will allow the Commission to determine when this nonpostal service was introduced and to assess the public need for commercial licensing of this kind as a nonpostal service and the private sector's ability to meet that need. *See* 39 U.S.C. § 404(e)(3). The Postal Service filed a sworn statement in support of the commercial licensing activities it seeks to continue as a nonpostal service on January 30, 2009. Pinpoint LLC, a licensee of the Postal Service for USPS-branded replacement meter ink cartridges, also filed a statement on January

29, 2009. The Commission Order initiating Phase II contemplates that interested parties will be afforded the opportunity to respond via sworn statements in opposition. *See* PRC Order No. 168 at 1. Without waiving its right to seek discovery in this proceeding, Pitney Bowes believes the exchange of sworn statements will be sufficient to develop a more complete record on these issues.

The Commission's Order initiating these Phase II proceedings also renewed the request that the Postal Service notify the Commission of any other similar commercial licenses that may exist. *See* PRC Order No. 168 at 2, n.4 (citing PRC Order No. 154 at 76, n.146). To the extent the Postal Service produces new information in the course of this proceeding regarding similar commercial licenses or future commercial licensing activities for which interested parties have not yet had the opportunity to review, further discovery may be necessary.

Respectfully submitted:

/s/

James Pierce Myers
Attorney at Law
1617 Courtland Road
Alexandria, Virginia 22306
Telephone: (571) 257-7622
Facsimile: (571) 257-7623
E-Mail: jpm@piercemyers.com

Michael F. Scanlon
K&L GATES LLP
1601 K Street, NW
Washington, DC 20006
Telephone: (202) 778-9000
Facsimile: (202) 778-9100
E-Mail:
michael.scanlon@klgates.com

Counsel to PITNEY BOWES INC.

Russell Hochman
Vice President and Deputy
General Counsel
Global Government Affairs
PITNEY BOWES INC.
1 Elmcroft Road
Stamford, Connecticut 06926
Telephone: (203) 351-7607
E-Mail: russell.hochman@pb.com