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POSTAL RATE COMMISSION

ORDER NO. 1266

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, DC 202680001

Before Commissioners:

Edward J. Gleiman, Chairman;
George A. Omas, Vice Chairman;
Dana B. Covington, Sr., Ruth Y. Goldway;
and W.H. "Trey" LeBlanc, III

Complaint of John Westfall

Docket No. C2000-1

NOTICE AND ORDER ON FILING OF COMPLAINT OF JOHN WESTFALL

(Issued October 8, 1999)

On October 1, 1999, the Postal Rate Commission received a complaint ("Complaint") filed under 39 U.S.C. § 3662 by John Westfall ("Westfall") of Marquette County, Michigan. Westfall is confined to a wheelchair and currently receives postal services via a contract post office in Arnold, Michigan. Westfall maintains that he is not receiving postal services in accordance with U.S. Postal Service policies as his petition for rural delivery was denied, allegedly to ensure that the contract post office would remain open by operating at a profit (apparently through retention of Westfall as a customer). Furthermore, the contract post office is not handicapped accessible, thereby prohibiting Westfall's entrance into the facility. The Complaint requests that the Commission initiate formal investigation of this matter.

Under section 84 of the Commission's Rules of Practice and Procedure (39 C.F.R. 3001.84) the Postal Service has 30 days to file an answer to a complaint. However, in this instance, the Commission invokes rule 85 (39 C.F.R. § 3001.85) with

respect to informal methods of resolution. Pursuant to this rule, the Commission appoints Ted P. Gerarden, director of the Commission's Office of the Consumer Advocate, to ascertain Postal Service policies for serving patrons in these situations and to attempt to facilitate a negotiated settlement. The Commission suspends the date for submission of a formal answer until the outcome of informal approaches is clear. The Postal Service and Complainant **Westfall** will be notified of the date for filing an answer to the Complaint. The scheduling of any formal procedures such as hearing dates and petition of intervention due dates also will be postponed until it is evident that such procedures are necessary.

It is ordered:

1. The Commission will employ informal procedures, pursuant to 39 C.F.R § 3001.85, in this case.
2. Ted P. Gerarden, director of the Commission's **Office** of the Consumer Advocate, is appointed as settlement coordinator, and in this capacity shall encourage parties to reach settlement on this Complaint, as provided for under rule 85 of the Commission's Rules of Practice and Procedure. A report on the status of settlement shall be made by October 26, 1999.
3. The date for filing an answer to this Complaint is suspended until further notice.

By the Commission.

(S E A L)


Cyril J. Pittack
Acting Secretary