

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

Before Commissioners:

Robert G. Taub, Chairman;  
Ashley E. Poling, Vice Chairwoman;  
Mark Acton;  
Ann C. Fisher; and  
Michael Kubayanda

Spanish Fort Post Office  
Spanish Fort, AL

Docket No. A2021-1

ORDER DENYING APPLICATION FOR SUSPENSION

(Issued January 14, 2021)

As part of its appeal, the City of Spanish Fort, Alabama has filed a motion to suspend the Postal Service's determination to close the Spanish Fort Community Post Office (Spanish Fort CPO).<sup>1</sup> A motion to suspend is a temporary measure, distinct from the appeal itself, which seeks to suspend the Postal Service's determination for the duration of the appeal. See 39 C.F.R. § 3021.30. In this instance, Petitioner's motion is particularly relevant because the contract for the Spanish Fort CPO will expire on January 15, 2021.<sup>2</sup> The Commission is responding to Petitioner's Application for Suspension of Determination now based upon the imminent date of closure. The Public

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<sup>1</sup> Application for Suspension of the Determination of the Postal Service to Close the Spanish Fort Post Office, December 28, 2020 (Application for Suspension of Determination)

<sup>2</sup> Participant Statement, December 28, 2020, Exhibit B.

Representative filed a Response in support of the Application for Suspension of Determination, citing as justification the promotion of public health due to the effects of the ongoing pandemic.<sup>3</sup>

However, the Commission cannot grant Petitioner's Application for Suspension of Determination in this case because based on the Postal Service's Motion to Dismiss, it is not convinced that it has jurisdiction to hear the underlying appeal.<sup>4</sup> The Spanish Fort CPO is a contractor-operated facility, run by a contractual partner of the Postal Service on its behalf. Under Commission precedent, a CPO must provide the "sole source" of postal services for a community for the Commission to possess jurisdiction over the appeal of its closure.<sup>5</sup> The Postal Service has a pending Motion to Dismiss the movant's underlying appeal before the Commission concerning that issue. See Motion to Dismiss.

Accordingly, the Commission must deny the Petitioner's Application for Suspension of Determination.

*It is ordered:*

The Commission denies the Petitioner's Application for Suspension of the Determination of the Postal Service to Close the Spanish Fort Post Office filed December 28, 2020.

By the Commission.

Erica A. Barker  
Secretary

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<sup>3</sup> See Public Representative Response Supporting Application to Suspend Closure, January 12, 2021.

<sup>4</sup> See United States Postal Service Motion to Dismiss Proceedings, January 7, 2021 (Motion to Dismiss).

<sup>5</sup> Docket No. A83-30, *In re Knob Fork, West Virginia* 26579, Commission Opinion Remanding Determination for Further Consideration 39 U.S.C. § 404 (b) (5), January 18, 1984.