

UNITED STATES OF AMERICA  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

Before Commissioners:

Ruth Y. Goldway, Chairman;  
Tony L. Hammond, Vice Chairman;  
Mark Acton;  
Dan G. Blair; and  
Nanci E. Langley

Sundance Post Office  
Steamboat Springs, CO

Docket No. A2010-2

NOTICE AND ORDER ACCEPTING APPEAL AND  
ESTABLISHING PROCEDURAL SCHEDULE

(Issued January 21, 2010)

Notice is hereby given that pursuant to 39 U.S.C. § 404(d), the Commission has received an appeal of the closing of the Sundance post office located in Steamboat Springs, Colorado 80487. The appeal was received by the Commission on December 29, 2009. The Commission hereby institutes a proceeding under 39 U.S.C. § 404(d)(5) and designates the case as Docket No. A2010-2 to consider the petitioner's appeal. If the petitioner would like to further explain his position with supplemental information or facts, he may either file a Participant Statement on PRC Form 61 or file his own brief with the Commission by no later than February 4, 2010.

*Categories of issues apparently raised.* The categories of issues that appear to be raised include:

Effect on the community [39 U.S.C. § 404(d)(2)(A)(i)].

After the Postal Service files the administrative record and the Commission reviews it, the Commission may find that there are more legal issues than those set forth above. Or, the Commission may find that the Postal Service's determination disposes of one or more of those issues. The deadline for the Postal Service to file the administrative record with the Commission is February 1, 2010. 39 CFR § 3001.113.

*Availability; website posting.* The Commission has posted the appeal and supporting material on its website at [www.prc.gov](http://www.prc.gov). Additional filings in this case and participants' submissions also will be posted on the website, if provided in electronic format or amenable to conversion, and not subject to a valid protective order. Information on how to use the Commission's website is available online or by contacting the Commission's webmaster via telephone at 202-789-6873 or via electronic mail at [prc-webmaster@prc.gov](mailto:prc-webmaster@prc.gov).

The appeal and all related documents are also available for public inspection in the Commission's docket section. Docket section hours are 8 a.m. to 4:30 p.m., Monday through Friday, except on Federal government holidays. Docket section personnel may be contacted via electronic mail at [prc-dockets@prc.gov](mailto:prc-dockets@prc.gov) or via telephone at 202-789-6846.

*Filing of documents.* All filings of documents in this case shall be made using the Internet (Filing Online) pursuant to Commission rules 9(a) and 10(a) at the Commission's website, [www.prc.gov](http://www.prc.gov), unless a waiver is obtained. 39 CFR §§ 3001.9(a) and 10(a). Instructions for obtaining an account to file documents online may be found on the Commission's website, [www.prc.gov](http://www.prc.gov), or by contacting the Commission's docket section at [prc-dockets@prc.gov](mailto:prc-dockets@prc.gov) or via telephone at 202-789-6846.

*Intervention.* Those, other than the petitioner and respondent, wishing to be heard in this matter are directed to file a notice of intervention. See 39 CFR 3001.111. Notices of intervention in this case are to be filed on or before February 16, 2010. A

notice of intervention shall be filed using the Internet (Filing Online) at the Commission's website, *www.prc.gov*, unless a waiver is obtained for hardcopy filing. Rules 9(a) and 10(a) [39 CFR §§ 3001.9(a) and 10(a)].

*Further procedures.* By statute, the Commission is required to issue its decision within 120 days from the date this appeal was filed [39 U.S.C. § 404(d)(5)]. A procedural schedule has been developed to accommodate this statutory deadline. In the interest of expedition, in light of the 120-day decision schedule, the Commission may request the Postal Service or other participants to submit information or memoranda of law on any appropriate issue. As required by the Commission rules, if any motions are filed, responses are due 7 days after any such motion is filed. 39 CFR § 3001.21.

*It is ordered:*

1. The Postal Service shall file the administrative record in this appeal, or otherwise file a responsive pleading to the appeal, by February 1, 2010.
2. The procedural schedule listed below is hereby adopted.
3. Pursuant to 39 U.S.C. § 505, Richard A. Oliver is designated officer of the Commission (Public Representative) to represent the interests of the general public.
4. The Secretary shall arrange for publication of this Notice and Order and Procedural Schedule in the *Federal Register*.

By the Commission.

Shoshana M .Grove  
Secretary

## PROCEDURAL SCHEDULE

December 29, 2009	Filing of Appeal
February 1, 2010	Deadline for Postal Service to file administrative record in this appeal or responsive pleading
February 4, 2010	Deadline for Petitioner's Form 61 or initial brief in support of petition (see 39 CFR §§ 3001.115(a) and (b))
February 16, 2010	Deadline for petitions to intervene (see 39 CFR § 3001.111(b))
February 24, 2010	Deadline for answering brief in support of Postal Service (see 39 CFR § 3001.115(c))
March 11, 2010	Deadline for reply briefs in response to answering briefs (see 39 CFR § 3001.115(d))
March 18, 2010	Deadline for motions by any party requesting oral argument; the Commission will schedule oral argument only when it is a necessary addition to the written filings (see 39 CFR § 3001.116)
April 28, 2010	Expiration of the Commission's 120-day decisional schedule (see 39 U.S.C. § 404(d)(5))

## Concurring Opinion of Dan G. Blair

I concur in the establishment of the docket to hear the appeal of the closing of the Sundance retail station located in Steamboat Springs, Colorado. The appeal appears to have met the preliminary test of being filed within the timeline prescribed by the statute. However, I have serious concerns about this docket and its timing. These concerns include how this case might impact the Commission's deliberations and anticipated decision in the proceeding regarding an advisory opinion on the Postal Service Station and Branch Optimization and Consolidation Initiative, Docket No. N2009-1 and whether the Commission's consideration of this appeal may pre-empt issues raised in Docket No. N2009-1. It also comes at the time the Commission is receiving public comment on its public investigation into post office suspensions, Docket No. PI2010-1.

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Dan G. Blair