

Before The  
POSTAL RATE COMMISSION  
WASHINGTON, D.C. 20268-0001

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Complaint of Jan Book

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Docket No. C2005-2

MOTION TO WITHDRAW COMPLAINT WITHOUT PREJUDICE  
(June 6, 2005)

On March 24, 2005, I sent an e-mail Complaint to the Postal Rate Commission (PRC) charging that the US Postal Service (USPS) had violated US Code Title 39, Section 3661(b). Under 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."

On January 11, 2005, the USPS management decided to consolidate the Marina Processing and Distribution Center (P&DC) into the LA P&DC. On January 14, the UPSP management notified the Inglewood American Postal Workers Union (APWU) of the decision. According to the APWU contract, the employees at the Marina P&DC could not be reassigned for 6 months and therefore, it was announced that the consolidation of the Marina P&DC into the LA P&DC would not take place until July 14, 2005.

However, effective April 16, 2005, the USPS management decided to stop processing all mail at the Marina P&DC and the mail was redirected to the LA P&DC. Soon thereafter, USPS management ordered that the equipment at the Marina P&DC be transferred to other facilities and/or sold. As a result, without the equipment the workers had nothing to do. To keep the workers occupied until July 14, the USPS management made arrangements for ping-pong and pool tables to be installed, board games to be purchased, and tournaments to be lined up.

By May 1st, the National office for the APWU reached an agreement with the USPS management to permit the workers at the Marina P&DC to be reassigned as soon as possible to new locations. Thus, the consolidation of the Marina P&DC into the LA P&DC was complete. I do wish to note, however, that the consolidation of the Marina and LA P&DCs resulted in a downgrading of service standards for 16 First-Class ZIP Code pairs from 2-day to 3-day service. The Postal Service's declarant, Robert Field, attempts to minimize this reduction in service for 16 ZIP code pairs by observing that there are 849,106

ZIP code pairs in the U.S. However, there is likely to be a large amount of First-Class Mail volume and a large number of mailers and mail recipients affected by the downgrading of service – far larger than would be suggested by the 16-ZIP-code figure alone.

The LA metropolitan area affected by the consolidation is one of the most populous (and densely populated) areas in the nation. Furthermore, Mr. Field refuses to rule out future changes to other P&DCs in the LA metropolitan area. The cumulative effect of more consolidations might very well be the downgrading of service to a sizeable percentage of U.S. mail, mailers, and mail recipients. The Commission should take the cumulative effect of these changes into consideration if I choose to raise this matter again in the future. An adverse change of this type appears to fit squarely within the language of Section 3661 that service will be affected on a “nationwide or substantially nationwide basis.”

Unfortunately at this time, even if the PRC were to require the USPS to comply with US Code Title 39, Section 3661(b) and during the subsequent hearing it was determined that the consolidation of the Marina P&DC into the LA P&DC would result in a decline in postal service nationwide or substantially nationwide, the USPS management has prevented any opportunity for a remedy. Therefore, I respectfully request that my March 24th Complaint be Withdrawn Without Prejudice.

There is Commission precedent to permit me to withdraw my Complaint without prejudice. In Commission Order No. 1232, issued March 12, 1999 (“Order Dismissing Complaint as Moot,” in the Complaint of Douglas Ralph Saint, Docket No. C99-2), at 5, the Commission dismissed Mr. Saint’s Complaint without prejudice after determining that the Complaint was moot.

I have been informed that the Pacific Area USPS management is planning to consolidate two other local P&DC’s in the Los Angeles area, the Pasadena P&DC into the LA P&DC and the Long Beach P&DC into the City of Industry P&DC. These future consolidations will exacerbate the problems already outlined in my March 24 Complaint. Therefore, by granting me the right to withdraw this Complaint Without Prejudice, you will be providing me with an opportunity to re-file a Complaint in the future under US Code Title 39, Section 3662 requesting that the PRC require the USPS to comply with US Code Title 39, Section 3661(b).

Respectfully submitted,

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Concerned Citizen

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