

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

Delaware Station Post Office
Albany, New York 12209

Docket No. A2011-1

ORDER REVISING THE PROCEDURAL SCHEDULE,
HOLDING APPLICATION FOR SUSPENSION IN ABEYANCE,
AND GRANTING WAIVER OF ONLINE FILING REQUIREMENTS

(Issued November 15, 2010)

On October 21, 2010, the Delaware Area Neighborhood Association (DANA) filed a petition seeking review of the Postal Service's decision to close the Delaware Station in Albany, New York 12209.¹ On October 21, 2010, the Commission provided the Postal Service with notice of the filing, which included, among other things, the petition for review and an application for suspension.²

The purpose of the Application is to suspend the effectiveness of the Postal Service's determination to close the Delaware Station on December 31, 2010 pending

¹ The Commission gave notice of this appeal in Order No. 567, issued October 22, 2010.

² Notice of Filing under 39 U.S.C. § 404(d), October 21, 2010. The Application for Suspension (Application) was submitted in timely fashion pursuant to 39 CFR 3001.114(a).

final disposition of the appeal. *Id.* at 1. The Petitioner is concerned that absent the suspension, the Delaware Station may be closed before final disposition of its appeal. *Id.*

The Public Representative filed a response in support of the Application, which compares the Commission's authority under section 404(d)(5)(C) to the standards for issuing a preliminary injunction and concludes that the Application would satisfy those standards.³

The Postal Service did not respond to the Application. In accordance with Order No. 567, the Postal Service did, however, submit a responsive pleading, including its final determination to close the Delaware Station.⁴

Revised procedural schedule. In the interest of resolving matters raised in this proceeding expeditiously, the Commission will revise the procedural schedule as set forth below and hold the ruling on the Application in abeyance.

Pursuant to Order No. 567, the due date for Petitioners' Form 61 or initial brief in support of the petitions is November 26, 2010.⁵ That date remains unchanged. The remainder of the procedural schedule is revised as follows:

- The Postal Service's answering brief is due December 6, 2010.
- Reply briefs in response to the Postal Service are due December 15, 2010.
- Motions requesting oral argument are due December 15, 2010.⁶

Waiver of online filing requirement. DANA and Eleanor Laing, each of which has filed a petition for review, request waiver of the Commission's online filing requirements.⁷ For good cause shown, both waiver requests are granted.

³ Public Representative Response in Support of Delaware Area Neighborhood Association's Application for Suspension of Determination to Close, November 3, 2010, at 2-6.

⁴ Notice of United State Postal Service, November 5, 2010.

⁵ More than one petition for review has been filed in this proceeding.

⁶ Requests for oral argument, if any, must identify the issues to be addressed and explain why those issues could not be adequately addressed in written briefs.

⁷ Letter from Susan J. DuBois, November 2, 2010; Letter from Eleanor R. Laing, November 9, 2010.

Pursuant to 39 CFR 3001.12(a)(2), the Secretary shall serve documents filed with the Commission on participants granted a waiver by First-Class Mail. In light of the revision to the procedural schedule, the Postal Service is requested to serve its reply brief (and any other pleadings in this proceeding) on participants granted a waiver of the online filing requirements by Express Mail.

Documents submitted by DANA and Ms. Laing may be filed either by mail or hand delivery to the Office of the Secretary, Postal Regulatory Commission, 901 New York Avenue, NW, Suite 200, Washington, DC 20268 during regular business hours on a date no later than specified for such filing. See 39 CFR 3001.9(a).

It is ordered:

1. The ruling on the Application for Suspension is held in abeyance.
2. The procedural schedule is revised as discussed in the body of this Order.
3. The requests for a waiver of the online filing requirements filed by the Delaware Area Neighborhood association and Eleanor Laing are granted.

By the Commission.

Shoshana M. Grove
Secretary