

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

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*In the Matter of:*

University Station  
Eugene, Oregon 97403  
(Steven Shapiro, Petitioner)

Docket No. A2011-4

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**UNITED STATES POSTAL SERVICE NOTICE OF FILING**  
(March 8, 2011)

On December 7, 2010, the Postal Service filed the Final Determination to Close the Eugene University, OR Classified Station and Continue to Provide Retail Service and Post Office Box Service Through the Eugene, OR Post Office.<sup>1</sup> On January 26, 2011, Eugene Area Local No. 679 of the American Postal Workers Union, AFL-CIO (the “Eugene Local”) filed a motion to compel the Postal Service to file the complete administrative record,<sup>2</sup> and the Postal Service filed a reply to this motion on February 2, 2011.<sup>3</sup> While ruling that its order “neither represents a ruling on the merits of the jurisdictional issue nor whether the discontinuance is subject to section 404(d),” the Commission granted the Eugene Local’s motion to compel on March 2, 2011.<sup>4</sup>

The Postal Service maintains its position that it has no obligation to provide the complete administrative record because the Commission lacks

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<sup>1</sup> Notice of United States Postal Service, PRC Docket No. A2011-4 (December 7, 2010).

<sup>2</sup> Eugene Area Local No. 679 of the American Postal Workers Union, AFL-CIO Motion to Compel and Revise Procedural Schedule, PRC Docket No. A2011-4 (January 26, 2011).

<sup>3</sup> Reply of United States Postal Service in Response to Eugene Area Local No. 679 of the American Postal Workers Union, AFL-CIO Motion to Compel and Revise Procedural Schedule, PRC Docket No. A2011-4 (February 2, 2011) (“Postal Service Reply”).

<sup>4</sup> Order Granting Motion to Compel, PRC Docket No. A2011-4 (March 2, 2011). Commissioner Blair dissented from the Order.

jurisdiction to hear Petitioner's appeal.<sup>5</sup> The Eugene Local has identified no compelling justification for obtaining the complete administrative record. As explained by the Postal Service, the content of an administrative record, or whether an administrative record exists at all, has no bearing on whether the Commission has subject matter jurisdiction to hear an appeal of a station discontinuance.<sup>6</sup> But in the interest of resolving this matter, the Postal Service filed the complete administrative record under seal on March 7, 2011.<sup>7</sup> Today the Postal Service files a public version of the administrative record.

Respectfully submitted,

UNITED STATES POSTAL SERVICE  
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<sup>5</sup> Because University Station is not a Post Office, Commission jurisdiction under 39 U.S.C. § 404(d) does not attach. In addition, the procedural requirements of 39 U.S.C. § 404(d) do not apply because the discontinuance of University Station does not qualify as a closure as envisioned by 39 U.S.C. § 404(d). See Notice of United States Postal Service (December 7, 2010); Postal Service Reply (February 2, 2011).

<sup>6</sup> Postal Service Reply at 1.

<sup>7</sup> If, as the Postal Service argues, the Commission lacks subject matter jurisdiction to consider this matter under section 404(d), the Commission also may not examine the administrative record for purposes such as whether the notice to customers complied with the regulations or any of the other claims the Petitioner and other concerned parties articulate. Given the Commission's request that the administrative record be filed as a matter of "comity" (Order No. 688 at 3), the Postal Service has decided to respond affirmatively.