



For ease of cross-reference below and in future pleadings, the Postal Service has taken the liberty of replicating *verbatim* into 13 enumerated paragraphs the contents of the Complaint in the Attachment to this Answer. Pursuant to 39 C.F.R. § 3001.84, the Postal Service answers each of the 13 enumerated paragraphs of the annotated Complaint as follows:

Paragraph 1

This paragraph contains Complainant's assertion that she is a resident of Venice, California. For purposes of this proceeding, the Postal Service does not contest this assertion. This paragraph also contains a claim that Complainant's mail service will be adversely affected by the consolidation and transfer of the mail processing operations of the Marina P&DC. The Postal Service lacks sufficient information about Complainant's mail delivery service and mailing practices with which to form a conclusion regarding the claim that the Marina P&DC consolidation and transfer will affect Complainant in any manner.

Paragraphs 2 through 5

These paragraphs consist of the assertion of legal conclusions regarding the applicability of 39 U.S.C. §§ 3661 and 3662 to the consolidation and transfer of mail processing operations of the Marina P&DC and a prayer for relief. Insofar as an answer is deemed required, the Postal Service denies that § 3661 applies to the consolidation and transfer of operations from the Marina P&DC, that the Commission has jurisdiction under § 3662 to review such action, and that Complainant is entitled to the relief requested or to any relief whatsoever.

### Paragraph 6

This paragraph consists of a characterization of and quotation from a court holding that Complainant apparently considers relevant to this proceeding. The Postal Service regards this paragraph to consist of a legal conclusion concerning the jurisdiction of the Postal Rate Commission to hear service complaints under 39 U.S.C. § 3662. Insofar as an answer is deemed required, the Postal Service denies that the Commission has jurisdiction to hear this matter.

### Paragraph 7

The Postal Service denies the allegation in this paragraph that the consolidation of the Marina P&DC has resulted in a transfer of its operations only to the Los Angeles P&DC. The operations transfer is generally split between two P&DCs in the metropolitan area: the Los Angeles P&DC and the Long Beach P&DC, with some operations also being shifted downstream to associate post offices formerly served by the Marina P&DC. Furthermore, the functions of the Marina P&DC business mail entry unit are being absorbed by the BMEU at the Airport Station. The Postal Service also denies the allegation in this paragraph that there is a plan to transfer the Alla Vista Station retail window service operations currently in place at the Marina P&DC to some other postal facility. The Postal Service lacks sufficient knowledge to form a belief regarding whether, as a result of the Marina P&DC consolidation, the mail of the 171 ZIP Codes and the 87 communities not specified in the Complaint will be processed at any one given facility. However, insofar as this paragraph asserts that all of the ZIP Codes and communities formerly served by the Marina P&DC will be served only by the Los Angeles P&DC, the allegation is denied.

Paragraph 8

The Postal Service lacks sufficient information with which to form a belief regarding Complainant's speculation that "[i]f th[e] 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."

Paragraph 9

The Postal denies the allegation that it currently has any plan to consolidate the Long Beach P&DC and transfer its operations elsewhere.

Paragraph 10

Referring to the 1977 consolidation of the Inglewood Sectional Center Facility, one of six Los Angeles area SCFs at the time, this paragraph consists of a characterization of the size of the resident population in the Los Angeles metropolitan area purportedly affected by the 1977 transfer of the operations of the Inglewood SCF into what is now the Marina P&DC. This paragraph also contains assertions regarding the number of persons currently residing in the City of Los Angeles, the number of households in Los Angeles County, and the proportion of those households in the western region the county. The Postal Service lacks sufficient information regarding the basis for these characterizations and assertions with which to form an answer. The Postal Service also lacks sufficient information with which to form an answer responsive to the assertion in this paragraph that the Marina P&DC consolidation will affect "mail for the entire City of Los Angeles . . . , not just the western region of the county."

### Paragraph 11

The Postal Service admits that the 1977 consolidation of the Inglewood SCF left the Los Angeles metropolitan area with 5 SCFs: Long Beach, Los Angeles, Santa Ana, Van Nuys (now Santa Clarita) and Pasadena. The Postal Service admits that the current consolidation of the operations of the Marina P&DC will leave the Los Angeles metropolitan area with the following seven mail processing facilities: Los Angeles P&DC, Long Beach P&DC, Santa Ana P&DC, City of Industry P&DC, Anaheim P&DF, Santa Claita (formerly Van Nuys) P&DC and Pasadena P&DC. The Postal Service denies again that it currently has plans to close the Long Beach P&DC. The Postal Service lacks sufficient knowledge regarding the basis for the assertion that the city and county of Los Angeles are “rapidly growing in population” for it to be able to form an answer.

### Paragraph 12

This paragraph speculates about the nature and scope of a “rippling affect” that Complainant believes could result “[i]f 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 Postal Service lacks sufficient information regarding the basis for this speculative scenario for it to be able to form an answer. To the extent that this paragraph asserts that the Postal Service has violated 39 U.S.C. § 3661, it states a legal conclusion, not a factual assertion to which an answer would appear to be required. To the extent that an answer is deemed to be required, the Postal Service denies that it has violated § 3661. Insofar as the paragraph suggests that the “City of Los Angeles should file a preliminary injunction to stop the closing of the Marina P&DC,” it consists of a legal conclusion

and/or a request for action directed to a governmental entity other than the United States Postal Service or the Postal Rate Commission. Accordingly, the Postal Service does not deem it to be an assertion of fact to which an answer would be required.

Paragraph 13

This paragraph consists of a prayer for relief, not the assertion of facts to which an answer would be required. Insofar as an answer is deemed required, the Postal Service denies that Complainant is entitled to any relief whatsoever.

In conclusion, the Postal Service denies all other allegations of material fact in the Complaint which have not been answered specifically herein. The actions of the Postal Service underlying the Complaint do not constitute a change in service on either a nationwide or substantially nationwide basis. Accordingly, the Postal Service denies that the Commission has jurisdiction or should exercise jurisdiction to hear the subject matter of the Complaint.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

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April 27, 2005

**Annotated Copy of C2005-2 Complaint**

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:

1. 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.
2. 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)
3. In addition, the PRC should require the US Postal Service (USPS) to comply with US Code Title 39, Section 3661(b).
4. 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."

**Annotated Copy of C2005-2 Complaint**

5. 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."
6. 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."
7. 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.
8. 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.
9. 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.
10. 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.
11. 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

**Annotated Copy of C2005-2 Complaint**

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.

12. 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.
13. 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  
Concerned Citizen  
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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

## CERTIFICATE OF SERVICE

I hereby certify that, in accordance with section 12 of the Rules of Practice, I have this day served the foregoing document upon all parties of record in this proceeding.

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Michael T. Tidwell

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April 27, 2005  
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