

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

Before Commissioners:

Dan G. Blair, Chairman;
Dawn A. Tisdale, Vice Chairman;
Mark Acton; Ruth Y. Goldway; and
Tony L. Hammond

Ecorse Classified Finance Station
Ecorse, MI 48229
(LaTonya Wilson, Petitioner)

Docket No. A2007-1

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

(August 9, 2007)

Notice is hereby given that pursuant to 39 U.S.C. § 404(d), the Commission has received an appeal of the closing of the Ecorse Classified Finance Station, Ecorse, MI. The appeal was postmarked and therefore deemed filed on July 27, 2007, and a supplemental letter detailing the appeal was deemed filed with the Commission on July 30, 2007.¹ The Commission hereby institutes a proceeding under 39 U.S.C. § 404(d)(5) and designates the case as Docket No. A2007-1 to consider the petitioner's appeal.

Categories of issues apparently raised. The categories of issues that appear to be raised include:

1. Observance of procedure required by law [39 U.S.C. § 404(d)(5)(B)];

¹ The Postal Accountability and Enhancement Act § 1006 amends 39 U.S.C. § 404(d) to make the date of receipt by the Commission of a post office closing appeal the date on which it receives a Postal Service postmark.

2. Effect on the community [39 U.S.C. § 404(d)(2)(A)(i)]; and
3. Effect on employees [39 U.S.C. § 404(d)(2)(A)(ii)].

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 deadline for the Postal Service to file the administrative record with the Commission, or otherwise file a responsive pleading, is August 13, 2007. 39 CFR § 3001.113.

Availability; website posting. The Commission has posted the appeal and supporting material on its website at <http://www.prc.gov>. Additional filings in this case and participants' submissions also will be posted on the website, if provided in electronic format or amenable to conversion, and not subject to a valid protective order. Information on how to use the Commission's website is available online or by contacting the Commission's webmaster via telephone at 202-789-6873 or via electronic mail at prc-webmaster@prc.gov.

The appeal and all related documents are also available for public inspection in the Commission's docket section. Docket section hours are 8 a.m. to 4:30 p.m., Monday through Friday, except on federal government holidays. Docket section personnel may be contacted via electronic mail at prc-dockets@prc.gov or via telephone at 202-789-6846.

Filing of documents. All filings of documents in this case shall be made using the Internet (Filing Online) pursuant to Commission rules 9(a) and 10(a) at the Commission's website <http://www.prc.gov>, unless a waiver is obtained. 39 CFR §§ 3001.9(a) and 10(a). Instructions for obtaining an account to file documents online may be found on the Commission's website, <http://www.prc.gov>, or by contacting the Commission's docket section at prc-dockets@prc.gov or via telephone at 202-789-6846. The petitioner is granted a waiver from Filing Online.

Intervention. Those, other than the petitioner and respondent, wishing to be heard in this matter are directed to file a notice of intervention on or before September 4, 2007 in

accordance with 39 CFR § 3001.111. The notice of intervention shall be filed using the Internet (Filing Online) at the Commission's website (<http://www.prc.gov>), unless a waiver is obtained for hardcopy filing. Rules 9(a) and 10(a) [39 CFR §§ 3001.9(a) and 10(a).]

Further procedures. 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(d)(5)]. A 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 or other participants to submit memoranda of law on any appropriate issue. If requested, such memoranda will be due 14 days from the issuance of the request. Responses to such memoranda will be due 14 days from the date the memoranda are filed. As required by the Commission rules, if any motions are filed, responses are due 7 days after any such motion is filed. 39 CFR § 3001.21. If necessary, the Commission also may ask petitioners or the Postal Service for more information.

Suspension application. Petitioner's supplemental letter filed on July 30, 2007, requests that the Commission suspend the effectiveness of the Postal Service's determination to close the Ecorse Classified Finance Station. Rule 114(b) [39 CFR § 3001.114(b)] requires the Postal Service to file and serve on the petitioner an answer to the suspension application by August 9, 2007, unless a extension under rule 16 is granted² [39 CFR § 3001.16(b)]. The Commission finds that the Postal Service would be unduly prejudiced if it had to file a response to the suspension application by that date. Therefore, it, *sua sponte*, extends the Postal Service's time to answer the suspension application until August 16, 2007. The petitioner may file a reply to the Postal Service's answer within 7 days of the Postal Service filing such answer.

² Given the changes in the law discussed in footnote 1, the Postal Service's time to respond to the suspension application is shortened considerably.

It is ordered:

1. The Postal Service shall file the administrative record in this appeal, or otherwise file a responsive pleading to the appeal, by August 13, 2007.
2. The Postal Service shall file an answer to the suspension application by August 16, 2007.
3. The petitioner may file a reply to the Postal Service's answer to the suspension application within 7 days of the Postal Service filing such answer.
4. The Procedural Schedule is listed below.
5. The petitioner is granted a waiver from Online Filing.
6. The Secretary shall arrange for publication of this Notice and Order and Procedural Schedule in the *Federal Register*.

By the Commission.

Steven W. Williams
Secretary

PROCEDURAL SCHEDULE

July 27, 2007	Filing of Appeal
August 9, 2007	Commission Notice and Order of Filing of Appeal
August 13, 2007	Deadline for Postal Service to file administrative record in this appeal
August 16, 2007	Deadline for Postal Service to file an answer to suspension application [39 CFR § 3001.114(b)]
September 4, 2007	Last day of filing of petitions to intervene [see 39 CFR § 3001.111(b)]
August 31, 2007	Petitioner's Participant Statement or Initial Brief due [see 39 CFR §§ 3001.115(a) and (b)]
September 20, 2007	Postal Service's Answering Brief due [see 39 CFR § 3001.115(c)]
October 5, 2007	Petitioner's Reply Brief due should petitioner choose to file one [see 39 CFR § 3001.115(d)]
October 12, 2007	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 CFR § 3001.116].
November 26, 2007	Expiration of the Commission's 120-day decisional schedule [see 39 U.S.C. § 404(d)(5)]