

***Participant Statement***1

BEFORE THE POSTAL REGULATORY COMMISSION WASHINGTON, DC 20268

In the Matter of Wesleyville Post Office, Pennsylvania 16510-1700 - Docket No: A2011-12William A. Wittenberg, Petitioner

## PARTICIPANT STATEMENT

I, William A. Wittenberg, Petitioner am appealing the Postal Service's (USPS) Final Determination concerning the Wesleyville (Pennsylvania) Post Office (16510-1700). The ONLY notice that the Wesleyville Post Office (e.g., 16510-1700) was to close, as of Friday, April 22<sup>nd</sup> 2011, was posted sometime on Friday, March 18<sup>th</sup> 2011. Only two, eight & one-half by eleven inch signs, were taped to the inner and outer doors of the Wesleyville Post Office, located at 3112 Buffalo Road in Wesleyville, PA, with NO other background information! There was NO information posted that supported the U. S. Postal Service's (USPS) closure determination! Also, there was NO information provided to customers explaining the method, the process and/or a vehicle for providing feedback/response back to the USPS, regarding the intended closure were posted at the Wesleyville Post Office through April 15<sup>th</sup> 2011<sup>1</sup>

In accordance with applicable law, 39 U.S.C. § 404(b)(5), the Petitioner(s) request the Postal Regulatory Commission to review the Postal Service's determination on the basis of the record before the Postal Service in the making of the determination.

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<sup>1</sup> Substantiated by my personal inspection of all of the Wesleyville Post Office Bulletin Boards

2

A. I, William A. Wittenberg, have resided at 2714 Edison Avenue in Wesleyville, Pennsylvania, ZIP Code 16510-1724), since August 2000 and continue & intend to continue to reside at that same address, indefinitely. I have been a customer of the U.S Post Office facility (e.g., as identified at "Post Office Location–WESLEYVILLE" in Item #2 of my Enclosure 1 [found on the USPS's Website at: [http://usps.whitepages.com/post\\_office/pa/harborcreek](http://usps.whitepages.com/post_office/pa/harborcreek)]), located at 3112 Buffalo Road in Wesleyville, Pennsylvania.<sup>2</sup>

B. The USPS violated U.S. Code, Title 39, Part I, Chapter 4 Section 404. (d)(1) by not providing customers of the Wesleyville Post Office, *prior to making a determination* (e.g., under subsection (a)(3) of that section) as to the necessity for the closing or consolidation of that facility. Neither was adequate notice of its intention to close or consolidate this facility provided at least 60 days prior to the proposed date of such, intended closing to the persons served by such post office to ensure that such persons had an opportunity to present their views. The *only* USPS notice to all Wesleyville Post Office customers was the posting of 'two' eight & one-half by eleven inch (8 ½" x 11") signs on the inner/outer doors of the Wesleyville Post Office at sometime on March 18<sup>th</sup> 2011 (e.g., photo previously-provided with my original, March 25<sup>th</sup> 2011, Appeal Letter, submitted March 29<sup>th</sup> 2011). Supposition that the 'layperson customer' comprehends the finite jargon differences between definitions of words as, "branch"–"facility"–"finance branch"–"post office" etc., is very presumptive.

Also, the last and only USPS News Release that mentioned that the "...Wesleyville Post Office was being '*considered* for closure'..." was via USPS News Release No. 09-007, dated January 29<sup>th</sup> 2010 (e.g., photo previously-provided with my original, March 25<sup>th</sup> 2011,

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<sup>2</sup> The Wesleyville Post Office is "identified" as a Post Office by the USPS' own & U.S. Federal "Trademarked" symbol (e.g., "TM"), as a "Post Office".

Appeal Letter, submitted on March 29<sup>th</sup> 2011). This USPS News Release stated, "...The USPS today filed an update with the Postal PRC Regulatory Commission (PRC) indicating that 162 offices "...remain under *review* regarding specific office consolidations...". This was the last USPS News Release issued that referred to either "closing" or "consolidation". Furthermore, neither the USPS News Release #09-007 nor any other notice was either posted or provided for the Wesleyville Post Office Customers information.

C. The USPS violated USC Title 39, Part I, Chapter 4 Section 404. (d)(2)(A)(i) & (iii) by not accurately or fully considering these issues nor obtaining data that accurately reflected the current local, Eastern Erie County and Northwestern Pennsylvania<sup>3</sup> conditions. Furthermore, the USPS either inaccurately calculated or misrepresented "...the economic savings to the USPS resulting from such closing..." in violation of USC Title 39, Part I, Chapter 4 Section 404. (d)(2)(A)(iv). The USPS' "...estimated annual savings..." of \$101,992.13.<sup>4</sup> The USPS listed "Clerk Salary (PS-7/PS-4 Minimum) \$59,274.50" and "Fringe Benefits @ 33.5% \$19,856.96" equaling a total of \$79,131.46 of the \$101,992.13. However, the existing, current "clerk" that is assigned to the Wesleyville Post Office will not be actually-discharged/terminated but, instead, permanently-reassigned to another USPS facility<sup>5</sup>, therefore, a \$79,131.46 savings will not actually be realized. Factoring the actual, probable saving into consideration, the end result is an "...estimated annual savings..." to the UPSA of only \$22,860.67 or, only, 22.4%, per annum. This more-accurate \$22,860.67 only represents 4.3% of the total, USPS-stated,

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<sup>3</sup> April 2011, U.S. Department of Labor Reporting of 1Q11 Employment Data for Pennsylvania, specifically, Erie County, Pennsylvania

<sup>4</sup> PRC Docket No. A2011-12, USPS' April 12<sup>th</sup> 2011 submission of "Notice of USPS – Orders/Responses to Orders," EXHIBIT 1, pages 3 & 4 (PRC Filing ID 72481)

<sup>5</sup> In accordance with the current, USPS-APWU negotiated contract

4

year average receipts for the years of 2007, 2008 & 2009.<sup>6</sup>

D. To the issue of “economics”, a more business-like, economical and logical approach would be for the USPS to retain the Wesleyville Post Office, keeping it open through the November 30<sup>th</sup> 2011 (e.g., current lease expiration date), thereby, making the fullest-use of the Wesleyville Post Office facility and, as the USPS itself stated, not having to “...absorb the lease obligation resulting in \$70,000 in additional rental costs...”.<sup>7</sup> Enclosure 3., as generated by the USPS, provides the “USPS Leased Facilities” data. exclusively and specifically for Wesleyville Post Office.<sup>8</sup>

E. The issue of “Due Process” being assured for the Wesleyville Post Office customers is a more salient issue, than simply ‘filling-squares’ to meet what the requirements of USC Title 39 or what the U.S. Congress envisioned to ensure fairness in the USPS provision of postal service to all its customers. The USPS noted that it “...offers post office box delivery and retail services to 182 post office box customers...” (and) “...(Wesleyville’s) Daily retail window transactions average 271...” (and) “...questionnaires were distributed to the post office box customers (and) were also available over the counter for retail customers...” and noted that “...Seventy-nine questionnaires were returned...”.<sup>9</sup> The logical person should question ‘*how many*’ of “...Seventy-nine...” questionnaires were completed & returned by “over the counter” questionnaires!<sup>9</sup>

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<sup>6</sup> PRC Docket No. A2011-12, USPS’ April 12<sup>th</sup> 2011 submission of “Notice of USPS – Orders/Responses to Orders,” EXHIBIT 1, page 1 (PRC Filing ID 72481)

<sup>7</sup> PRC Docket No. A2011-12, USPS’ April 12<sup>th</sup> 2011 submission of “Notice of USPS – Orders/Responses to Orders,” EXHIBIT 1, page 4 (PRC Filing ID 72481)

<sup>8</sup> Enclosure 3. is the USPS-generated data, exclusively for the Wesleyville Post Office’s leased property; this data was extracted from USPS’ “USPS Leased Facilities Report’s” Webpage/Website’s “State/Territory Reports” sub-section. The separate, ‘extracted’ data for the Wesleyville Post Office is provided in lieu of the entire “USPS Leased Facilities Report” because of the large and unrelated volume of the latter.

<sup>9</sup> PRC Docket No. A2011-12, USPS’ April 12<sup>th</sup> 2011, submission of “Notice of USPS – Orders/Responses to Orders” EXHIBIT 1, pages 1 through 4 (PRC Filing ID 72481)

F. Lastly, albeit a critical and vital issue, is the “accessibility” issue perspective, when comparing the Wesleyville Post Office with other, Erie Area postal facilities. The service counters at Wesleyville Post Office were specifically-designed to afford individuals with disabilities, along with Senior Citizens, appropriate access. Some of the access-friendly features are: a)the Erie Metropolitan Authority Bus Stop is located immediately in front of the Wesleyville Post Office, affording a less-than-10 yard transit from the bus stop to front door and the Wesleyville Borough-designated/installed, Handicapped Parking Space is immediately adjacent to the USPS Mailbox and the eastern entrance walkway to the post office. Almost-certainly and most-important, is that one of the two, inside service counters positions was specifically-designed and constructed for wheelchair-bound access! Sadly, neither the USPS Erie's General Mail Facility (GMF) at 2108 East 38TH ST; Erie, PA 16515-9998 nor the USPS” Harborcreek facility, located at 7175 Buffalo RD Harborcreek, PA 16421-9800 are designed for such accessibility, as is the Wesleyville Post Office.

Summary: Even if the explicit instances of the USPS not abiding by the letter-of-the-law (e.g., USC Title 39) are discounted, the overwhelming instances of the USPS not abiding by the ‘spirit-and-intent’ of USC Title 39 and other, U.S. Congressional guidance and oversight can and should not be set-aside! Clearly, to maximize the economic benefits of the Wesleyville Post Office property, it should, at the very least, remain open and operate through November 2012, the end of its current lease. This sole action would not-only allow and ensure the USPS the greatest economic utility but-also allow and ensure sufficient time to fulfill the prescribed, time guidelines to afford customers of the Wesleyville Post Office (e.g., all customers, such as over-the-counter, post office box, etc.) the appropriate “Due Process” & the necessary notice & time to properly provide for the alternate postal services desired.

Lastly, and most-paramount, is that “due process” was NOT afforded the customers served by the Wesleyville Postal Facility. Despite the economic necessary playing havoc on all private and public sector organizations, including the USPS, the “fairness” issue of ensuring Due Process remains an integral element of not-only the America way-of-life but-also as an institution, such as the USPS, with the history and service tradition inherited from its forerunner, United States Post Office Department.

W. A. Wittenberg

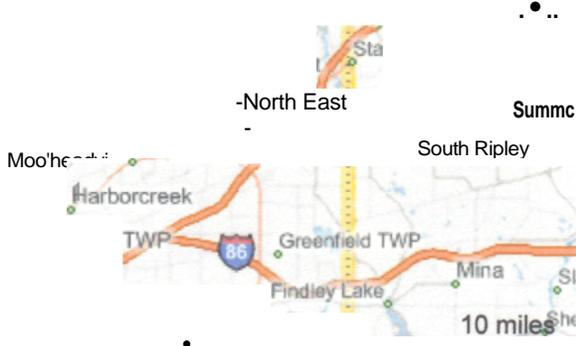
April 19<sup>th</sup> 2011

William A. Wittenberg

# Post Office™ LOCATIONS

PRINTBACK

Post Office™ Locations in the HARBORCREEK, PA area



ster Beach  
Fairfield  
Erie  
Dock Junction  
Charter Oaks  
Wesleyville  
Owens

**1** **Post Office™**  
**Location**  
**-HARBORCREEK**  
7175 BUFFALO RD  
HARBORCREEK, PA  
16421-9800 (800)  
ASK-USPS  
(800) 275-8777  
(814) 899-8636

**Business Hours**  
Mon-Fri  
9:00am-12:00pm  
12:30pm-5:00pm  
Sat  
9:00am-12:00pm  
Sun  
closed

**Services**  
**PO Boxes Online**  
[Service hours may vary. Please check link for business hours.](#)

**Post Office™**  
**Location**  
**-WESLEYVILLE**  
3112 BUFFALO RD  
ERIE, PA 16510-1700  
(800) ASK-USPS  
(800) 275-8777  
(814) 898-7354

**Business Hours**  
Mon-Thu  
9:00am-12:30pm  
1:30pm-4:30pm  
Fri  
9:00am-12:00pm  
Sat-Sun  
closed

**Services**  
**PO Boxes Online**  
[Service hours may vary. Please check link for business hours.](#)

**Post Office™**  
**Location - ERIE**  
2108 E 38TH ST  
ERIE, PA 16515-9998  
(800) ASK-USPS

**Business Hours**  
Mon-Fri  
8:00am-6:00pm  
Sat  
8:00am-1:00pm

**Services**  
**PO Boxes Online**  
**Automated Postal Centers®**  
[Service hours may vary. Please check link for business hours](#)

UNITED STATES  
POSTAL SERVICE\*

**POSTAL NEWS**

FOR IMMEDIATE RELEASE  
Jan. 29, 2010

Media Contact: Greg Frey  
202-268-2168

[usps.com/news](http://usps.com/news)  
Release No. 09-007

## **Postal Service Updates Consolidation Initiative** ***No final decisions have been made***

**WASHINGTON** — The U.S. Postal Service today filed an update with the Postal Regulatory Commission (PRC) indicating that 162 offices remain under review for possible consolidation under the station and branch consolidation initiative. That is six fewer from the last update in December. No final decisions have been made regarding specific office consolidations.

Today's filing with the PRC updates a review process begun last summer that initially examined about 3,300 stations and branches in urban and suburban areas, focusing on facilities in relatively close proximity to one another where consolidations might be feasible without compromising customer access.

"Consumer behavior is changing. It is important for the Postal Service to adjust to the shift," says Dean Granholm, vice president of Delivery and Post Office Operations. "We will continue to provide easy access, but changes to our retail network are essential to our ability to continue to provide the safe secure and fairly priced postal services that Americans have counted on for 234 years."

With more than 36,000 Post Offices, stations, branches, contract and community post offices, the Postal Service has the largest retail network in the United States. Always on the lookout for convenience, though, many Postal Service customers are choosing to access postal services and purchase stamps via alternative access - locations other than a Post Office.

More than 56,000 locations such as supermarkets, drug stores, and other retailers sell postage and selected postal services. Nearly 18,000 ATMs dispense sheets of stamps. It is the online alternative at [usps.com](http://usps.com), where you can get shipping information, purchase and print postage 24/7, that customers find most convenient. In 2009, nearly 30 percent of postal retail transactions were conducted in locations other than a Post Office.

The Postal Service receives no tax subsidy to operate the nation's mail service. Revenues from the sale of postage, products and services fund its operations. Last year, the Postal Service reported a loss of \$3.8 billion. A number of new initiatives have also been undertaken to build revenue, including Flat Rate Priority Mail pricing and the introduction of greeting cards for sale at about 900 select Post Offices.

As part of the consolidation process, the Postal Service has filed periodic updates with the Postal Regulatory Commission identifying the retail stations and branches that remain under consideration. Today's filing does not represent a final decision on consolidation. No facility-specific final decisions have been made as a result of this initiative.

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Click here for the list <http://www.usps.com/communications/newsroom/stationbranchop.Ddf>

Please Note: For broadcast quality video and audio, photo stills and other media resources, visit the USPS Newsroom at [www.usps.com/communications/newsroom/welcome.htm](http://www.usps.com/communications/newsroom/welcome.htm).

A self-supporting government enterprise, the U.S. Postal Service is the only delivery service that reaches every address in the nation, 150 million residences, businesses and Post Office Boxes. The Postal Service receives no tax dollars. With 36,000 retail locations and the most frequently visited website in the federal government, the Postal Service relies on the sale of postage, products and services to pay for operating expenses. Named the Most Trusted Government Agency five consecutive years and the sixth Most Trusted Business in the nation by the Ponemon Institute, the Postal Service has annual revenue of more than \$68 billion and delivers nearly half the world's mail. If it were a private sector company, the U.S. Postal Service would rank 26th in the 2008 Fortune 500.

Wesleyville Post Office's - 16510-1700

Leased Facility Inventory Report

<u>District</u>	<u>PO Name</u>	<u>Unit Name</u>	<u>Property ID</u>	<u>Property Address</u>	<u>City</u>	<u>ST</u>
<i>Western Pennsylvania</i>	<i>ERIE</i>	<i>WESLEYVILLE BR</i>	<i>412544002</i>	<i>3112 BUFFALO RD</i>	<i>ERIE</i>	<i>PA</i>
<u>ZIP Code</u>	<u>Occupied</u>	<u>Maint</u>	<u>Eff Date</u>	<u>Exp Date</u>	<u>Bldg Own</u>	<u>Land Own</u>
<i>16510-1700</i>	<i>Dec-67</i>	<i>USPS</i>	<i>12/1/2007</i>	<i>11/30/2012</i>	<i>P</i>	<i>P</i>
<u>Tax Clause</u>	<u>Purchase Option</u>	<u>LO Nbr</u>	<u>LO Years</u>	<u>Lessor Name</u>	<u>Lessor Address1</u>	<u>Lessor Address2</u>
<i>Reimbursable</i>	<i>N</i>	<i>1</i>	<i>5</i>	<i>PA</i>	<i>123 GROVE AVE STE 222</i>	
<u>Lessor Address3</u>	<u>Lessor City</u>	<u>Lessor St</u>	<u>Lessor ZIP</u>	<u>Int Sq Ft</u>	<u>Site Sq Ft</u>	<u>Annual Rent</u>
	<i>CEDARHURST</i>	<i>NY</i>	<i>115162302</i>	<i>4,671</i>	<i>18,331</i>	<i>\$24,000.00</i>
<u>Annual Rent / Sq Ft</u>	<u>Next Rent</u>	<u>Next Rent / Sq Ft</u>				
<i>\$5.14</i>	<i>\$26,400.00</i>	<i>\$5.65</i>				

(Source of Data: Extracted from "USPS Leased Facilities Report's ", "Pennsylvania (csv)" from the "State/Territory Reports" and, ONLY, 'reformatted' to fit the page, when printed. - WAW-Apr 19th 2011)

Docket #A2011-12  
Enclosure 3