

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

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*In the Matter of:*  
Kirksey Post Office  
Kirksey, Kentucky 42054

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Docket No. A2012-126

**MOTION OF UNITED STATES POSTAL SERVICE  
TO DISMISS PROCEEDINGS**

(April 17, 2012)

On April 5, 2012, Barbara Bucy (Petitioner) filed a petition with the Postal Regulatory Commission (Commission) to appeal the suspension of the Kirksey Post Office in Kirksey, Kentucky.<sup>1</sup> This represents the first "A" series docket initiated under new procedural rules adopted by the Commission.<sup>2</sup> A procedural schedule has not been issued in this docket.

The Kirksey Post Office is analogous to the Hacker Valley and Cranberry Post Office appeal proceedings,<sup>3</sup> in that operations at the Kirksey Post Office are suspended, and the office has not undergone a formal discontinuance study. Therefore, no administrative record exists that can be filed for this appeal.

Facts

As background, on March 27, 2012, the Postal Service distributed a letter to customers of the Kirksey Post Office informing them of the facility's impending

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<sup>1</sup> See Petition for Review filed by Barbara Bucy, PRC Docket No. A2012-126, April 5, 2012.

<sup>2</sup> See Order No. 1171, Order Adopting Final Rules Regarding Appeal of Postal Service Determinations to Close or Consolidate Post Offices, PRC Docket No. RM2011-13, January 25, 2012. Also, see Federal Register, Vol. 77, No. 27, at 6676, February 9, 2012. The Federal Register states that the new rules became effective March 12, 2012.

<sup>3</sup> See PRC Docket No. A2009-1, Hacker Valley, WV and PRC Docket No. A2010-1, Cranberry, PA.

suspension and how Kirksey customers would retain access to delivery and retail services.<sup>4</sup> The suspension began April 5, 2012, after the postmaster relief (PMR) was reassigned to another facility. The Postal Service has sought to fill the vacancy and has been unable to find a qualified postal employee to staff the office. The Postal Service is continuing to search for a replacement PMR and a district decision to study the office for discontinuance or restore operations will be made within 90 days.<sup>5</sup>

The Kirksey Post Office is an EPM-55 level office with 400 rural delivery customers and 58 Post Office Box customers. While the operations remain suspended at the Kirksey Post Office, delivery and limited retail services are being provided by a Village Post Office (VPO) located at the Kirksey Store, Inc. The VPO offers Post Office Box service which is provided by the rural carrier. All Post Office Boxes have been relocated to the Kirksey Store, which allows for customers to retain their existing Post Office Box number and address.<sup>6</sup> Customers, including those receiving rural delivery, are continuing to use Kirksey, KY 42054 as their last line of address. The VPO also sells books of stamps and provides flat rate shipping boxes and envelopes. A parcel locker and collection box are also being placed at the VPO. In the event that parcels or accountable mail are undeliverable by the carrier, customers may retrieve those items at the Murray Post Office, which is 9.8 miles away. Customers can also request redelivery at the usual range of alternative locations. Customers also

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<sup>4</sup> See Attachment 1, Letter to Customers. The letter notifies customers that the operations at the Kirksey Post Office are being suspended because the PMR was reassigned to another facility. The letter also informed customers of the alternative locations for delivery and retail services.

<sup>5</sup> See Section 61, Handbook PO-101.

<sup>6</sup> See Attachment 2, Notice of Emergency Suspension.

have the option of obtaining retail and delivery service from the Almo Post Office which is 7.5 miles away.

While suspensions of operations has become necessary, the Postal Service quickly instituted means whereby all customers retain regular and effective access to delivery and retail services, with disruption minimized to the extent possible. The Postal Service has followed procedures specified in Handbook PO-101, section 61, including notice to customers, and other postal officials so that operations are sustained. Local officials also plan to evaluate the situation and develop a plan of action that will be reported to Headquarters, in accordance with applicable regulations, within 90 days.

#### Argument

As explained above, the Postal Service has been forced to suspend operations, in accordance with applicable polices and regulations. Upon the suspension of operations, alternative retail and delivery locations were immediately made available to customers without any material disruptions of service or any address changes. The Postal Service has 90 days from the date of suspension to decide whether to take necessary corrective action, or initiate a feasibility study. Until a feasibility study is conducted and any final determination is made publically available to customers, an appeal under 39 U.S.C. § 404(d)(5) is premature.

Pursuant to 39 U.S.C. § 404(d)(5), “[a] determination of the Postal Service to close or consolidate any post office may be appealed by any person served by such office to the Postal Regulatory Commission within 30 days after such

determination is made available to such person.” In this case, no such determination has been issued by the Postal Service or been made publically available to customers of the Kirksey Post Office. Moreover, the appeal process set forth in 39 U.S.C. § 404(d)(5) states:

The Commission shall review such determination on the basis of the record before the Postal Service in the making of such determination. The Commission shall make a determination based upon such review.... .

An integral part of the appeal process of Post Office discontinuance consists of the Commission’s review of the final determination and the record the Postal Service relies upon to support the determination, which in this case are non-existent.

In light of the these circumstances, the Postal Service respectfully submits that without (i) an opportunity for the Postal Service to consider whether it can re-open the facility or its nearby replacement, (ii) the issuance of a final determination to discontinue the Kirksey Post Office and (iii) the development of a record on which to base such determination, the Commission should not entertain this appeal, and must accordingly dismiss this proceeding. At this stage, Commission involvement can only delay and confuse what otherwise would be pursuit of the procedures specified by law, ones that could yet give rise to the Commission’s review of matters involving the Kirksey Post Office.

#### Conclusion

The Petitioner’s appeal can not be maintained under 404(d)(5). Without a final determination or record to base such determination, the appeal filed by the Petitioner lacks the ripeness required by 404(d)(5). While there is the possibility

that the Postal Service may decide to study the Kirksey Post Office for discontinuance, it has yet to do so. Therefore, the Postal Service requests that this matter be dismissed.

Respectfully submitted,

UNITED STATES POSTAL SERVICE  
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April 17, 2012

# ATTACHMENT 1



March 27, 2012

Dear Postal Customer:

The Kirksey postmaster retired 2/2/2009. The postmaster relief is being reassigned to another post office. The Postal Service is not able to find a qualified postal employee to staff the office. Therefore, it will be necessary to suspend services at the Kirksey Post Office at the close of business on April 5, 2012. This change is tentative and will not lead to a formal proposal unless we conclude that it will provide a maximum degree of regular and effective postal services.

While the office is suspended, delivery and retail services will be provided by a Village Post Office. The Kirksey mailbox service will be moved to the Village Post Office. This will allow Kirksey PO Box customers to retain their present PO Box address and continue to use Kirksey KY 42054 as their City, State and Zip Code.

PO Box Customers that prefer rural delivery may contact the postmaster of the Murray Post Office for advice regarding the placement of mailboxes. **Customers presently receiving rural delivery will not experience a change in service**, with the possible exceptions of picking up parcels and accountable mail at the Murray Post Office that the carrier was unable to deliver. ***Kirksey route customers will continue to use Kirksey KY 42054 as their last line of delivery.***

Rural delivery is particularly beneficial to senior citizens, people with disabilities, and working people because no one has to pick up the mail from the post office. You will have 24-hour access to your mail. In addition, the rural carrier can provide all the retail services provided at the Kirksey Post Office. Most transactions do not require meeting a carrier at the mailbox. *Stamps By Mail* order envelopes and *Money Order Application* forms are available for your convenience; or you may place a note in the mailbox, with payment, and the carrier will provide the requested services. When an accountable item requiring a signature, such as a certified letter, cannot be delivered on the first day, the carrier will return the item to the Murray Post Office. You may pick up the article at the Murray Post Office, request redelivery on another day convenient for you, or authorize the carrier to deliver the item to another person.

Post Office box service is also available at the Almo Post Office, located seven miles away. The Almo Post Office has 24-hour PO Box lobby access for customer convenience. Window service hours at Almo are 7:30 to 11 – 11:30 to 15:30 Monday through Friday and 8 to 11 a.m. on Saturday. Post Office boxes are available at this location at the same fees. If applicable, Post Office Box refunds can be received at the Murray Post Office.

If you have any questions concerning the placement of rural mailboxes or the services available to you through the rural carrier, please contact the Murray postmaster at (270) 753-8777.

I realize with change there is always concern. No final decision to permanently discontinue the Post Office has been made. In the interim, we are confident that carrier delivery will continue to provide Kirksey customers with effective and regular postal services.

Sincerely,

A handwritten signature in black ink that reads "Christopher A. Carroll".

Manager, Post Office Operations

Enclosures (1)

bcc: Postmaster/OIC Kirksey  
Postmaster Murray, 42071  
Post Office Review Coordinator



**POST OFFICE ON WHEELS  
SERVICES AVAILABLE FROM RURAL AND  
HIGHWAY CONTRACT ROUTE CARRIERS**

You can eliminate almost all trips to the Post Office, because doing business with the Postal Service is as close as your mailbox. The carrier can provide virtually all postal services to you, and most transactions do not require meeting the carrier at the mailbox. Some of the most frequently used services are:

**MAILING PACKAGES**

Carriers will accept packages at the mailbox without a customer being present, provided the postage is fully prepaid, and the customer is known to reside or conduct business at that collection point. The package **MUST** have a matching return address that is the same as the collection point. If postage has not been applied, estimate the amount of postage needed and leave the money in the mailbox. If insurance is desired, the value of the contents must be specified. The carrier will take the package to the Post Office, and it will be weighed to determine the appropriate rate. The package will be mailed that same day. The carrier will leave the customer's change and insurance receipt, if appropriate, in the mailbox on the next delivery day.

**PURCHASING STAMPS BY MAIL**

The Stamps by Mail program provides customers the opportunity to purchase stamps, envelopes, and postal cards by using Form 3227-R, *Stamp Purchase Order (Rural)*, available from the Post Office or the carrier. Commemorative stamps and stamp-collecting products are also available. The customer addresses the postage paid order form envelope, encloses payment by personal check or postal money order made payable to the United States Postal Service, and mails the form (postage-free) or leaves it in the mailbox for the carrier to pick up. Most orders are processed overnight, and some immediately.

**PURCHASING POSTAL MONEY ORDERS**

Customers may purchase money orders by meeting the carrier at the mailbox, completing an application, and paying the carrier (in cash) the price of the money order, plus the fee. The carrier gives the customer a receipt for the application. The money order is completed when the carrier returns to the Post Office, and a money order receipt is left in the customer's mailbox on the next delivery day. Most customers provide the carrier with a stamped, self-addressed envelope in which the completed money order is mailed to its destination. If customers prefer, the completed money orders will be returned for verification on the next delivery day.

**SPECIAL SERVICES**

Special services such as Certified, Registered, Express Mail, Delivery Confirmation, Signature Confirmation, and COD may be obtained from the carrier by leaving a note in the mailbox, along with the appropriate payment. The carrier will provide the services that day and leave a customer receipt in the mailbox on the next delivery day.

**HOLDING MAIL**

Customers who will be away for an extended time, such as a vacation, may request that their mail be held at the Post Office during their absence. Upon return, the customer asks the Post Office to resume delivery.



# ATTACHMENT 2

Services at the Kirksey Post Office  
will be emergency suspended at  
the close of business on Thursday  
**April 5, 2012**

Last day of business for retail transactions will be on  
Wednesday April 4, 2012.

Customers presently receiving rural delivery will not  
experience a change in service, with the possible  
exceptions of picking up parcels and accountable mail  
at the Murray Post Offices that the carrier was unable  
to deliver.

***Kirksey route customers will continue to use  
Kirksey KY 42054 as their last line of delivery.***

*Kirksey PO Boxes will be moved to the Kirksey Store  
INC. PO Box Customers will continue to use their  
present PO Box address and Kirksey KY 42054 as  
the City, State Zip. An address change will not be  
required.*