

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

Before Commissioners:

Ruth Y. Goldway, Chairman;
Mark Acton, Vice Chairman;
Dan G. Blair;
Tony Hammond; and
Nanci E. Langley

Rentiesville Post Office
Rentiesville, Oklahoma

Docket No. A2010-5

ORDER REMANDING DETERMINATION

(Issued December 21, 2010)

I. INTRODUCTION

The Postal Service proposes to close the suspended Rentiesville, Oklahoma post office.¹ Mildred Burkhalter, Mayor of Rentiesville (Petitioner), filed a timely appeal seeking review of the Postal Service's decision.² While discontinuing operations of this office may ultimately be justified, the record on which the Postal Service relies to gauge the effect of its proposal on the community is more than twelve years old and thus not

¹ The Postal Service filed a hard copy and electronic version of the administrative record supporting its final determination in this proceeding. See United States Postal Service Notice of Filing, September 9, 2010 (AR); United States Postal Service Notice of Filing, September 24, 2010. The administrative record consists of 62 items. Item No. 62 includes the Final Determination to Close the Suspended Rentiesville, OK Post Office and Continue to Provide Rural Route Service, July 7, 2010 (Final Determination).

² Petition for Review, August 25, 2010 (Petition). An attachment to the Petition contains the signatures of 31 residents of Rentiesville urging the Postal Service not close the post office.

current. Therefore, the Commission remands the matter to the Postal Service for further consideration.

The Postal Service initiated a process in 1998 to close the Rentiesville post office. The office, however, continued to operate until April 2004, when operations were suspended due to health and safety reasons. The Postal Service now seeks to formally close the Rentiesville post office.

The Postal Service efforts to resolve the status of long-suspended post offices are appropriate.³ Proposals to close suspended post offices, however, may raise unique issues usually not present regarding operating post offices. This proceeding is illustrative. The statute requires the Postal Service to consider the effect closing will have on the community. 39 U.S.C. 404(d)(2)(A)(i). In 1998, the Postal Service attempted to gauge that effect through questionnaires distributed to customers of the Rentiesville post office. Its decision to close the suspended office formally in August 2010 is based on data that are more than 12 years old. This situation would not ordinarily arise in instances where the Postal Service proposed to close a post office that was operating. In that event, to comply with the statute, the Postal Service would have evaluated the effect of its actions on the community based on current data.

Customers of suspended post offices are entitled to similar treatment. Thus, in deciding to close suspended post offices, it is important for the Postal Service to base its decision on reasonably contemporaneous information. Data more than 12 years old fails to meet that standard. While remand is appropriate under the circumstances, this decision should not be read as discouraging Postal Service efforts to resolve the status of suspended facilities. However, such decisions should reflect current information.

³ In an ongoing proceeding, the Commission is examining the Postal Service's suspension policy. See Docket No. PI2010-1, Investigation of Suspended Post Offices. The Commission anticipates issuing a report in that docket in the near term.

II. BACKGROUND

Rentiesville is an incorporated rural community located in McIntosh County, Oklahoma. Final Determination at 4. The community is comprised of retired people, farmers, and commuters who work in nearby communities. In addition to city hall, two churches are located in the town. *Id.*

Operations at the Rentiesville post office have been suspended since April 23, 2004. *Id.* at 1. Since that time, service to customers of the Rentiesville post office has been provided by rural carrier. *Id.*

The Rentiesville post office is an EAS-A level office. When last operational, it provided service 11 hours a week, Monday through Friday, from 9:30 a.m. to 11:30 a.m. and on Saturday from 12:30 p.m. to 1:30 p.m. It averaged two retail window transactions per day and served 14 post office box customers and 32 intermediate rural route customers.⁴ *Id.*

In March 1998, the Postal Service initiated an investigation to consider a possible change in postal services affecting the Rentiesville's post office. The reasons cited for the possible change included: the retirement of the postmaster; that, based on a review of its business activity, the office qualified for service only two hours per day; and economic savings if service were provided by rural route carrier. AR, Item No. 13 at 1. As part of its investigation, on March 20, 1998, the Postal Service distributed questionnaires concerning the possible change in service to 34 post office box customers. Questionnaires were also made available at the Rentiesville's post office. *Id.*, Item No. 15. Twelve questionnaires were returned; seven responses were unfavorable; five expressed no opinion regarding the proposed alternate service. *Id.* On March 25, 1998, postal officials hosted a community meeting, which was attended by 21 customers. Final Determination at 1.

⁴ As of March 13, 1998, the Rentiesville post office served 32 post office box customers and 20 intermediate rural route customers. AR, Item No. 1.

In March 1998, citizens of Rentiesville submitted five petitions (containing 67 signatures) to the Postal Service urging that the Rentiesville's post office remain open. AR, Item Nos. 21 and 22. In addition, following the community meeting, the Postal Service received numerous letters, including one from Dr. John Hope Franklin, a distinguished United States historian and Professor of History Emeritus at Duke University, urging that the office not be closed. *Id.*, Item No. 23, at 37.

In April 1998, the possible closing of the Rentiesville's post office was put "on hold" and the office was to be kept "open indefinitely pending review." *Id.*, Item No. 19.

Six years later, on April 23, 2004, operations at the Rentiesville's post office were suspended on an emergency basis due to health and safety concerns. Final Determination at 1. Service was provided by rural route carrier operating out of the Checotah, Oklahoma post office, located about 5 miles away. *Id.*

In June 2009, the Postal Service advised all customers, several of whom were receiving general delivery service from the Checotah post office, that, as of June 20, 2009, mail would be delivered to their residence to a rural-type mailbox. *Id.*, Item No. 46.

The notice to close the Rentiesville post office was posted at the Checotah post office from April 14, 2010 through June 14, 2010. *Id.*, Item Nos. 49-51. No comments were received. *Id.*, Item No. 59, at 2.

The Final Determination was posted at the Checotah post office from July 27, 2010 through August 31, 2010. See Final Determination. As noted above, Petitioner filed a timely appeal.

III. PARTICIPANT PLEADINGS

In Order No. 526, the Commission gave notice of the appeal, appointed a Public Representative, and established a procedural schedule.⁵

Petitioner pleadings. Petitioner provides some historical perspective on Rentiesville, noting that it was founded by freed slaves following the Civil War. She indicates that it is one of 13 such towns remaining in Oklahoma. Petition at 1.

Petitioner objects to the closing on several grounds, the principal one being the effect on the community, including loss of identity.⁶ *Id.* In addition, she disputes the estimate of cost savings and the adequacy of the notice affording customers an opportunity to comment on the proposed closing. Participant Statement at 1, 2.⁷

Postal Service filings. On September 9, 2010, the Postal Service filed its administrative record.⁸ Documents filed as part of administrative record include: the request to conduct the change in service investigation, the questionnaire (and customer responses) concerning the change in service, various memos to the record, correspondence from customers and the Postal Service's responses, and the Final Determination.

In addition to its administrative record, the Postal Service filed comments which discuss concerns raised by the Petitioner and assert that the Postal Service has satisfied the requirements of 39 U.S.C. § 404(d)(2)(A).⁹

⁵ Notice and Order Accepting Appeal and Establishing Procedural Schedule, August 27, 2010 (Order No. 526).

⁶ Petitioner's Participant Statement, October 5, 2010 (Participant Statement); *see also* Petition at 2.

⁷ Oklahoma State Representative Ed Cannady filed comments in support of the Petition, advocating that the post office be reopened.

⁸ As noted above, on September 24, 2010, it also filed an electronic version of the administrative record.

⁹ United States Postal Service Comments Regarding Appeal, October 19, 2010 (Postal Service Comments).

In response to concerns regarding the effect on the community, the Postal Service states that “[r]ecent growth has been minimal and carrier service will be capable of fulfilling its service needs.” *Id.* at 5. In addition, the Postal Service asserts that Rentiesville’s identity will be preserved through retention of the town’s name and ZIP Code in mailing addresses. *Id.* at 6 (footnote omitted). The accompanying footnote, however, indicates that “implementation of the [Final Determination] will...require a change in the use of Rentiesville’s name and ZIP Code in addresses.” *Id.*, n.4.

Public Representative comments. The Public Representative suggests that additional standards be developed to evaluate post office closings.¹⁰ He concludes that the Postal Service’s decision appears to be supportable in “form” but that community interests may not have been analyzed fully. *Id.* at 9-10.

IV. COMMISSION ANALYSIS

The Postal Service’s decision to close Rentiesville’s post office is understandable, but its basis for doing so is flawed. The statute requires the Postal Service to consider the effect of the closing on the community. 39 U.S.C. § 404(d)(2)(A)(i). In making its determination to close the post office, the Postal Service relies exclusively on data that are more than 12 years old. There is no indication in the administrative record, the Final Determination, or Postal Service Comments that the Postal Service relied on any current input from affected customers in reaching its decision.¹¹ While the record does include a Community Survey Report, dated March 31, 2010 (apparently prepared by the Postal Service), it does not appear to contain any current views of customers. AR, Item No. 41.

¹⁰ Public Representative’s Reply to Postal Service Comments, November 3, 2010, at 4-9.

¹¹ The Petitioner disputed the adequacy of the notice, posted from April 14, 2010 through June 14, 2010 at the Checotah, Oklahoma post office, soliciting public comment on the proposed closure. Petition at 1. Given customers’ demonstrable previous opposition and that operations at the Rentiesville post office have been suspended for more than 6 years, that no comments were received lends credence to her claim. Under these circumstances, the lack of comments cannot be used as an indication of indifference by customers in the community.

More than 12 years have passed since the Postal Service obtained customers' input regarding its proposal to discontinue operations at the Rentiesville post office. If obtaining more current information was too burdensome or not feasible, perhaps a case could be made for relying on an existing, albeit dated, record. In this proceeding, however, the Postal Service simply relied on the existing record, without addressing either the sufficiency of that information or the difficulty, if any, in obtaining more current information.

The Commission recognizes that the Rentiesville post office is very small. Nonetheless, that does not diminish the statutory protections given to its customers. They have a procedural right to meaningfully present their views based on current circumstances. The Commission's findings in *Filer City, Michigan*, Docket No. A95-3, March 17, 1995, are directly on point:

Comments solicited from a community more than four years before a decision is made do not insure that persons served by a post office have had an opportunity to present their views.

* * * *

By allowing more than four years to pass between hearing from a small minority of Filer City residents and deciding to close the Filer City post office, the Postal Service allowed the information concerning the needs of this community to become obsolete, and it caused the notice provided to become ineffective.

Id. at 10-11.

Sound public policy requires that decisions to close post offices be based on reasonably current data. Accordingly, the Commission remands the matter to the Postal Service for further consideration.

Community identity. The loss of the community name and ZIP Code is a major concern of customers. The record on this issue is unclear and warrants clarification on further consideration. *Compare* AR, Item No. 20 at 6 ("community identity will be preserved by use of Rentiesville in addresses and in National Five Digit ZIP Code and

Post Office Directory”); Final Determination at 4 (“The community name and ZIP Code will continue to be used in the new address.”); and Postal Service Comments at 6, n.4 (“[I]mplementation of the FD will...require a change in the use of Rentiesville’s name and ZIP Code in addresses.”) This problem may stem from reliance on a record that is more than 12 years old. Perhaps different representations have been made over time. Rentiesville citizens deserve clarity on this issue.

Prolonged suspension of operations. As noted above, operations at the Rentiesville post office were suspended on an emergency basis on April 23, 2004. It is unclear from the record what steps, if any, the Postal Service may have taken to reopen (or relocate) the post office.¹² The Commission does not question the need for an emergency suspension in the instant case. However, there is no apparent justification for allowing the suspension to persist for more than 6 years.

The Rentiesville post office has not been operating since April 2004. The Final Determination simply represents an attempt to formalize that result. Citizens of a community should not lose their post office based on a *de facto* closing. The statute provides a lawful process for closing post offices, one which affords customers, among others, some protections. Any suspension in excess of a reasonable time for the Postal Service to conduct a review of the situation and decide on an appropriate course of action is contrary to 39 U.S.C. § 404(d). The Postal Service’s regulations applicable to suspended offices should be revised to include an appropriate timetable within which to resolve the status of suspended post offices.

¹² The record does show that, in December 2004, the Postal Service informed the lessor of the building in which the post office was housed of the need to make certain repairs. AR, Item No. 40. A Post Office Survey Sheet, dated March 30, 2010, indicates that “[t]here are no suitable alternate quarters in the area.” *Id.*, Item No. 34, at 1.

It is ordered:

The Postal Service determination to close the suspended Rentiesville, Oklahoma post office is remanded to the Postal Service for further consideration.

By the Commission.

Shoshana M. Grove
Secretary

DISSENTING OPINION OF COMMISSIONERS DAN G. BLAIR
AND TONY HAMMOND

We oppose the remand of the Postal Service determination to close the suspended Rentiesville, Oklahoma Post Office. Remanding this determination requires the Postal Service to engage again in a process which will most likely yield the same result as the one it came to in this current case. It appears to us that ordering the Postal Service to again repeat a procedure is more about process rather than assuring adequate service and delivery for this community.

We fully understand the impact that closure of a post office has on a rural community. As noted in the decision itself, the Rentiesville Post Office has been effectively closed since April 2004. Since that time, the citizens of Rentiesville have received service by rural carriers and general delivery.

The Postal Service's practice of utilizing long-term suspensions, such as the six years evidenced in this case, raises serious concerns whether the Service uses the suspension authority in lieu of following the closing procedures as required by statute. The Commission is currently reviewing this practice.

We agree with the majority Commission order that the Postal Service could have done a better job of engaging the community in a more timely manner. However, we do not see the remand of this case as producing a different result than the one we are ordering to be remanded today

Commissioner Dan G. Blair

Commissioner Tony Hammond