

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

Eugene Post Office's University Station
Eugene, Oregon

Docket No. A2011-4

NOTICE AND ORDER ACCEPTING APPEAL AND
ESTABLISHING PROCEDURAL SCHEDULE

(Issued November 23, 2010)

Notice is hereby given that pursuant to 39 U.S.C. 404(d), the Commission has received a petition for review of the closing of the Eugene Post Office's University Station located in Eugene, Oregon. The petition, which was filed by Steven Shapiro (Petitioner), is postmarked November 16, 2010, and was posted on the Commission's website November 22, 2010. The Commission hereby institutes a proceeding under 39 U.S.C. 404(d)(5) and designates the case as Docket No. A2011-4 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 a brief with the Commission by no later than December 27, 2010.

Categories of issues apparently raised. The categories of issues raised include: Failure to follow the post office closure requirements and failure to consider the effect on the community. See 39 U.S.C. 404(d)(1) and 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 the two set forth above, or 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 December 7, 2010. See 39 CFR 3001.113.

Application for suspension. Petitioner also requests a suspension of the closing/consolidation process pending the outcome of the appeal. The post office is scheduled to close December 31, 2010. The answer to the application is due December 2, 2010. See 39 CFR 3001.114(b).

Availability; website posting. The Commission has posted the appeal and supporting material on its website at <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.

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 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, <http://www.prc.gov>, unless a waiver is obtained. See 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, <http://www.prc.gov>, or by contacting the Commission's docket section at 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 December 20, 2010. A notice of intervention shall be filed using the Internet (Filing Online) at the Commission's website, <http://www.prc.gov>, unless a waiver is obtained for hardcopy filing. See 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 it receives the appeal. See 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. See 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 December 7, 2010.
2. The answer to the application for suspension is due December 2, 2010.
3. The procedural schedule listed below is hereby adopted.
4. Pursuant to 39 U.S.C. 505, Cassandra L. Hicks is designated officer of the Commission (Public Representative) to represent the interests of the general public.

5. 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

November 22, 2010	Filing of Appeal
December 2, 2010	Deadline for the Postal Service to answer application for suspension of the determination (see 39 CFR 3001.114(a) and (b))
December 7, 2010	Deadline for Postal Service to file administrative record in this appeal or responsive pleading
December 20, 2010	Deadline for notices to intervene (see 39 CFR 3001.111(b))
December 27, 2010	Deadline for Petitioner's Form 61 or initial brief in support of petition (see 39 CFR 3001.115(a) and (b))
January 18, 2011	Deadline for answering brief in support of Postal Service (see 39 CFR 3001.115(c))
February 2, 2011	Deadline for reply briefs in response to answering briefs (see 39 CFR 3001.115(d))
February 9, 2011	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)
March 16, 2011	Expiration of the Commission's 120-day decisional schedule (see 39 U.S.C. 404(d)(5))