

C2005-2

Complaint of Jan Book

Postal Rate Commission
Submitted 3/28/2005

SHARFMAN, STEPHEN L

From: ANASIEWICZ, LEONA T
Sent: Friday, March 25, 2005 12:18 PM
To: WILLIAMS, STEVEN W; SHARFMAN, STEPHEN L
Subject: FW: Complaint under USC Title 39 Section 3662

-----Original Message-----

From: Jan Book [mailto:Jan@JanBook.com]
Sent: Friday, March 25, 2005 10:45 AM
To: PRC-COMMENTS
Subject: Complaint under USC Title 39 Section 3662

March 24, 2005

Postal Rate Commission (PRC)
1333 H Street N.W., Suite 300
Washington, DC 20268-0001
Phone: 202/789-6839

RE: The US Postal Service Has Violated US Code Title 39, Section 3661(b)

To Whom It May Concern:

As a resident of Venice, CA, I am an interested party whose mail service will be adversely affected if the US Postal Service were permitted to consolidate the Marina Processing and Distribution Center into the downtown LA Processing and Distribution Center. With this email I am filing a formal complaint as permitted under Title 39, Section 3662. "Interested parties ... who believe that they are not receiving postal service in accordance with the policies of this title may lodge a complaint with the Postal Rate Commission in such form and in such manner as it may prescribe." *Wilson v. United States Postal Service*, 441 F. Supp. 803, 807-808 (1977)

In addition, the PRC should require the US Postal Service (USPS) to comply with US Code Title 39, Section 3661(b).

According to US Code Title 39, Section 3661(b), the USPS was required to submit a proposal to the Postal Rate Commission (PRC) requesting an advisory opinion when the USPS "determines that there should be a change in the nature of postal services which will generally affect service on a nationwide or substantially nationwide basis". Under Title 39, Section 3661(c), the PRC would then hold a "hearing on the record under sections 556 and 557 of title 5", attended by "the USPS, users of the mail, and an officer of the Commission who shall be required to represent the interest of the general public", and after such "hearing", the PRC would write an opinion "which would include a certification by each Commissioner agreeing with the opinion that in his judgment the opinion conforms to the policies established under this title."

In the case of *Wilson v United States Postal Service*, 441 F. Supp. 803 (1977), the USPS decided to consolidate the Inglewood P&DC into the Marina P&DC and the Court confirmed that the consolidation of processing centers did qualify as a "change in postal service" as defined by 39 U.S.C. Section 3661(b). However, the Court did not find for the Plaintiffs because the Court held that "in this instance the transfer of mail processing functions merely affects the western region of Los Angeles County. That is a far cry from affecting postal services on even a substantially nationwide basis."

On January 11, 2005, the US Postal Service decided to consolidate the Marina Processing and Distribution Center (P&DC) into the downtown LA P&DC. As a

result, the mail for over 171 zip codes and over 87 communities will now be processed at one facility. If this downtown LA P&DC were to be shut down as a result of fire, earthquake, anthrax scare or terrorist attack, the entire city of Los Angeles would be virtually shutdown. And the US Postal Service is planning to consolidate the Long Beach P&DC into the City of Industry P&DC, which would further reduce any possible back up facility.

In the 1977 Wilson case, the region affected consisted of only 1.6 million persons, whereas, the number of persons currently residing in the City of Los Angeles today is over 5 million. According to the 2000 Census, there are over 3 million households in LA County, and the majority of those households reside in the western region. Furthermore, in this consolidation, the mail for the entire City of Los Angeles will be effected, not just the western region of the county.

In addition, after the consolidation in the Wilson case there were still six processing facilities (Marina, Long Beach, Worldway at LAX, downtown LA, Van Nuys, and City of Industry) to handle the mail for the City of Los Angeles. After the closing of the Marina P&DC, and the planned future closing of Long Beach P&DC, there will be only three processing facilities (downtown LA, Santa Clarita and City of Industry) for a city and county which is rapidly growing in population.

Finally, if the City of Los Angeles were unable to receive or send out mail as a result of a shutdown of the downtown LA P&DC, the negative impact would have a rippling effect across the region and the nation resulting in a negative impact on a "substantially nationwide basis". Therefore, the USPS has violated Title 39, Section 3661(b) and the City of Los Angeles should file a preliminary injunction to stop the closing of the Marina P&DC.

The Postal Rate Commission should stop the closing of the Marina Processing and Distribution Center and conduct a hearing, as required under USC Title 39 Section 3661(c).

Sincerely,

Jan Book
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References:

Case of Wilson vs United States Postal Service, 441 F. Supp. 803 (1977) US Code, Title 39, Section 3661 and 3662