

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

Before Commissioners: George Omas, Chairman;  
Dana B. Covington, Sr., Vice Chairman;  
Ruth Y. Goldway; and Tony Hammond

In the Matter of:

Birmingham Green, AL 35237 : Docket No. A2003-1  
(George Prince *et al.*, Petitioners) :

NOTICE AND ORDER ACCEPTING APPEAL AND  
ESTABLISHING PROCEDURAL SCHEDULE  
UNDER 39 U.S.C. § 404(b)(5)

(Issued September 23, 2003)

Docket Number: A2003-1.

Name of Affected Post Office: Birmingham Green, AL 35237.

Name(s) of Petitioner(s): George Prince, Terry Finch, and James E. Roberts.

Type of Determination: Closing.

Date of Filing of Appeal Papers: September 17, 2003.

Categories of Issues Apparently Raised:

1. Observance of procedure required by law [39 U.S.C. § 404(b)(5)(B)].
2. Effect on the community [39 U.S.C. § 404(b)(2)(A)].
3. Effect on postal services [39 U.S.C. § 404(b)(2)(C)].

After the Postal Service files the administrative record and the Commission reviews it, the Commission may find that there are more legal issues than those set forth above. Or, the Commission may find that the Postal Service's determination disposes of one or more of those issues.

The Postal Reorganization Act requires that the Commission issue its decision within 120 days from the date this appeal was filed (39 U.S.C. § 404 (b)(5)). The attached procedural schedule has been developed to accommodate this statutory deadline. In the interest of expedition, in light of the 120-day decision schedule, the Commission may request the Postal Service to submit memoranda of law on any appropriate issue. If requested, such memoranda will be due 14 days from the issuance of the request and the Postal Service shall serve a copy of its memoranda on the petitioners. The Postal Service may incorporate by reference in its briefs or motions any arguments presented in memoranda it previously filed in this docket. If necessary, the Commission also may ask petitioners or the Postal Service for more information.

The Commission orders:

- (a) The Postal Service shall file the record in this appeal by October <sup>^^</sup>, 2003.
- (b) The Secretary of the Postal Rate Commission shall publish this Notice and Order and Procedural Schedule in the **Federal Register**.

By the Commission.

(S E A L)

Garry J. Sikora,  
Acting Secretary.

Birmingham Green, AL 35237  
Docket No. A2003-1

## **Appendix**

September 17, 2003	Filing of Appeal
September 23, 2003	Commission Notice and Order of Filing of Appeal
October 20, 2003	Last day of filing of petitions to intervene [see 39 C.F.R. § 3001.111(b)]
October 13, 2003	Petitioner's Participant Statement or Initial Brief [see 39 C.F.R. § 3001.115(a) and (b)]
November 3, 2003	Postal Service's Answering Brief [see 39 C.F.R. § 3001.115(c)]
November 18, 2003	Petitioner's Reply Brief should Petitioner choose to file one [see 39 C.F.R. § 3001.115(d)]
November 25, 2003	Deadline for motions by any party requesting oral argument. The Commission will schedule oral argument only when it is a necessary addition to the written filings [see 39 C.F.R. § 3001.116]
January 26, 2004	Expiration of the Commission's 120-day decisional schedule [see 39 U.S.C. § 404(b)(5)]