

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

In the Matter of:

Lincoln Branch
Mansfield, OH 44905
(Board of Madison Township
Trustees, Petitioner)

Docket No. A2011-7

COMMENTS OF UNITED STATES POSTAL SERVICE

(April 4, 2011)

By means of Order No. 669 (February 9, 2011), the Postal Regulatory Commission docketed correspondence from a board of trustees regarding the discontinuance of the Lincoln Branch, Mansfield, OH 44905, assigning PRC Docket No. A2011-7 as an appeal pursuant to 39 U.S.C. § 404(d).¹ The Postal Service renews the arguments set forth in its Notice of Filing² and its Comments in PRC Docket No. A2010-3³ (“A2010-3 Comments”).

This appeal concerns a station, and not a Post Office for purposes of 39 U.S.C. § 404(d). As described in the A2010-3 Comments (at 5-9), section 404(d) does not apply to retail locations such as stations which are subordinate to a Post Office. In the Postal Service’s view, Congress knowingly used “Post Office” in its technical sense thereby excluding stations and branches, as demonstrated in the legislative history, and because Congress had used “Post Office” in its technical sense for well over a century.

¹ The Lincoln Branch appears on the list of stations and branches identified for possible discontinuance in PRC Docket No. N2009-1. See USPS-N2009-1-4 - Current List of Stations/Branches Identified As Candidates for Discontinuance Study Under Station/Branch Optimization/Consolidation Initiative (Public Version) (January 29, 2010).

² Notice of United States Postal Service, PRC Docket No. A2011-7 (February 23, 2011).

³ Comments of United States Postal Service Regarding Jurisdiction Under (Current) Section 404(d), PRC Docket No. A2010-3 (April 19, 2010).

In addition to the Postal Service's position summarized above and addressed in more detail in PRC Docket Nos. A2010-3 and N2009-1, the procedural requirements of 39 U.S.C. § 404(d) do not apply here because the discontinuance of the Lincoln Branch does not qualify as a closure envisioned by 39 U.S.C. § 404(d). As recognized in PRC Docket No. A2010-3, the section 404(d) procedural requirements do not apply where postal customers do not lose access to postal services due to the location of alternate retail facilities in "close proximity" to the discontinued station. See Order No. 477, PRC Docket No. A2010-3 (June 22, 2010) at 7-8. In this case, affected customers will not lose access to postal services because they may obtain services from the multiple postal retail facilities and expanded access options located within two miles of the Lincoln Branch. Notice of United States Postal Service, PRC Docket No. A2011-7 (February 23, 2011) ("Notice") at 3, Exhibits 2 and 3. Specifically, the Mansfield Post Office and the Ontario Post Office are located approximately two miles from the Lincoln Branch. *Id.* And stamp consignment sites at Key Bank and Kroger are located within a quarter mile of the Lincoln Branch. *Id.*

Even assuming the § 404(d) requirements were applied in the context of the discontinuance of the Lincoln Branch, the Postal Service satisfied the salient provisions of § 404(d). On July 14, 2009, the Postal Service distributed questionnaires to customers notifying them of the possible consolidation of the Lincoln Branch, and inviting them to comment on the potential change to the postal retail network. Notice, Exhibit 1 (Final Determination) at 1. Through this notification, the Postal Service furnished customers well over 60 days' notice of

the Postal Service's intention to consider discontinuance of the facility. The Postal Service received 242 customer responses to the questionnaires. *Id.* Upon making the final decision to discontinue the Lincoln Branch, the Postal Service informed customers of the decision by letter dated December 13, 2010. See Petition for Review Received from David A. Spain Regarding the Closing of the Lincoln Branch Mansfield, OH 44905 Post Office (February 8, 2011).⁴

The Postal Service further considered all of the pertinent criteria of § 404(d), including the effect on postal services, the community, and employees, and the economic savings arising from the consolidation. Notice, Exhibit 1 at 1-4. Customers notified the Postal Service of their concerns related to postal services, including the conditions of other nearby postal facilities; the community, including concerns about elderly and disabled citizens and community identity; and employees. *Id.* As reflected in the final determination, the Postal Service considered these concerns during the decision-making process. See *id.* With respect to economic savings, the Postal Service provided a breakdown of the costs that serve as a basis for its estimate of economic savings. *Id.* at 4.

In its responses to customer questionnaires, the Postal Service addressed customer concerns about obtaining services from a different postal retail location.

⁴ Petitioner appears to base its appeal on the alleged failure of the Postal Service to notify customers of their right to appeal the consolidation of the Lincoln Branch. Petition for Review Received from David A. Spain Regarding the Closing of the Lincoln Branch Mansfield, OH 44905 Post Office (February 8, 2011). But because the Commission accepted and considered Petitioner's appeal, Petitioner suffered no injury from the Postal Service's alleged failure to notify customers of their appeal rights. See Order No. 696, Order Affirming Postal Service Determination, PRC Docket No. A2011-4 (March 16, 2011) at 6 (finding that no injury arose from an alleged failure to provide notice of appeal rights where the petitioner filed a timely appeal); Order No. 673, Order Affirming Final Determination, PRC Docket No. A2011-1 (February 15, 2011) at 6 (same).

Specifically, the Postal Service informed customers that, after the consolidation of the Lincoln Branch, they would have a choice of delivery or Post Office Box service. *Id.* at 2. It also explained that a change of address is necessary only for those customers choosing delivery service, and that customers choosing Post Office Box service could retain their addresses. *Id.* In addition, the Postal Service identified the numerous retail service options available to customers, including the three Post Offices within five miles of the Lincoln Branch, the seven nearby stamps on consignment locations, and the ability to purchase stamps by telephone or through the internet. *Id.*

For the reasons set forth above, and in the Notice of Filing in this docket and the Postal Service Comments in PRC Docket No. A2010-3, the appeal should be denied.

Respectfully submitted,

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