

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

Before Commissioners:

Ruth Y. Goldway, Chairman;  
Mark Acton, Vice Chairman;  
Dan G. Blair;  
Tony L. Hammond; and  
Nanci E. Langley

Holmes Mill Post Office  
Holmes Mill, Kentucky

Docket No. A2011-6

ORDER AFFIRMING POSTAL SERVICE DETERMINATION

(Issued March 29, 2011)

I. INTRODUCTION

On December 7, 2010, Dovie Hamblin (Petitioner) filed a timely appeal with the Commission seeking review of the Postal Service's decision to close the Holmes Mill post office in Holmes Mill, Kentucky.<sup>1</sup> After review of the Administrative Record provided by the Postal Service, the Commission affirms the Final Determination to close the Holmes Mill post office.

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<sup>1</sup> Petition for Review Received from Dovie Hamblin, December 7, 2010 (Petition).

## II. PROCEDURAL HISTORY

In Order No. 605, the Commission established Docket No. A2011-6 to consider the appeal, designated a Public Representative, and directed the Postal Service to file the Administrative Record or otherwise file a responsive pleading to the appeal.<sup>2</sup>

On December 22, 2010, the Postal Service filed the Administrative Record with the Commission.<sup>3</sup> The Postal Service also filed comments requesting that the determination to close the Holmes Mill post office be affirmed.<sup>4</sup>

Petitioner filed a Participant Statement in response to the Administrative Record.<sup>5</sup> The Public Representative filed a reply brief in this docket.<sup>6</sup>

## III. BACKGROUND

The Holmes Mill, Kentucky post office, classified as EAS-C level, provides service 24 hours per week from 12:00 p.m. to 4:00 p.m., Monday through Saturday. Final Determination at 1. In addition to providing retail services, *e.g.*, sale of stamps, stamped paper, and money orders, it serves 34 post office box customers.<sup>7</sup>

The Postal Service has made a decision to close the Holmes Mill post office and provide delivery and retail services by rural route administered by the Evarts post office, located 18 miles away. *Id.* Retail services are also available at the Closplint post office,

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<sup>2</sup> Notice and Order Accepting Appeal and Establishing Procedural Schedule, December 10, 2010 (Order No. 605).

<sup>3</sup> The Administrative Record is attached to United States Postal Service Notice of Filing, December 22, 2010 (Administrative Record). The Postal Service also filed an Erratum to United States Postal Service Notice of Filing of Administrative Record, February 10, 2011. The Administrative Record includes a table of contents listing 53 items. Item No. 46 is the Final Determination to Close the Holmes Mill, KY Post Office and Extend Rural Route Service (Final Determination).

<sup>4</sup> United States Postal Service Comments Regarding Appeal, January 31, 2011 (Postal Service Comments).

<sup>5</sup> Participant Statement, January 12, 2011 (Participant Statement).

<sup>6</sup> Reply Brief of the Public Representative, February 16, 2011 (PR Comments). The Public Representative also filed a Motion for Late Acceptance of Reply Brief, February 16, 2011. The motion is granted.

<sup>7</sup> However, Administrative Record Item No. 43 indicates that there are 38 post office box customers.

located 5.5 miles away. Window service hours are from 8:00 a.m. to 11:00 a.m., and 11:30 a.m. to 4:15 p.m., Monday through Friday, and 11:30 a.m. to 2:15 p.m. on Saturday. *Id.*

On May 24, 2007, the Holmes Mill postmaster retired. A non-career employee from the local office was installed as the temporary officer in charge. *Id.*

On November 27, 2009, questionnaires were distributed to delivery customers of the Holmes Mill post office. Questionnaires were also available over the counter for retail customers. *Id.* On December 17, 2009, the Postal Service held a community meeting at the Holmes Mill post office. Ten customers attended. *Id.*; *see also* Administrative Record, Item No. 26.

#### IV. PARTICIPANT PLEADINGS

*Petitioner.* Petitioner contends that every community should have a post office. Participant Statement at 2. In support of the appeal, Petitioner lists several grounds for maintaining the Holmes Mill post office, including:

- the 12 mile distance to the closest post office;
- the high cost of gas;
- convenience for disabled residents and residents who may not drive; and
- unsafe icy roads during winter. *Id.* at 1.

*Postal Service.* The Postal Service's comments outline the considerations that it has taken in the closure process including the provision of notice, the effect on postal services, the effect upon the Holmes Mill community, economic savings and the effect on employees. Postal Service Comments at 5-12. The Postal Service's decision is based on several factors including the postmaster's retirement, a minimal workload, low office revenue, a variety of delivery and retail options, and minimal recent growth within the 40843 ZIP Code area. *Id.* at 4; *see also* Administrative Record, Item No. 21. The Postal Service argues that its determination to close the Holmes Mill post office should be affirmed. Postal Service Comments at 13.

The Postal Service maintains that it complied with all notice requirements. The proposal to close the Holmes Mill post office and the Final Determination were posted at the Holmes Mill, Closplint, and Evarts post offices. Customers received notice of the closure through a questionnaire and letter from the Manager, Post Office Operations, Lexington, Kentucky. *Id.* at 3. On December 17, 2009, representatives from the Postal Service were available at the Holmes Mill post office for a community meeting to answer questions and provide information to customers. *Id.* at 4.

The Postal Service contends that, as mandated by 39 U.S.C. 404(d)(2)(A)(iii), it has considered the effects of the closing on postal services provided to Holmes Mill customers. In addition, the Postal Service states it addressed concerns. *Id.* at 5. Based on responses to customer questionnaires, the Postal Service states that rural carrier service provides delivery and retail services to roadside mailboxes installed by customers on the carrier's line of travel so that customers do not have to make a special trip to the post office for service. *Id.* at 6.

*Public Representative reply brief.* The Public Representative concludes that the Postal Service has satisfied all closing requirements and that the Commission should affirm the decision to close the Holmes Mill post office. PR Comments at 7. The Administrative Record shows that the Postal Service posted the proposal for closure at the Holmes Mill post office and two additional post offices for 60 days. *Id.* at 4-5. The Public Representative notes that the record indicates that the Final Determination was also made available to customers at the same three post offices for 30 days. *Id.* at 5. The Public Representative adds that the record indicates that the Postal Service considered all applicable criteria in making its decision. *Id.* at 6.

## V. COMMISSION ANALYSIS

Under 39 U.S.C. 404(d)(1), prior to making a determination to close any post office, the Postal Service must provide notice of its intent to close. Notice must be given 60 days before the proposed closure date to ensure that patrons have an opportunity to present their views regarding the closing. If the Postal Service decides to close the post

office, it must make its Final Determination available to the public for 30 days, allowing patrons the opportunity to appeal the determination to the Commission. The Commission reviews the Postal Service's determination to close or consolidate a post office "on the basis of the record before the Postal Service in the making of such determination." See 39 U.S.C. 404(d)(5).

A. Notice to Customers

As part of its investigation regarding the possible closure, the Postal Service distributed 100 questionnaires to delivery customers of the Holmes Mill post office. Questionnaires were also available over the counter for retail customers at the Holmes Mill post office. Final Determination at 1. Fourteen questionnaires were returned; 1 response was favorable, 2 unfavorable, and 11 expressed no opinion regarding the proposed alternate service. *Id.*; see also Administrative Record, Item No. 6. The Postal Service also held a community meeting on December 17, 2009, which was attended by 10 customers. Administrative Record, Item No. 26.

Notice of the Postal Service's proposal to close the Holmes Mill post office and continue to provide rural route service was posted at the Holmes Mill, Closplint, and Evarts post offices from January 11, 2010 through March 15, 2010. *Id.* Item No. 36 at 1-6. The Postal Service received comments from five customers during the 60-day period. Administrative Record, Item No. 39. The Final Determination to close the Holmes Mill post office was posted at the same three post offices from November 8, 2010 through December 10, 2010. Postal Service Comments at 4.

Based on review of the record, the Commission finds that the Postal Service has satisfied the notice requirements of 39 U.S.C. 404(d).

B. Other Statutory Considerations

Under section 404(d)(2)(A), in making a determination on whether or not to close a post office, the Postal Service must consider the following factors: the effect on the

community; the effect on postal employees; whether a maximum degree of effective and regular postal service will be provided; and the economic savings to the Postal Service. In response to the Postal Service's proposal to close the Holmes Mill post office, customers raised concerns regarding the effect of the closure on postal services. The Postal Service responded to each customer individually. Administrative Record, Item No. 5. Their concerns and the Postal Service's responses are summarized in the Final Determination.

*Effect on the community.* Customers were concerned about loss of community identity. The Postal Service explains that it will retain use of the Holmes Mill name and ZIP Code in addresses. Final Determination at 6. Customers expressed concern about the loss of a gathering place and information center. The Postal Service responds that residents may continue to meet informally and share information at other businesses, churches, and residences in town. *Id.* at 7. Some customers were concerned about the impact the closing would have on the business community. The Postal Service maintains that there is no indication that businesses in Holmes Mill will be adversely affected by the closing. *Id.* at 6.

*Effective and regular service.* Customers were concerned about having to travel to another post office for service. The Postal Service explains that services will be available from rural carriers. *Id.* at 1. Customers expressed concern about obtaining accountable mail and large parcels. The Postal Service maintains that for customers living less than one-half mile from the line of travel, the carrier will attempt delivery to the addressee. If the customer is not home, a notice will be left in the mailbox. Customers may pick up the item at the post office, request redelivery on another day, or authorize delivery to another party. *Id.* at 2. Customers were concerned about receiving mail at a later time during the day. The Postal Service asserts that a customer's location on a carrier's line of travel determines the time of day mail is delivered.

*Economic savings.* The Postal Service estimates total annual savings of \$21,042.00. This estimate is based on the postmaster's salary and rental costs. *Id.* at 7.

The record reflects that the Postal Service has also considered the effect on employees. *Id.* Based on a review of the record, the Commission concludes that the Postal Service has satisfied the requirements of section 404(d)(2)(A).

## VI. CONCLUSION

Based on the review of the entire record before it, the Commission concludes that the Postal Service has adequately considered all requirements of 39 U.S.C. 404(d). Accordingly, the Postal Service's determination to close the Holmes Mill, Kentucky post office is affirmed.

*It is ordered:*

The Postal Service's determination to close the Holmes Mill, Kentucky post office is affirmed.

By the Commission.

Shoshana M. Grove  
Secretary