

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

In the Matter of:

Delaware Station Post Office
Albany, New York 12209
(Delaware Area Neighborhood
Association, Petitioner)

Docket No. A2011-1

**REPLY OF UNITED STATES POSTAL SERVICE IN RESPONSE TO
DELAWARE AREA NEIGHBORHOOD ASSOCIATION MOTION TO COMPEL
POSTAL SERVICE TO FILE COMPLETE ADMINISTRATIVE RECORD**
(December 14, 2010)

On December 7, 2010, Petitioner filed a motion to compel the Postal Service to file the administrative record, and requested “that the procedural schedule be modified to allow for supplements to the replies to the Postal Service’s answering brief.”¹

As asserted in its Notice² and Answer,³ the Postal Service takes the position that it has no obligation to file an administrative record⁴ in this matter because Petitioner’s appeal concerns a station, and not a Post Office. The Commission has no legal authority to expand the limited Congressional grant of subject matter jurisdiction found in section 404(d), so it has no legal authority

¹ Delaware Area Neighborhood Association Motion to Compel Postal Service to File Complete Administrative Record (Petitioner’s Motion).

² Notice of the United States Postal Service, PRC Docket No. A2011-1 (November 5, 2010).

³ Answer of United States Postal Service, PRC Docket No. A2011-1 (December 6, 2010).

⁴ Petitioner mischaracterizes the Postal Service November 5 Notice (Petitioner’s Motion at 2) where it asserts that the Postal Service “stat[ed] ... that it did not have a record.” The Postal Service applied the discontinuance procedures applicable to stations and branches and created an administrative record compliant with those procedures. As the Commission learned in exquisite detail during PRC Docket No. N2009-1, those procedures resemble the procedures applicable to Post Offices, but are less comprehensive. Perhaps not knowing this, Petitioner misunderstands the November 5 Notice which accurately states “[t]he Postal Service ... does not have a final administrative record ... that complies with the standards applicable to a Post Office discontinuance.” November 5 Notice at 1. The administrative record subject to FOIA is accordingly one that is consistent with discontinuance of a station or branch.

under that section to review the Postal Service decision to discontinue operations at one of many facilities through which the Albany, New York community is provided access to retail postal services. Accordingly, the Postal Service opposes Petitioner's motion to the extent it seeks to compel the Postal Service to file an administrative record.

The Postal Service understands that an individual affiliated with Petitioner has pending a Freedom of Information Act (FOIA) request seeking a copy of the administrative record,⁵ and that Petitioner is concerned whether that request will bear fruit before the December 15, 2010 deadline for filing its reply to the Postal Service's answer. The Postal Service does not oppose any Petitioner request for additional time.⁶

Respectfully submitted,

UNITED STATES POSTAL SERVICE
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December 14, 2010

⁵ Petitioner's treasurer, Ms. Susan DuBois, approached Postal Service counsel informally to request that the administrative record be filed; counsel explained why the Postal Service had no plans to file it, but informed Ms. DuBois she could file it herself after obtaining it pursuant to FOIA. Ms. DuBois declined counsel's offer to treat her inquiry itself as a FOIA request. Counsel did supply Ms. DuBois the address to which its FOIA request could be sent. Why Petitioner chose to delay filing a FOIA request is unknown.

⁶ Since the Commission lacks jurisdiction under 39 U.S.C. 404(d), the 120 day limit for the Commission to complete its review of an appeal pursuant to that section also does not apply. See, e.g., 39 C.F.R. 241.3(a)(2)(vii).