

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

Crescent Lake Post Office  
Crescent Lake, Oregon

Docket No. A2010-4

PUBLIC REPRESENTATIVE'S COMMENTS IN LIEU OF  
A REPLY BRIEF

(May 24, 2010)

These comments are submitted pursuant to the undersigned's designation, in Order No. 428, as Public Representative. It is filed along with a accompanying Motion for Acceptance of Public Representative's Comments in Lieu of a Reply Brief.

The Comments provide general background on the underlying issues that are in dispute regarding the Crescent Lake, Oregon Post Office and presents methods to address many of the significant concerns of the customers affected by the closing.

I. PROCEDURAL HISTORY

On March 12, 2010, the Commission received an appeal of the closing of the Crescent Lake Post Office, Crescent Lake, Oregon.<sup>1</sup> In a letter to the petitioner dated March 19, 2010, the Commission's secretary acknowledged receipt of the appeal, provided the appellant with a copy of PRC Form 61, and advised her of the right to file an initial brief in lieu of Form 61. The petitioner was also advised that the deadline for submitting the participant statement or initial brief was April 16, 2010.

---

<sup>1</sup> Appeal of the Closure of the Crescent Lake, Oregon Post Office, signed by Carol Goeveling, President and on behalf of the Crescent Lake Community Action Team (CLCAT), March 12, 2010. (Appeal).

A notice of the Appeal was served on the Postal Service by the Commission's Secretary on March 13, 2010.<sup>2</sup>

On March 24, 2010, the Commission issued an order accepting the Appeal pursuant to 39 U.S.C. 404(d), and established Docket No. A2010-4 to consider the petitioner's Appeal. The Commission stated that the category of issues that appears to be raised in the appeal include the effect on the community (39 U.S.C. 404(d)(2)(A)(i)). The order required the Postal Service to file the administrative record with the Commission by March 29, 2010. The Postal Service filed the administrative record related to the discontinuance of the Crescent Lake Post Office on March 29, 2010. On May 6, 2010, the Postal Service filed a motion to dismiss the proceedings.<sup>3</sup>

## II. BASIS FOR DISCONTINUANCE

The closing of the Crescent Lake Post Office was initiated by the Postal Service beginning with an invitation for public comment on July 21, 2008. The Postal Service states that a final determination to close the Crescent Lake Post Office was initiated by posting notice on February 2, 2009, at the Crescent Post Office. Postal Service records indicate that final action discontinuing the Crescent Lake Post Office was taken January 9, 2009, more than a year ago.

For purposes of explaining the process on behalf of the public, I am providing a brief summary of some facts concerning the suspension and discontinuance process

In accordance with 39 U.S.C. 401(b), any decision to close or consolidate a post office must be based on criteria which includes: (1) the effect on the community served, (2) the effect on the employees of the post office, (3) compliance with government policy circumscribed in law that the Postal Service must provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns

---

<sup>2</sup> Notice of Filing Under 39 U.S.C. 404(d), March 18, 2010 (Notice of Appeal).

<sup>3</sup> In response to the Postal Service's motion responses have been filed by several parties. Including the National Association of Postmasters of the United States and Tim Cramblit, Chief, Central Cascades Fire & EMS, Crescent Lake, Oregon

where post offices are not self sustaining, (4) economic savings to the Postal Service and any other factors the Postal Service determines necessary.

Additionally, certain procedures must be followed in the closure process as follows:

The public must be given 60 days notice of a proposed action to allow the persons served by a post office to evaluate the proposal and provide comments;

After public comments are received and considered, any final determination to close a post office must be made in writing and must include findings covering all the required considerations;

The written determination must be made available to persons served by the post office at least 60 days before the discontinuance takes effect;

Within the first 30 days after the written determination is made available any person regularly served by the affected post office may appeal the decision to the Postal Regulatory Commission;

The authority of the Commission is only to affirm the Postal Service determination or return the matter to the Postal Service. The Commission may not modify the Postal Service's determination.

The Commission's action must be completed within 120 days after receiving an appeal.

In addition to the authority to close post offices, the Postal Service is also granted the authority to suspend them. On January 1, 1994, the Postal Service adopted the Post Office Discontinuance Guide, Handbook PO-101 (Discontinuance Handbook) U.S. Gen. Accounting Office, U.S. Postal Service Information on Post Office Closures, Appeals, and Affected Communities, GAO/GGD-97-38BR (March 11, 1997) at 3. The Handbook provides guidelines for the procedures for both suspending<sup>4</sup> and closing<sup>5</sup> a post office.

---

<sup>4</sup> Discontinuance Handbook, Chapter 6- Special Considerations, Subchapter 61-Emergency Suspensions.

In the event that a post office is destroyed or damaged by natural disaster or other means, to the extent that it cannot be operated the post office operation is to permit alternative services to be continued and hold a community meeting held if time permits (Handbook Section 614). The Handbook procedures establishes that employees must be reassigned temporarily, a Suspension Review Team must be convened to review the suspension decision and conduct an onsite review and recommendation within 10 business days of the onsite visit to the district manager, national postmaster organizations, and the Postal Service vice president for delivery and retail operations. *Id.* Additionally, if the Suspension Review Team recommends against suspension of the location the post office is to be reopened. If the Suspension Review Team recommends suspension, the formal discontinuance process is to be initiated. Handbook Section 616 c.

The Handbook states that the discontinuance process is generally initiated by the district manager. Handbook Section 132.1. The Handbook provides the process to be followed within the Postal Service including development of a proposal, transmittal of information and a report to headquarters and review of the decision. As part of the process of the district manager's duties, he is to conduct a pre-proposal investigation and provide public notice of a least sixty days to those person affected by the discontinuance.

### III. THE CRESCENT LAKE STORY

The Crescent Lake Post Office was destroyed by fire in December 2005. The Crescent Lake Post Office is in Crescent Lake, Oregon, a resort community that is northeast of the lake in a scenic area that its chamber of commerce indicates has hiking, horseback riding, mountain biking, and areas for off road vehicles. It also has citizens who are sincerely concerned about the viability of their community and are

---

<sup>5</sup> Discontinuance Handbook, Chapter 1-Introduction, Subchapter 13-Responsibilities; and Chapter 4-transmittals and Headquarters Review/Decision, Subchapter 42- District Review.

strongly in favor of retaining their identity as a separate and distinct from Crescent, Oregon.

After the fire, according to the petitioner, residents were uncertain as to the status of postal services but were able to ascertain that mail was being sent to the Post Office in Crescent, Oregon. The petitioner states that in February 2006, the Postal Service notified customers that there would be a meeting on March 14, 2006. She states the meeting in March 2006 was well attended noting, that it was standing room only even though she also indicates that the meeting was held during a snowstorm.

After the March meeting the petitioner states that other correspondence was received from the Postal Service regarding the service requirements of customers; however, she indicates that she is aware that certain residents were not contacted.

In July 2006, the Petitioner states there was a meeting held with the Postal Service and residents were informed of the requirement to sign up for post office boxes and also of the change to a new Zip Code that would be assigned to the residents of Crescent Lake.

The Petitioner contends that from that point in time many residents were inconvenienced by the confusion resulting from mail and packages being misdirected to Crescent, Oregon which shares the same ZIP Code. As of this date, the petitioner advises me that mail is still being misdirected and the sorting process at the Crescent Post Office seems to result in problems with residents of Crescent Lake not receiving mail timely or at all.

The petitioner further asserts that, in December 2009, another resident was advised by the Commission that the post office was on a list of suspended post offices by the Postal Service. As a result of receiving this information the Petitioner filed a response in January 2010, to the suspension of the Crescent Lake Post Office in

Docket No. PI2010-1<sup>6</sup> The review of the suspension of the post offices in Docket PI2010-4 is ongoing.

The Petitioner describes additional correspondence from the Postal Service that references both letters to residents and a questionnaire that refer to possible discontinuance of service, but she does not believe that any information regarding the discontinuance of the Crescent Lake Post Office was received by a most residents. The petitioner's opinion is that there was no posting of a final determination notification in Crescent Lake and that the posting may have been done in Crescent, Oregon. Obviously, the Petitioner does not believe that posting at the Crescent Post Office is not sufficient notification to the residents of Crescent Lake particularly since the Crescent Lake facility that formerly housed the post office facility was rebuilt in less than a year from the date that it is stated that the post office had to be rebuilt.<sup>7</sup> The Petitioner is angry that the information on the final determination appears not to have been generally disseminated to the residents of Crescent Lake and believes that the Postal Service has not conducted an open and equitable process in the closing of the post office.

The Petitioner contends that the Postal Service is not following its guidelines and legal requirements for closing the Crescent Lake Post Office. Additionally, the petitioner argues that the Postal Service has caused extraordinary inconvenience and confusion in changing the ZIP codes for the Crescent Lake postal delivery location to Crescent, Oregon without any redress for the postal customers in Crescent Lake. There appears to be some dispute as to actual mileage but it appears that the Crescent Lake, Oregon Post Office location is approximately 15-17 miles away from the Crescent, Oregon Post Office.

---

<sup>6</sup> Docket No. P12010-1, Notice and Order Providing an Opportunity to Comment, November 19, 2009 (Order No. 335).

<sup>7</sup> The Petitioner advises that she believes that Postal Service representatives at the March meeting indicated that the Post Office had to be rebuilt within a year from the date of the meeting in order to regain postal services at that location.

The Postal Service asserts the initial issue in this proceeding is the viability of the appeal of the closing of the Crescent Lake Post Office because of the requirements for appeal filings in accordance with 39 U.S.C. 404 (d)(5) and 39 CFR 241.3(a)(2)(iv).

The Postal Service has presented in its motion that it followed the proper procedures in accordance with its guidelines for the discontinuance of the Crescent Lake, Oregon Post Office. It states that the Crescent Lake Post Office was destroyed by fire and did not exist at the time the postal officials posted the notices, and the posting at the Crescent, Oregon Post Office was sufficient notice. The Postal Service also states that because no appeal was filed within the thirty- day timeframe allowed for appeals, the Commission should dismiss the late appeal as untimely and moot.

#### IV. THE PUBLIC INTEREST

In viewing the materials submitted by the Petitioner, it is immediately observed, that the petitioner and other citizens of Crescent Lake, including William D. and Gloria Gibbs, Tim Cramblit, Chief, and Richard Carlson , Secretary of the Central Cascades Fire & EMS, have current serious concerns about the aftermath of the closing and loss of the ZIP code for the Crescent Lake Community. It also appears, based upon the information provided by the petitioner, that prior to this closing the citizens of Crescent Lake had respect for and positive expectations from the Postal Service. In my comments, I pose considerations of equity rather than legal implications and suggest that the path moving forward is service- related rather than solely an exercise in statutory interpretation based on the arguments presented.

The Postal Service presents in its 2009 Annual Report titled “Meeting the Challenge: The Power of the Mail” its mission described its mission as statements as follows:

*Looking for certainty in an uncertain economy?  
Mail.*

It's targetable. It's measurable, It gets opened. It gets read.  
And it works.

For more than two centuries, we have adapted and evolved  
to meet the changing needs of consumers and businesses.  
That won't change.

Our mission is to provide reliable, affordable, universal  
service to all Americans.

Of this we are certain- in any economy.

United States Postal Service 2009 Annual Report, at 1.

I am asking the Postal Service to fulfill its mission to the customers of the former Crescent Lake, Oregon Post Office. The Postal Service states that it has met its legal obligation to these customers; however, the customers represent another side of the issue. The citizens of Crescent Lake represented by the petitioner state that they believe more of an explanation of the process should be available including a coherent and consistent message explaining the process of what actually did occur. The Petitioner represents as well that the reliability of mail service for receipt in Crescent Lake as opposed to Crescent, Oregon has not occurred. The disruption of the mail service coupled with the confusion raised by the similarity in the name of the locations that share the ZIP code amounts to a failure to maintain the Postal Service's mission in this economic environment.

### **Recommendations**

I have categorized the issues that the Petitioners raise in two categories; those related to the discontinuance and the ZIP Code issues. The recommendations that I offer strive to establish more effective communications between the citizens of Crescent Lake, and acknowledge that good will needs to be developed and maintained between

both parties since the Postal Service needs these customers and the citizens find value in the reliable and consistent services once provided by the Postal Service.

**Discontinuance Issues:**

That the Commission consider requiring the Postal Service to provide a meeting during the summer with representatives of the Crescent Lake community along with the postmaster of Crescent Lake and district manager in order to explain its reasoning for the discontinuance and posting notification in the Crescent Post Office regarding the closure of the Crescent Lake Post Office

Assign a special liaison to work with the district manager to coordinate responses to questions regarding the process of clearing up issues related to delivery during the 6 months or so where inclement weather is likely, particularly where medication delivery is involved;

Assign the same liaison to work on the issues with information to be made available to Crescent Lake customers as necessary for information on ZIP code conformity.

**ZIP Code Changes Issues**

That the Commission consider the possibility of requiring regular reports on the issues related to clarification and resolution of mail receipt for the Crescent Lake customers;

That the Commission consider a recommendation for the Postal Service to provide a distinct ZIP Code to Crescent Lake, Oregon in order to distinguish it from the community of Crescent, Oregon;

As an alternative to the above recommendation if the Postal Service does not establish a separate ZIP code for Crescent Lake, that the Commission consider a recommendation for the Postal Service to designate a staff person to address and

coordinate the resolution of the issue regarding misdirected mail to Crescent, Oregon, instead of Crescent Lake.

Petitioners in this case have sought the Commission's help in seeking redress in the issues important to them regarding the discontinuance of the Crescent Lake, Oregon, Post Office. The Petitioners find themselves adrift in the sea of confusion surrounding the administrative regulations that enable the Postal Service to discontinue a post office location. In order to assist the Commission relative to the concerns raised in the appeal, I offer the recommendations above that if instituted may assist in fostering some good will and faith in the service related nature of government to its citizens.

Finally, the Postal Service finds itself in dire financial straits and is in search of new customers. However, in its pursuit of economic stability and self sufficiency it is my hope that it does not jettison its current customers to drown in a wave of bureaucratic regulations. The representatives of the Crescent Lake community have raised issues in a respectful manner and presented issues that to date are still in flux in terms of a consistent response. The Postal Service's mission is fulfilled only if it takes action and addresses these issues substantively. This is the overriding equitable issue involved in the appeal of the Crescent Lake discontinuance.

Respectfully submitted,

Cassandra L. Hicks  
Public Representative

901 New York Avenue NW Suite 200  
Washington, DC 20268-0001  
202-789-6819  
Cassandra.hicks@prc.gov