

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

In the Matter of:)
Post Office at)
Cranberry, Pennsylvania 16319) Docket No. A2010-1
(Esther Staab, Petitioner))

NOTICE OF UNITED STATES POSTAL SERVICE
(December 1, 2009)

By means of Order No. 342 (November 19, 2009), the Postal Regulatory Commission docketed correspondence from customers of the Cranberry Post Office in Pennsylvania, assigning docket number A2010-1, as an appeal pursuant to 39 U.S.C. § 404(d) of the discontinuance of the Cranberry Post Office. That Order, at page 3, set December 1, 2009, as the date by which “The Postal Service shall file the administrative record in this appeal, or otherwise file a responsive pleading to the appeal.” This pleading responds to that directive.

The Postal Service has no administrative record supporting the discontinuance of the Cranberry Post Office for the simple reason that it has not studied it for discontinuance. The Commission’s jurisdiction over the discontinuance of Post Offices only attaches when a Post Office is discontinued.¹ As recently explained in Docket No. A2009-1, suspension of operations in a Post Office must be followed within 90 days by a District decision whether to study an office for discontinuance, or whether operations may be restored.

The procedural posture of the Cranberry Post Office is a familiar one to the Commission since it is identical to that of the Hacker Valley Post Office at the

¹ Without subject matter jurisdiction, a judicial body has no cause to consider procedural arguments.

outset of procedures in PRC Docket No. A2009-1, the most recent proceeding docketed as an “A” series discontinuance matter. As in Hacker Valley, operations of the Cranberry Post Office are suspended, and it has not undergone a formal discontinuance study.

Materials on file with the Commission already demonstrate that operations of the Cranberry Post Office have been suspended. See Notice of Filing Under 39 U.S.C. § 404(d), pp. 4-5 (November 12, 2009) (unnumbered annotated to indicate it was a newspaper article that was published on August 20, 2009; *Dear Postal Customer* letter dated July 31, 2009, announcing planned suspension of operations effective September 18, 2009).

The Postal Service does not understand why the Commission has docketed this matter. While the facts underlying the Cranberry Post Office (suburban environment with other office relatively close by) as compared with Hacker Valley Post Office (small rural office serving few customers in isolated area) are quite different, the Commission docketed both, actions that are inconsistent with its previous handling of such matters.

The Postal Service has yet to conclude how best to respond in the current docketed proceeding. One distinct possibility would be to, once again, file a motion to dismiss proceedings on grounds that the Commission lacks subject matter jurisdiction. The Postal Service notes that it was not asked informally what the procedural stance of this matter is, as had been the historical practice. (In such instance, were the Commission informed that the matter involves a suspension, not discontinuance of an office, the Commission would respond by

sending out its standard “premature appeal” form letter.) Further, the Commission initiated docket number PI-2010-1, apparently in response to concerns it addressed in Order 319, which denied the Postal Service motion to dismiss proceedings involving the Hacker Valley Post Office in docket number A2009-1 but nonetheless apparently closed that docket. Another option would be for the Postal Service to move for consolidation of this matter into docket number PI2010-1. Finally, in docket number N2009-1, the Postal Service requested an advisory opinion from the Commission, conditioned upon a determination that the substance underlying that Request complied with the requirements of section 3661. Should the Commission issue an advisory opinion, the Postal Service would certainly examine it closely as part of any consideration whether changes in its regulations regarding formal discontinuance or suspension of operations are justified. So that docket would also appear to be a viable candidate into which this proceeding could be consolidated.

Before taking further action, counsel for the Postal Service also plans to discuss this matter with the Public Representative.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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