

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

Hacker Valley Post Office
Hacker Valley, West Virginia

Docket No. A2009-1

**Response of the National Association of Postmasters of the United States
In Opposition to the United States Postal Service Motion to Dismiss Proceeding
(July 23, 2009)**

On July 15, 2009, the United States Postal Service (USPS) filed a motion to dismiss this proceeding. The National Association of Postmasters (NAPUS), a management association with a membership of approximately 40,000 active and retired Postmasters, opposes the requested dismissal and urges the Commission to proceed with the docket.

Argument

The USPS submits that the Commission lacks jurisdiction in this matter, since it has not initiated a discontinuance study or issued a final determination to close the Hacker Valley Post Office. Rather, the agency claims that the Post Office has been “temporarily suspended.” However, the absence of a discontinuance study or a final determination should not proscribe the present case, to the extent that the Hacker Valley Post Office suspension will yield the same result as a “formal” discontinuance. Many communities around the country have learned a hard and immutable lesson – the term “suspension” is a Postal fiction created to circumvent established procedural safeguards against arbitrary or unlawful Post Office closures. While a temporary suspension may indeed be appropriate for an emergency condition that Postal Service intends to remedy, the USPS has time-and-time-again evaded the statutory and regulatory requirements intrinsic to Post Office closure procedures by improperly alleging that the Post Office operations should be suspended as the result of an emergency and transitory condition.

During the Commission’s 2008 hearings relating to the USPS’ Universal Service Obligation, retired Postmaster Lyle Puppe referenced these actions. In the present docket, it appears that the USPS had no intention of negotiating a new lease, and the agency was dismissive of seeking an alternative site. In essence, the Hacker Valley Post Office’s discontinued operation is neither caused by an emergency nor is the discontinuance temporary.

NAPUS agrees with the position taken by Public Representative that an indefinite suspension and a permanent discontinuance is distinction without merit. In both cases, the community loses their Post Office and there is little hope for the Post Office resuming its operation. In fact, there are many suspended Post Offices that have remained closed for years, without any plan for reopening. By abusing “emergency temporary suspensions”

