

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

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*In the Matter of:*

Wesleyville Branch  
Erie, PA 16510  
(William A. Wittenberg,  
Petitioner)

Docket No. A2011-12

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**COMMENTS OF UNITED STATES POSTAL SERVICE**  
(May 23, 2011)

By means of Order No. 707 (March 31, 2011), the Postal Regulatory Commission docketed correspondence from a customer of the Wesleyville Branch in Erie, Pennsylvania, assigning PRC Docket No. A2011-12 as an appeal pursuant to 39 U.S.C. § 404(d).<sup>1</sup> The Postal Service renews the arguments set forth in its Notice of Filing<sup>2</sup> and its Comments in PRC Docket No. A2010-3<sup>3</sup> (“A2010-3 Comments”).

This appeal concerns a branch, 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 branches 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.

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<sup>1</sup> The Wesleyville 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).

<sup>2</sup> Notice of United States Postal Service, PRC Docket No. A2011-12 (April 12, 2011).

<sup>3</sup> 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 Wesleyville 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 Erie Post Office located within 2.5 miles of the Wesleyville Branch, and the multiple expanded access options located within 1.7 miles of the Wesleyville Branch. See Notice of United States Postal Service, PRC Docket No. A2011-12 (April 12, 2011) ("Notice") at 2-3, Exhibits 2 and 3. These options include stamp consignment sites at Giant Eagle and CVS. *Id.*

Even assuming the section 404(d) requirements were applied in the context of the discontinuance of the Wesleyville Branch, the Postal Service satisfied the salient provisions of section 404(d). On August 18, 2009, the Postal Service distributed questionnaires to customers notifying them of the possible discontinuance of the Wesleyville Branch, and inviting comments on the potential change to the postal retail network. Notice at 3, Exhibit 1 (Final Determination) at 1. The Postal Service also made these questionnaires available over the counter for retail customers who did not receive carrier delivery or Post Office Box

service through the Wesleyville Branch. *Id.* 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 seventy-nine customer responses to the questionnaires, thus confirming receipt of such notice and the extensive input customers provided. *See id.* Upon making the final decision to discontinue the Wesleyville Branch, the Postal Service informed the community of the decision through a letter to community leaders dated March 18, 2011. *See Appeal to USPRC to Prevent Closing of Wesleyville Post Office (Wesleyville, PA 16510-1700) (March 28, 2011).*

The Postal Service further considered all of the pertinent criteria of section 404(d), including the effect on postal services, the community, and employees, and the economic savings arising from the discontinuance. Notice at 4, 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 the needs of disabled customers and senior citizens; and employees. *Id.* As reflected in the final determination, the Postal Service considered these concerns during the decision-making process. *See id.*

Affected postal employees will be reassigned to other postal facilities in full accordance with agreements between the Postal Service and employee organizations. *Id.* Finally, the Postal Service provided a breakdown of the costs that serve as a basis for its estimate of economic savings. *Id.*

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

Specifically, the Postal Service informed customers that, after the discontinuance of the Wesleyville Branch, they would have a choice of carrier delivery or Post Office Box service. *Id.* at 1-2. It also explained that a change of address is necessary only for those customers choosing carrier delivery service, and that customers choosing Post Office Box service could retain their existing addresses. *Id.* In addition, the Postal Service identified the numerous retail service options available to customers, including the four alternate retail locations within four miles of the Wesleyville Branch, and the ability to purchase stamps by telephone, through the internet, or at stamp consignment locations listed at [www.usps.com](http://www.usps.com). *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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