

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

Before Commissioners:

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

Valley Falls Station
Cumberland, Rhode Island 02864

Docket No. A2011-18

ORDER DENYING APPLICATION FOR SUSPENSION

(Issued July 8, 2011)

On May 23, 2011, the Commission received a petition for review of the Postal Service's determination to close the Valley Falls Station from Derrick Watson on behalf of the Concerned Citizens of Valley Falls – Save Our Post Office.¹ The Postal Service intends to close the Valley Falls Station on July 8, 2011, and provide mail delivery to patrons by other means.

On June 20, 2011, the Commission received a letter from Daniel J. McKee, Mayor of Cumberland, Rhode Island in which he requests that the closing of the Valley

¹ Appeal of Closure of Valley Falls Post Office Cumberland, RI 02864, received from Derrick Watson on behalf of the Concerned Citizens of Valley Falls – Save Our Post Office, May 22, 2011 (Appeal). The Appeal included the following: (1) Postal Service Public Notice to Customers of Closing; (2) Postal Service Public Notice to Customers of Community Meeting; (3) Letter from Petitioner to Postmaster; and (4) Petition to Save Cumberland Broad Street Post Office.

Falls Station be suspended while the petition for review is pending.² Mayor McKee states that closure of the Valley Falls Station will negatively impact efforts to attract economic development to the area. He adds that the suspension will allow for the state's two U.S. Senators and district Congressman to express their objections to the closing. *Id.*

On June 30, 2011, the Postal Service filed a response in opposition to the Application for Suspension.³ The Postal Service contends that this appeal is not within the scope of the Commission's jurisdiction because the Valley Falls Station is not an independent post office. *Id.* at 2. It argues that this closing is not the type covered by 39 U.S.C. section 404(d) because it does not involve a loss of retail services to the community. *Id.* at 2-3. Furthermore, the Postal Service contends that it has made "numerous arrangements" to implement the final determination, including, arranging for the premises to be vacated; arranging for duty station changes for Valley Falls Station employees; and scheduling various operational changes related to mail transportation and sortation. *Id.* at 5. The Postal Service claims that suspending the closing would be costly and significantly frustrate its operational plans. *Id.*

Commission analysis. The Commission must evaluate the Application for Suspension in light of the Postal Service's well-publicized financial difficulties. The Postal Service has indicated it will be unable to meet its financial obligations by the end of September 2011. The Postal Service begins its Response by reiterating its view that 39 U.S.C. 404(d) does not apply to any facility it has designated for administrative purposes as a station. Response at 2. The Commission rejects this argument, as it has done in numerous prior proceedings.

² Letter from Daniel J. McKee, Mayor of Cumberland, Rhode Island, June 20, 2011 (Application for Suspension). The Commission shall treat the letter from Mayor McKee as a properly filed application for suspension pursuant to 39 CFR 3001.114(a).

³ Response of United States Postal Service to Mayor Daniel J. McKee's Application for Suspension of Discontinuance for the Valley Falls Station, Cumberland, RI 02864, June 30, 2011 (Response).

The Postal Service also indicates that it will submit more detailed arguments in its answer to the Petition for Review, due July 18, 2011. *Id.* at 3. It is the Commission's expectation that in its more detailed response, the Postal Service will address the merits of the matter before it.

Moreover, the Postal Service identifies a number of proximate locations providing alternative access to retail postal services for affected customers. It also contends that alternate service arrangements will, if deferred, be disrupted and cause unnecessary expenditures. See Response at 4-5. Under these circumstances, the Application for Suspension is denied.

It is ordered:

The Application for Suspension filed by Mayor Daniel J. McKee on June 20, 2011, is denied.

Shoshana M. Grove
Secretary

Concurring Opinion of Chairman Goldway

While I concur in the result, I write separately to express my reservations about the process. The Postal Service asserts that granting the suspension would cause it to incur unnecessary expenses. By the same token, however, if the matter were remanded to the Postal Service, it would likely incur additional expenses. While the Commission endeavors to review post office appeals expeditiously, particularly in light of the Postal Service's current financial situation, the Postal Service would better serve the public, the parties involved, and even its own interests if it did not close affected offices until the completion of the review process.

Ruth Y. Goldway