

PRESIDING OFFICER'S
RULING NO. MC2008-1 (Phase II)/7

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

Review of Nonpostal Services

Docket No. MC2008-1
(Phase II)

PRESIDING OFFICER'S RULING CANCELING HEARING
ON PITNEY BOWES' REBUTTAL CASE
AND ESTABLISHING FURTHER PROCEDURES

(Issued June 5, 2009)

Pursuant to the P.O. Ruling MC2008-1 (Phase II)/5, Pitney Bowes filed rebuttal evidence in this proceeding on May 12, 2009.¹ A hearing on the rebuttal evidence is currently scheduled for June 16, 2009. P.O. Ruling MC2008-1 (Phase II)/5 required any participant desiring to cross-examine rebuttal witnesses to file a notice of intent to cross-examine by no later than June 4, 2009. No participant filed a notice of intent to cross-examine Pitney Bowes' rebuttal witness. Inasmuch as no participant seeks to conduct cross-examination, the June 16, 2009 hearing is canceled.

Pitney Bowes' prepared rebuttal case is comprised of a Declaration of Peter Wragg with Exhibits 1 and 2 attached,² together with library reference PB-LR-1 (sample USPS-branded replacement postage meter ink cartridge).³ Subject to corrections or

¹ Presiding Officer's Ruling Canceling Hearing on Direct Case and Establishing Further Procedures, April 17, 2009.

² Declaration of Peter Wragg in Response to Presiding Officer's Ruling No. 5, May 12, 2009.

³ Notice of Pitney Bowes Inc. of Filing of Library Reference PB-LR-1, May 12, 2009.

modifications, Pitney Bowes shall file a certification attesting to the accuracy of the prepared rebuttal testimony of Peter Wragg and move to enter into evidence his testimony and exhibits together with its library reference designated as PB-LR-1 by June 12, 2009.

Any participant wishing to file a surrebuttal case in this proceeding shall file a notice of that intention no later than June 12, 2009. Surrebuttal cases shall be filed no later than June 22, 2009.

Further procedures in this proceeding shall be established by subsequent ruling.

RULING

1. The hearing scheduled for June 16, 2009 is canceled.
2. As discussed in the body of this ruling, Pitney Bowes shall file a certification for the prepared testimony and material comprising its rebuttal case together with a motion to move that material into evidence in this proceeding by June 12, 2009.
3. Participants wishing to submit a surrebuttal case in this proceeding shall file notification of that intention no later than June 12, 2009.
4. Surrebuttal cases shall be filed no later than June 22, 2009.

Dan G. Blair
Presiding Officer