

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

UNITED STATES POSTAL SERVICE NOTICE OF FILING
(June 17, 2011)

On June 9, 2011, the Commission issued Commission Information Request No.1, requesting that “the Postal Service ... provide the Administrative Record supporting its final determination to close the Rogers Avenue Station.”

The Postal Service maintains its position that it has no obligation to provide the complete administrative record because the Commission lacks jurisdiction to hear Petitioner’s appeal.¹ The Postal Service renews its assertion,

¹ Because Fort Smith Rogers Ave Station is not a Post Office, the Postal Service submits that Commission jurisdiction under 39 U.S.C. § 404(d) does not attach. In addition, it is the Postal Service’s position that the procedural requirements of 39 U.S.C. § 404(d) do not apply because the discontinuance of Fort Smith Rogers Ave Station does not qualify as a closure as envisioned by 39 U.S.C. § 404(d). See Notice of United States Postal Service, PRC Docket No. A2011-13 (April 12, 2011).

as stated in previous “A” series dockets,² that the content of an administrative record, or whether an administrative record exists at all, has no bearing on whether the Commission has subject matter jurisdiction to hear an appeal of a station or branch discontinuance. The Postal Service understands that the existence of subject matter jurisdiction depends upon the scope of Commission authority bestowed by Congress, and not on any activity conducted by the Postal Service.

Because this docket involves a facility classified as a station, and not a Post Office, the Postal Service did not apply the same procedures as provided for discontinuance of Post Offices under 39 U.S.C. Part 241.3. Rather, it performed a study pursuant to specially crafted procedures for stations and branches. Nevertheless, in response to the Commission’s Information Request, the Postal Service has assembled an administrative record that it believes satisfies the § 404(d) requirements, and demonstrates a consideration of all necessary factors, including the effect on postal services, the community, and employees, and the estimated economic savings. Comments of United States Postal Service, PRC Docket No. A2011-13 (May 23, 2011) at 3-4.

Without waiving its position stated above and in its Notice³ and Comments,⁴ the Postal Service responded to Commission Information Request

² See, e.g., Reply of United States Postal Service in Response to Eugene Area Local No. 679 of the American Postal Workers Union, AFL-CIO Motion to Compel and Revise Procedural Schedule, PRC Docket No. A2011-4 (February 2, 2011).

³ Notice of United States Postal Service, PRC Docket No. A2011-13 (April 12, 2011).

⁴ Comments of United States Postal Service, PRC Docket No. A2011-13 (May 23, 2011).

No. 1 by filing the complete administrative record under seal on June 16, 2011.

Today the Postal Service files a public version of the administrative record.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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