

**UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

Alliance of Nonprofit Mailers,	)	
Association for Postal Commerce,	)	
MPA – The Association of Magazine	)	
Media,	)	
American Catalog Mailers Association,	)	
<i>Petitioners,</i>	)	
	)	Case No.
v.	)	
	)	
Postal Regulatory Commission,	)	
<i>Respondent.</i>	)	
	)	
	)	

**PETITION FOR REVIEW**

Pursuant to 5 U.S.C. § 706, 28 U.S.C. § 2344, 39 U.S.C. § 3663, and Federal Rule of Appellate Procedure 15(a), MPA – the Association of Magazine Media (“MPA”), the Alliance of Nonprofit Mailers (“ANM”), the Association for Postal Commerce (“PostCom”), and the American Catalog Mailers Association (collectively with MPA, ANM, and PostCom, “Petitioners”) hereby petition this Court for review of a rulemaking order and of a prior related order of the Postal Regulatory Commission (“Commission”). *See Order Adopting Final Rules for the System of Regulating Rates and Classes for Market Dominant Products*, Docket No. RM2017-3, Order No. 5763 (released Nov. 30, 2020) (“Order No. 5763”); *Order on the Findings and Determination of the 39 U.S.C. § 3622 Review*, Docket No.

RM2017-3, Order No. 4257 (released December 1, 2017) (“Order 4257,” and with Order 5763, the “Orders”). Copies of Order 5763 and Order 4257 are attached to this petition as Exhibit A and B, respectively. The final rule and the new regulations promulgated with Order 5763 were published at 85 Fed. Reg. 81124-81141 (Dec. 15, 2020). This petition is timely because it was filed within 30 days of publication of the final rule, and jurisdiction and venue are proper in this Court pursuant to 39 U.S.C. § 3663.

These Orders result from a review the Commission undertook of its current system of regulating rates for market dominant postal products pursuant to the Postal Accountability and Enhancement Act (the “Act”), Pub. L. 109-435, 120 Stat. 3198 (2006), relevant portions codified at 39 U.S.C. § 3622(d)(3). In Order No. 4257, the Commission found that its current system of regulating market dominant rates had not met the objectives of the Act. In Order No. 5763, the Commission promulgated new ratemaking regulations that, among other things, revised the existing regulations by allowing annual price increases above the annual change in the Consumer Price Index applied on a class-average basis. In so doing, the Commission exceeded its statutory authority. Petitioners seek review of the Orders because they are contrary to law, arbitrary and capricious, and an abuse of discretion within the meaning of the Administrative Procedures Act, 5 U.S.C. § 701 *et seq.*

Petitioners are membership organizations whose members rely on mailings to raise charitable funds, generate income, distribute publications and information, build membership, provide their products to customers, and/or communicate with existing and potential customers. Petitioners represent their members in administrative and judicial proceedings concerning postage rates, including the proceedings that led to the Orders. Petitioners are aggrieved by the Orders because the Orders will likely result in a devastating increase in the postal rates Petitioners' members pay as part of the core nature of their business.

Petitioners respectfully request that this Court hold unlawful, vacate, enjoin, and set aside the Orders, and provide such additional relief as may be appropriate.

Dated: December 18, 2020

Respectfully submitted,



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