

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

In the Matter of \*  
SPANISH FORT, ALABAMA 36527 \* Docket No.: \_\_\_\_\_  
City of Spanish Fort, Alabama Petitioner. \*

APPLICATION FOR SUSPENSION OF THE DETERMINATION OF THE  
POSTAL SERVICE TO CLOSE THE SPANISH FORT POST OFFICE

COMES NOW the City of Spanish Fort, Alabama, an Alabama municipal corporation (sometimes referred to herein as “Petitioner” or “City”), and shows this Honorable Commission the following, to wit:

1. Petitioner is appealing the United States Postal Service’s Final Determination concerning the Spanish Fort, Alabama, Post Office. The Final Determination was dated December 9, 2020.<sup>1</sup>
2. The City of Spanish Fort has filed a verified Participant Statement in support of this appeal.
3. For the reasons set forth in the Participant Statement and based on the facts and matters set forth therein, the Petitioner has requested that the Postal Regulatory Commission reverse and remand the Postal Service’s Final Determination to close the Spanish Fort Post Office.
4. The Postal Service has failed to follow the required procedures for the discontinuance of a post office as outlined in the Petitioner’s Participant Statement. The Petitioner

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<sup>1</sup>On December 9, 2020, a notice was issued by the Postal Service that the Spanish Fort Post Office will be closed effective January 1, 2021. On December 10, 2020, a revised notice was issued that the Spanish Fort Post Office will be closed effective January 15, 2021.

hereby incorporates the allegations set forth in the Participant's Statement by reference as though set forth fully herein. The Postal Service's failure to follow applicable procedures has completely deprived the City of Spanish Fort, its citizens, the surrounding community and all persons and entities served by the Spanish Fort Post Office of their rights to participate in public comments, hearings or the decision making process by the Postal Service.

5. The Postal Service has issued a notice that the Post Office will be closing within approximately 37 days from the notice issued on December 9, 2020, and revised on December 10, 2020.

6. The public has been deprived of the opportunity to review the record, any written documentation, provide input and has not been officially notified of any rights to appeal the determination made by the Postal Service.

7. Based on the information set forth in the Participant Statement and the attached letter from United States Representative Bradley Byrne to United States Postmaster General Louis DeJoy, it appears that the Postal Service has provided misinformation to elected officials while taking action to close the Spanish Fort Post Office, without proper notice.

8. The City of Spanish Fort and the surrounding community will be greatly harmed by the closing of the Spanish Fort Post Office. The Spanish Fort Post Office is the only post office located in the corporate limits of the City, and the Petitioner asserts that it should be considered a "sole source" for purposes of this appeal.

9. The City of Spanish Fort and the surrounding community will be negatively impacted by the closing of the Spanish Fort Post Office due to increased travel time, diminished

access to postal services, cost to businesses as a result of changing addresses and business practices, potential loss of sales taxes and business opportunities, among other issues.

10. The Spanish Fort Post Office also services some rural areas surrounding the City which will also be negatively impacted by the closing of the Spanish Fort Post Office.

11. The City of Spanish Fort has a Post Office Box at the Spanish Fort Post Office, but if this closure is allowed to stand, the City of Spanish Fort's Post Office Box will be in the City of Daphne Post Office. There is great concern that the City of Spanish Fort will lose part of its identity if residents and businesses are required to maintain post office boxes in a different city. Such a change could also affect tax collection and business licenses, as business addresses would now be based on a City of Daphne Post Office Box.

12. The Postal Service has failed to consider all relevant factors in making this determination, and the Petitioner asserts that the Postal Service has not considered the potential increase in demand for services at the Daphne Post Office and a possible need to expand those facilities to accommodate anticipated growth.

13. Finally, due to the impact of the COVID 19 pandemic, on information and belief, it is our understanding that some post office closures have been halted, and bills have been introduced into Congress which would stop the closing of post offices during the pandemic. If the Spanish Fort Post Office is closed, this would increase demand on the Daphne Post Office at a time social distancing requirements mandate limited customer access and additional precautions.

14. The Petitioner asserts that the City of Spanish Fort, the surrounding community and persons and/or entities served by the Spanish Fort Post Office will be irreparable

harm if the Postal Service closes the Spanish Fort Post Office. When balancing the interest of the parties, the Petitioner respectfully asserts that the potential harm caused by the immediate closing of the Spanish Fort Post Office far outweighs any inconvenience or negative impact to the Postal Service which may be caused by delaying the closing of the Spanish Fort Post Office pending the review of this appeal.

15. The Spanish Fort Post Office has been in existence for more than fifty (50) years. The City of Spanish Fort, the surrounding community and persons and/or entities served by the Spanish Fort Post Office deserve more than 37 days notice before such a significant change and impact on the community.

16. The Petitioners respectfully assert that the Postal Service's actions should be deemed arbitrary, capricious and abuse of discretion or otherwise not in accordance with the law, and the Postal Service has taken this action without observance of the procedures required by law. Furthermore, the Petitioner asserts that the Postal Service's determination is not supported by substantial evidence on the record.

17. The Petitioner asserts that the actions taken by the Postal Service, if allowed to stand, will deprive the public of any input and/or regulatory oversight which such a determination demands.

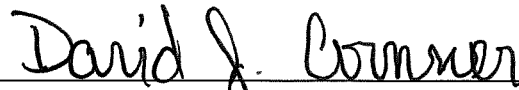
WHEREFORE, for the foregoing reasons, Petitioner respectfully requests that the Postal Regulatory Commission grant this Application for Suspension of the Determination of the Postal Service to Close the Spanish Fort Post Office and order that the closing of the Spanish Fort

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Post Office be suspended pending the resolution of this appeal and the Postal Service's compliance with all applicable regulations and the orders of the Postal Regulatory Commission.

Respectfully submitted this 24<sup>th</sup> day of December, 2020.



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