

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

Renfro Valley Post Office
Renfro Valley, Kentucky 49473

Docket No. A2010-6

COMMENTS OF THE PUBLIC REPRESENTATIVE

(December 9, 2010)

I. Summary of Proceedings

Pursuant to 39 U.S.C. 404(d), the Commission has received an appeal of the closing of the Renfro Valley Post Office, Renfro Valley, Kentucky 40473. The appeal, which appears to be postmarked August 19, 2010, was received by the Commission on August 25, 2010. On August 31, 2010, the Commission instituted a proceeding under 39 U.S.C. 404(d)(5), designated the case as Docket No. A2010-6 to consider the petitioner's appeal and designated the undersigned as Public Representative.¹ The Commission's Secretary transmitted notice of the establishment of the docket to the petitioner and advised him that he could explain his position further with supplemental information and file a Participant Statement on PRC Form 61 or file a brief with the Commission no later than September 29, 2010.

¹ See Notice and Order Accepting Appeal and Establishing Procedural Schedule, August 31, 2010 (Notice).

The Commission initially determined that the categories of issues that appear to be raised from the appeal include the “Effect on the community.” See 39 U.S.C. 404(d)(2)(A)(i).

Order No. 527 also establishes the deadline for the Postal Service to file the administrative record with the Commission as September 9, 2010. 39 CFR 3001.113.

On September 10, 2010, the Postal Service filed a notice indicating that it filed the administrative record to consolidate the Renfro Valley, Kentucky Post Office and establish a Community Post Office. The Notice was in hard copy. On September 16, 2010, the Commission issued Order No. 540 that directed the Postal Service to refile the administrative electronically by September 24, 2010.² Additionally, the Commission advised the Postal Service that it could also file an application for non-public treatment pursuant to 39 CFR part 3007.

On September 22, 2010, the Participant Statement was filed with the Commission. The Postal Service filed its electronic record on September 24, 2010.

On October 19, 2010, the Postal Service filed comments regarding the appeal which set forth its analysis of the issues raised by the petitioner. 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). In Order No. 527 the Commission determined that its jurisdiction over this matter ends December 17, 2010. Prior to the end of the Commission’s jurisdiction over this matter, the Public Representative offers a few succinct observations related to the proceeding.

II. The Postal Service has complied with applicable provisions of 39 U.S.C. 404

The record evidences that the Postal Service has complied with 39 U.S.C. 404 (b)(2)(A)(iii) in the establishment of a Community Post Office. Based on the record in this matter it appears that the Postal Service has adequately evaluated the closing and consolidation in terms of the impact on the community and the effect on the postal

² Order Concerning Public Treatment of Administrative Record, September 16, 2010 (Order No 540).

services for the Renfro Valley community. The Postal Service is required to “provide a maximum degree of effective and regular postal services to rural areas, communities and small towns where post offices are not self sustaining.” 39 U.S.C. 101(b). Even though in the instant case, the Postal Service’s record indicates that the Renfro Valley daily window transactions average nine, revenue is low and on the decline, and the former postmaster retired on July 3, 2009,³ the statutory requirements provide that a post office cannot be closed for the sole reason that it is operating at a deficit. *Id.*

Congress provides the statutory procedure that the Postal Service must follow in order to close or consolidate a post office. In accordance with 39 U.S.C. 401(d)(1), 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 where post offices are not self sustaining, (4) economic savings to the Postal Service and (5) any other factors the Postal Service determines necessary.

In the closing of the Renfro Valley Post Office, the administrative record filed by the Postal Service demonstrates that the citizens were provided with the proper notice and opportunity to present their views on the closing and the Postal Service took into account the other enumerated factors in 39 U.S.C. 404(d)(1) in its decision to close the facility.

The Postal Service comments state that, “[t]aking all factors into consideration, the Postal Service determined that the advantages of consolidation outweigh the disadvantages, and after the consolidation the Postal Service will continue to provide effective and regular service to Renfro Valley customers.”⁴

³ See Administrative Record filed by the Postal Service on September 10, 2010. See also, United States Comments Regarding Appeal, October 19, 2010. The Postal Service states that a career employee from a neighboring post office was installed as a temporary officer in charge.

⁴ United States Postal Service Comments Regarding Appeal at 6, October 19, 2010 (USPS Comments).

III. Community Concerns

The Renfro Valley Community's origins include its homage to the country music industry. Renfro Valley, Kentucky was home to the historic Renfro Valley Barn Dance, a program which began as a weekly radio broadcast in 1937. As the popularity of radio programs declined the Renfro Valley area evolved into an entertainment venue for country music performers and enthusiasts. The participants have not provided further information relative to the background of this community but I am sure that they may have strong ties to the regional and national heritage of the Renfro Valley community. However, in these economic times, the Postal Service is addressing its financial solvency in a manner that may distress many citizens but reflects the reality of the impact of the crushing economic recession on communities nationwide.

The issue many customers raise in their responses to Postal Service questionnaires on the closing is poor design of the location of the Community Post Office related to parking, ingress and egress from the facility. Concerns included difficult parking and traffic congestion that cause problems for some customers at the Community Post Office location. If the customers have an issue with the traffic safety, parking design, facility management or other issues, these concerns this may be communicated to the Postal Service directly rather than in this proceeding. The customers may need to have Community Post Office hours adjusted in order to respond to the congestion that may exist in the facility.⁵

With regard to the issue of the effect on postal services, based on its decision to consolidate the Renfro Valley Post Office with a Community Post Office, the citizens of Renfro Valley will receive the same retail services as the Independent Post Office provided. Additionally, the ability of a local individual to contract for the Community Post Office seems to balance some of the economic impact of the loss of the Independent Post Office location. The proximity of the Community Post Office in Mount Vernon, Kentucky is 2.6 miles away from the Renfro Valley location which seems reasonably

⁵ The Postal Service notes in its comments that the Community Post Office hours may be adjusted to reflect community needs.

close for the convenience of the customers. The former facility in Renfro Valley had no meter or permit customers. The new consolidated facility also does not but may offer other advantages in its location.⁶ Based upon all statutory requirements, the consolidation of services in a Community Post Office appears to be in compliance with the law and a reasonable business decision of the Postal Service.

Respectfully Submitted,

Cassandra L. Hicks, Attorney
Public Representative

⁶ The Public Representative notes that a significant number of Renfro Valley customers that responded to the Postal Service questionnaires states that they leave the community and go to other areas, including areas in the proximity of the Community Post Office, for a variety of services on a regular basis.