

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

In the Matter of: ) Docket No. A2007-1  
Ecorse Classified Finance Station, )  
Ecorse, Michigan )  
(LaTonya Wilson, Petitioner). )

UNITED STATES POSTAL SERVICE  
COMMENTS REGARDING APPEAL

On August 8, 2007, the Postal Regulatory Commission (PRC or Commission) posted on its website's daily listings page two letters it had previously received from LaTonya Wilson claiming to appeal the Postal Service decision to close the "Ecorse, Michigan Classified Finance Station" located in Ecorse, Michigan. That same day, the Commission also filed its "NOTICE OF FILING UNDER 39 U.S.C. § 404(b)"<sup>1</sup> and followed that the next day with Order No. 24 accepting the appeal and establishing a procedural schedule. On August 16, 2007, the Postal Service filed the administrative record supporting its closure of the Ecorse postal facility; the Notice accompanying the administrative record pointed out that, as the Commission had previously been advised in response to informal inquiries, the Ecorse facility had properly been closed by the Postal Service under the procedures applicable to branches and stations. Ecorse Branch was closed as part of a larger plan that altered the facilities used by the Detroit Post Office to serve customers and improve efficiency<sup>2</sup> in the greater Detroit area. In

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<sup>1</sup> The Postal Service understands that the Commission used a stock form that references section "404(b)", under which the former Postal Rate Commission was conferred limited jurisdiction regarding appeals of decisions to close post offices. Public Law 109-425, the *Postal Accountability and Enhancement Act*, renumbered former section 404(b) as 404(d) while changing the Commission's name to the Postal Regulatory Commission.

<sup>2</sup> AR, Item 16.

particular, closure of the Ecorse Branch was coordinated to follow the opening of a new River Rouge Branch located 1.7 miles away. Administrative Record (AR) Item 6, p. 1.

The Commission is apparently treating the Ecorse Branch as a post office, whose closure is governed by section 404(d) of title 39. This situation, however, is in fact an example of when "the Postal Service is merely rearranging the retail facilities in the community." PRC Order No. 436 at 7-9, Docket No. A82-10, Oceana Station, Virginia Beach, Virginia 23453 (June 25, 1982). As in that instance, the Ecorse Branch is located in a heavily urbanized section of what many would consider the greater Detroit area. So it is not an example of a small rural facility whose closure might be protected by 39 U.S.C. § 101(b).

The Postal Service remains aware that the Commission and the Postal Service have long differed in their interpretation of (now) section 404(d) and what definition of "post office" it operates to protect, a topic most recently visited by the Postal Rate Commission in Order No. 1480 (September 29, 2006) Observatory Finance Station, Pittsburgh, PA 15214.<sup>3</sup> While that Order discussed the two agencies' different opinions, it foreshadowed the *Postal Accountability and Enhancement Act (PAEA)* and broke new ground by remanding the decision to the Postal Service on the grounds that, "It should adequately justify its findings and transparently communicate those findings in a rational way to affected postal patrons." Order No. 1480 at 13. Those points are well taken as the Postal Service and the Postal Regulatory Commission work together implementing PAEA with its emphasis on transparency.

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<sup>3</sup> Observatory Station involved a situation where the Postal Service commenced a formal discontinuance study of the type it uses to close independent post offices. This mistake was discovered late in the game with the result that feedback and procedural steps once promised never happened. That situation is not paralleled here.

A brief examination of the circumstances surrounding Ecorse Branch<sup>4</sup> is helpful. The expectation that Ecorse Branch would close was shared with customers in a “Dear Postal Customer” (AR, Item 6) letter sent to customers in September 2006. It began:

As the postal manager responsible for all Post Offices in your area, I would like your opinion concerning a possible change in how your postal services are provided. The recommended change is to close the Ecorse Finance Branch and relocate those clerks to the new location for the River Rouge Post Office. The new River Route Branch, which is only 1.7 miles from the current location of the Ecorse Branch at 27 Salliotte, is tentatively scheduled to open on November 1, 2006 at 10455 W. Jefferson Ave.

The Postal Service approached customers openly in September 2006 to explain how it planned to rearrange facilities in the general vicinity; a new facility nearby would soon be opened, while actual closure of Ecorse Branch was nearly a year away.<sup>5</sup> The customer letter asked for feedback on the Postal Service’s plans, thereby embodying the transparency all prefer to see.

The “appeal” regarding Ecorse Branch is itself quite unusual. The two letters provided to the Commission by the Petitioner say little more than that the Postal Service failed to conduct a proper discontinuation study as required by statute. That much is true; the Postal Service followed its regulations for closing a station or branch. But the Petitioner and other participants<sup>6</sup> articulate no complaints about how service is provided, how customers were notified of the upcoming change in facilities, or how postal services

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<sup>4</sup> While the Ecorse Branch facility was in “good” condition, it was in need of substantial maintenance including paint, resurfacing, crack repair, window and roof replacement, etc. AR, Item 11. The water supply was also too brown to use (AR, Item 22), requiring that drinking water be brought in. While open 42.5 hours per week (AR, Item 16), average daily retail workload was only 147 minutes (AR, Item 5, p. 4.)

<sup>5</sup> As indicated in the Notice filed by the Postal Service on August 16, 2007, Ecorse Branch ceased to operate on July 28, 2007.

<sup>6</sup> Two parties intervened: David Popkin and the American Postal Workers Union.

are now being provided. So there is no transparency issue regarding Ecorse Branch. Neither Petitioner nor any other intervenor raise any factual or legal issues.

The Postal Service explained exactly what it did in the Notice accompanying the administrative record:

The Ecorse Branch is a classified Branch of the Detroit Post Office. 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*, 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.

[Footnotes omitted.] Notice of United States Postal Service Regarding Filing of Administrative Record, at 2 (August 16, 2007).

The outcome of this proceeding should be straight forward. The Postal Service properly followed its regulations for closing a station or branch, this one in a heavily urbanized area. It built or expanded a nearby facility, told customers it wanted to close the Ecorse Branch, asked for their feedback, and ultimately closed the office as planned and discussed. No claim is made that the Postal Service failed to follow the procedures it understands apply. This rearrangement of facilities in an urban area is consistent with what the former Postal Rate Commission approved as not being in violation of 39 U.S.C. § 404. The facility has, in fact, been closed. Transparency was part of the entire process. There exists no need for this matter to be extended.

The Commission should accordingly dismiss the proceeding or otherwise deny  
Petitioner any relief.

Respectfully submitted,

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