

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

Before Commissioners:

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

Neskowin Post Office
Neskowin, OR

Docket No. A2021-2

NOTICE AND ORDER ACCEPTING APPEAL
AND ESTABLISHING PROCEDURAL SCHEDULE

(Issued May 28, 2021)

I. INTRODUCTION

On May 26, 2021, David Benneth (Petitioner) appealed the Postal Service's determination to close the Neskowin Post Office located in Neskowin, Oregon, 97149.¹

II. COMMISSION ACTION

In accordance with 39 U.S.C. § 404(d)(5), the Commission establishes Docket No. A2021-2 for consideration of the Petitioner's appeal of the Postal Service's determination to close the Neskowin Post Office.

¹ Petition for Review Received from David Benneth Regarding the Neskowin, OR Post Office, May 26, 2021 (Petition).

The Commission has posted the Petition and the Participant Statement on its website at <http://www.prc.gov>. Additional filings in this proceeding will also be posted on the website under Docket No. A2021-2.

The Commission invites comments on the Postal Service's determination to close the Neskowin Post Office. The procedural schedule, which includes deadlines for submitting comments, appears in section III below.

Pursuant to 39 U.S.C. § 505, the Commission appoints Katrina R. Martinez to represent the interests of the general public (Public Representative) in this proceeding.

III. PROCEDURAL SCHEDULE

Pursuant to 39 C.F.R. § 3021.21, the Postal Service must file the administrative record pertaining to its determination to close the Neskowin Post Office by no later than June 7, 2021. In addition, the due date for any other Postal Service pleading in response to the Petition is June 7, 2021. **If any motions are filed by the Postal Service, responses are due no later than 10 days after any such motion is filed.**² The Postal Service shall also file any answer to the Petitioner's Application for Suspension of Determination by June 7, 2021.

Petitioners may amend the Participant Statement and/or file an initial brief with the Commission no later than June 28, 2021. See 39 C.F.R. §§ 3021.40-41. Participant statements, initial comments, and initial briefs in support of the Petition from interested persons other than the Petitioner are due no later than June 28, 2021.³ Reply comments and reply briefs in support of the Postal Service's determination to

² See *id.* § 3021.2(c). See 39 C.F.R. § 3010.108 for information on how filing deadlines are calculated.

³ See 39 C.F.R. § 3021.14; *id.* § 3021.41. Participants other than the Petitioner may also use PRC Form 61, which is available on the Commission's website.

close are due no later than July 12, 2021. See 39 C.F.R. § 3021.42. Responses to reply comments and reply briefs are due no later than July 22, 2021.⁴

Upon review of the administrative record filed by the Postal Service, the Commission may find that there are more legal issues than those set forth in the Petition or that the Postal Service's determination disposes of one or more of the issues raised in the Petition. The Commission may request that the Postal Service or other participants submit information or memoranda of law on any applicable issue to facilitate the Commission in conducting its review.

Pursuant to 39 U.S.C. § 404(d)(5), the Commission is required to issue its decision within 120 days from the date it receives the appeal. See 39 U.S.C. § 404(d)(5). The Commission establishes the following procedural schedule to accommodate this statutory deadline.

⁴ See *id.* § 3021.43. The scope of any responses filed must be limited to the issues discussed in the reply comments and reply briefs. *Id.*

May 26, 2021	Appeal filed
June 7, 2021	Deadline for Postal Service to file relevant administrative record (see 39 C.F.R. § 3021.21)
June 7, 2021	Deadline for Postal Service to file answer to the Petitioner's Application for Suspension of Determination (see 39 C.F.R. § 3021.30(b))
June 7, 2021	Deadline for Postal Service to file any responsive pleading
June 28, 2021	Deadline for Participants to file Participant Statement and/or initial briefs, and others in support of Petition to file Participant Statement, initial comments, and/or initial briefs (see <i>id.</i> § 3021.14; <i>id.</i> § 3021.41)
July 12, 2021	Deadline for Postal Service or others in support of Postal Service determination to close to file reply comments and/or reply briefs (see <i>id.</i> § 3021.42)
July 22, 2021	Deadline for Participants or others in support of Petition to file responses to reply comments and/or reply briefs (see <i>id.</i> § 3021.43)
September 23, 2021	Deadline for Commission to issue its decision (see 39 U.S.C. § 404(d)(5))

Pursuant to 39 C.F.R. § 3010.120(a), the Postal Service must electronically file its documents in this proceeding using the Commission's Filing Online system on the Commission's website. Other participants may submit filings electronically via the Filing Online system or by mail or other forms of physical delivery to the Commission's offices located at 901 New York Avenue, N.W., Suite 200, Washington, DC 20268.⁵ Instructions for how to create an account to electronically file documents online may be obtained on the Commission's website at <https://www.prc.gov/filingonline/userguide>, or

⁵ See 39 C.F.R. § 3021.11. The Commission reserves the right to redact personal information that may infringe on an individual's privacy rights from documents filed in this proceeding.

by contacting the Commission's Docket section via email at *dockets@prc.gov*. The Docket section can also be reached by phone by calling the Commission's main line at 202-789-6800 and asking to be connected to the Docket section. Docket section hours are 8 a.m. to 4:30 p.m., Eastern Time, Monday through Friday, except on Federal holidays.

IV. ORDERING PARAGRAPHS

It is ordered:

1. The Commission establishes Docket No. A2021-2 for consideration of the Petition filed on May 26, 2021.
2. The Commission establishes the Procedural Schedule as set forth in the body of this Order.
3. Pursuant to 39 U.S.C. § 505, Katrina R. Martinez is designated as officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

By the Commission.

Erica A. Barker
Secretary