

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

In the Matter of:

Fort Smith Rogers Ave Station
Fort Smith, AR 72913
(Kelly A. Procter-Pierce,
Petitioner)

Docket No. A2011-13

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

By means of Order No. 709 (April 5, 2011), the Postal Regulatory Commission docketed correspondence from a customer of Fort Smith Rogers Ave Station in Fort Smith, Arkansas, assigning PRC Docket No. A2011-13 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)

¹ Fort Smith Rogers Ave Station 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. A2011-13 (April 12, 2011).

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

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.

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 Fort Smith Rogers Ave Station 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 Fort Smith Downtown Station located 1.7 miles from Fort Smith Rogers Ave Station, the Fort Smith Midland Station located within 2.5 miles of Fort Smith Rogers Ave Station, and the multiple expanded access options located within two miles of Fort Smith Rogers Ave Station. See Notice of United States Postal Service, PRC Docket No. A2011-13 (April 12, 2011) ("Notice") at 2-3, Exhibits 2 and 3. These options include stamp consignment sites at Office Depot and Staples. *Id.*

Even assuming the section 404(d) requirements were applied in the context of the discontinuance of Fort Smith Rogers Ave Station, the Postal Service satisfied the salient provisions of section 404(d). On November 12, 2009, the Postal Service distributed questionnaires to customers notifying them of the possible discontinuance of Fort Smith Rogers Ave Station, 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 Fort Smith Rogers Ave Station. *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 386 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 Fort Smith Rogers Ave Station, the Postal Service informed the community of the decision through a press release dated February 1, 2011. See Petition for Review Received from Kelly A. Procter-Pierce Regarding the Closure of the Fort Smith, AR Post Office 72913 (March 29, 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 possibility

of a vacant facility, and the effect on senior citizens; the community; and employees. *Id.* As reflected in the final determination, the Postal Service considered these concerns during the decision-making process. *See id.* The questionnaire responses show that customers would continue to patronize local businesses, and there is no indication that the discontinuance of Fort Smith Rogers Ave Station will have a negative effect upon the local business community. *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 Fort Smith Rogers Ave Station, they would have a choice of carrier delivery or Post Office Box service. *Id.* at 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 six stations within five miles of Fort Smith Rogers Ave Station, and the ability to purchase stamps by telephone, through the internet, or at stamp consignment locations listed at 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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