

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

Annual Compliance Report, 2014

Docket No. ACR2014

MOTION OF PITNEY BOWES INC. FOR LEAVE TO FILE SURREPLY
(February 18, 2015)

Pitney Bowes Inc. (Pitney Bowes) respectfully submits this motion for leave to file surreply comments in response to the reply comments filed by the American Postal Workers Union (APWU) on February 13, 2015.

Although the Commission's rules do not authorize a response to a reply as a matter of right, the Commission may accept such a pleading as a matter of discretion in appropriate cases.¹ Good cause exists for allowing a response here.

The APWU reply comments raise, for the first time, an additional argument in opposition to the Metered Single-piece Letters rate (meter rate). Specifically, APWU's reply comments argue that approval of the meter rate is foreclosed by the recent decision of the U.S. Court of Appeals for the District of Columbia Circuit in *United States Postal Service v. Postal Regulatory Commission*, 717 F.3d 209 (D.C. Cir. 2013). Because this argument was raised for the first time on reply, no party has had the opportunity to respond to it. Pitney Bowes believes that its very brief additional comments can help the Commission by clarifying the record.

¹ See, e.g., Dkt. No. A2013-5, Order No. 1866 (Oct. 31, 2013) at 3, n.7 (allowing USPS surreply); Dkt. No. C2009-1, Presiding Officer's Ruling No. (June 10, 2010) at 5, n.7, and 9, n.13 (allowing GameFly and USPS surreplys).

