

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

COMPLAINT OF THE NATIONAL
ASSOCIATION OF POSTMASTERS OF
THE UNITED STATES, THE LEAGUE OF
POSTMASTERS, MARK STRONG,
ROBERT RAPOZA, MARILYN SHAW,
AND MARILYN HILL

Docket No. C2011-3

July 28, 2011

**Notice Regarding Consultation Efforts between
Complainant Organizations and Postal Service**

The Complainants submit this Notice for the purpose of including in the Postal Regulatory Commission's record the following information:

1. The Postal Service published in the Federal Register its Final Rule, 39 CFR Part 241.¹ Temporarily, the Postal Service has excluded from its Final Rule the portions it believes are subject to consultation under 39 U.S.C. §1004(b) and (d).
2. On July 7, 2011, the Postal Service sent a letter to Complainant organizations, the National Association of Postmasters of the United States and the League of Postmasters, repeating its legal positions and inviting questions.
3. The two Complainant organizations responded on July 19, 2011, informing the Postal Service that such communications are not "consultation."²

The Complainants wish the record to show that any further final rule the Postal Service promulgates on Post Office discontinuances will not be the result of any real or

¹ See 76 Fed. Reg. 41413 (July 14, 2011).

² See letter to J. Cavallo, Exhibit A.

meaningful consultations with the postmaster organizations, nor would consultation change the applicable statutes.

Respectfully submitted this 28th day of July, 2011.

/s/ Robert J. Brinkman

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*Counsel for the National League of Postmasters,
the National Association of Postmasters of the
United States, and the individual Complainants.*

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Complaint has been served on the United States Postal Service at the following address on this 28th day of July, 2011:

United States Postal Service
PRCCOMPLAINTS@usps.gov

/s/ Michelle Bushman
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Exhibit A



July 19, 2011

John Cavallo, Manager
Labor Relations Policy Administration
United States Postal Service
475 L'Enfant Plaza SW
Washington, D.C. 20260-4100

Dear John,

This responds to your letter dated July 7, 2011 .Your letter leaves the distinct impression that any statute which impedes the Postal Service (including any which require advance Postal Regulatory Commission review or advice, or consultation with postmaster organizations) is to be minimized or disregarded. We disagree.

Your letter also states that it "is in response to the recommendations [we] submitted concerning the consultative process...." The chief, indeed, the only, recommendation we made is that the Postal Service should follow the law and actually invite us to "participate directly" (rather than through formal decrees) "in the planning and development" of programs of this nature, scope, and magnitude, rather than just mailing us a fully developed packet of regulatory changes and asking us if we "have questions concerning this matter." This is how we believe "consultation" should work, and we believe it is what Congress intended.

The Postmaster organizations are sincere in our efforts to help the Postal Service succeed. Proper use of the consultation process allows us the opportunity to provide meaningful input.

Sincerely,

Robert J. Rapoza, President
National Association of Postmasters

Mark Strong, President
National League of
Postmasters