

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001

Postal Regulatory Commission  
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*In the Matter of:* )  
Ecorse Classified Branch ) Docket No. A2007-1  
Ecorse, Michigan 48229 )  
(LaTanya Wilson, Petitioner) )

NOTICE OF UNITED STATES POSTAL SERVICE  
REGARDING FILING OF ADMINISTRATIVE RECORD  
(August 16, 2007)

On August 3, 2007, a document was apparently received by the Postal Regulatory Commission (PRC or Commission) from LaTonya Wilson<sup>1</sup> contesting the closing of the “Ecorse, Michigan Classified Finance Branch”.<sup>2</sup> On August 8, 2007, the Commission posted this letter on its “Daily Listings” page appended to a second letter from Ms. Wilson dated July 30, 2007, and apparently received by the Commission on August 6. The day after the *Notice* appeared, August 9, 2007, the Commission issued Order No. 24, *Notice and Order Accepting Appeal and Establishing Procedural Schedule Under 39 U.S.C. § 404(d)(5)*. That Order established August 13, 2007, as the date on which the Postal Service was to file with the Commission an administrative record underlying the decision to close the postal facility in Ecorse, Michigan.<sup>3</sup>

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<sup>1</sup> See *Letters Received from LaTonya Wilson Regarding the Closing of Ecorse MI 48229 Post Office* on the Commission website’s Daily Listing for August 8, 2007. Two letters appear in the underlying PDF document; the first of these bears various marks including what appear to be at least two fax headers – one involving the APWU and another “Marten’s Ice” (which may reflect a Royal Oak, Michigan law firm), variously showing dates of July 27 and 30; two date stamps by the PRC showing August 6, 2007; and the author’s own date of July 30, 2007. The second letter in the PDF document shows the author’s date of July 27, 2007, and the PRC’s own date stamp of August 3, 2007. This same letter is attached to the PDF underlying a second item on the Daily Listing for August 8, 2007, *Notice of Filing Under 39 U.S.C. § 404(d)(5)*. The materials filed do not provide any means for identifying a postmark, apparently making operation of 39 U.S.C. § 404(d)(6) difficult.

<sup>2</sup> The facility name shown in quotation marks is used in the July 27 letter of LaTonya Wilson. The August 8 Notice referenced in footnote 1 instead identifies the facility involved as “the Post office at Ecorse, Michigan, 48229-9998” [capitalization in original]; the Notice does not explain why the facility description is changed from the July 27 letter or why the ZIP+4 of “9998” is appended to the facility’s address. As the Commission had been made aware prior to issuance of the Notice, the Ecorse postal facility manifests itself as a “Branch,” not a “Post Office” and it closed on July 28, 2007.

<sup>3</sup> Commission Rule 113 (*Filing of the Record*) provides: “The Postal Service shall file the record with the Secretary of the Commission within 15 days after the date on which the petition for review is filed with the Commission.” While both of Ms. Wilson’s letters were clearly “filed” by placement on the Commission’s website on August 8, 2007, neither the Notice nor Order No. 24 explain why the Postal Service was given only 5 days to file an administrative record. Regardless, the administrative record is being filed as soon as was reasonably possible accompanied by a motion for late acceptance. No prejudice would appear to arise from this late filing since the 120 day time limit in 39 U.S.C. § 404(d)(5) does not apply.

The Ecorse Branch is a classified Branch of the Detroit Post Office.<sup>4</sup> As such, it was studied for discontinuance pursuant to Postal Operations Manual (POM) section 123.8 and Chapter 7 of Handbook PO-101, *Post Office Discontinuance Guide*,<sup>5</sup> and ceased operations on July 28, 2007. Closing or consolidation of an independent Post Office managed by an individual with the title of "Postmaster" is studied under 39 C.F.R. § 241.3 (essentially replicated at POM § 123.6) and Chapters 1-6 of PO-101; since the affected Branch is not an independent post office managed by a postmaster, the Postal Service has not created an administrative record compliant with the regulations for closing post offices, 39 C.F.R. §241.3.

Given the fact that closure of the Ecorse Branch was not based upon a study that relies upon the procedures underlying 39 U.S.C. § 404(d)(5), there would seem to be little reason for the Postal Service to participate in this proceeding. Notwithstanding, the Postal Service is providing the administrative record developed to support the closing of Ecorse Branch, with the understanding that it was prepared as specified in Chapter 7 of PO-101, and not Chapters 1-6 of PO-101.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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<sup>4</sup> This is confirmed by the signature on the field decision to close Ecorse Branch of the Detroit Postmaster.

<sup>5</sup> While PO-101 is not circulated publicly, it contains no secrets or confidential information. While the Postal Service does not place a copy on a website, it can be obtained via third parties or, upon request, from the Postal Service.