

The following brief is filed in response to the United States Postal Service's (USPS), June 16th 2011, filing of "United States Postal Service Notice of Filing and Application for Non-Public Status".

Brief of June 17th 2011, filed by William A. Wittenberg, Petitioner of Docket #A2011-12

Reference A: USPS, June 16th 2011, filing - "USPS Notice of Filing and Application for Non-Public Status" (viewable at: http://www.prc.gov/Docs/73/73252/12_AR_NOTICE.pdf)

Reference B: My PRC Docket #A2011-12 ("Wesleyville Post Office Closure") - William A. Wittenberg

Request all of the following be considered by the Postal Regulatory Commission (PRC) in entirety and with specific respect to the most-recent USPS June 16th 2011, filing (Reference A, germane):

NOTE - Unless otherwise indicated as a reference, all listed documents are available for public viewing at <http://www.prc.gov/prc-pages/dockets-search/searchresults.aspx?SearchType=Documents>

- + My original March 28th 2011, Appeal to USPRC to Prevent Closing of Wesleyville Post Office (Wesleyville, PA 16510-1700) (Reference B, germane)
- + My follow-up April 11th 2011, Letter Requesting Notice of intervention to "Keep Wesleyville (Pennsylvania) Post Office Open"
- + My April 19th 2011, Petitioner's Statement-Form #61 "Save the Wesleyville Post Office"
- + My June 7th 2011, REVISION to Previously-Submitted "Save the Wesleyville Post Office-Final Petitioner's Rebuttal"
- + The fifty-three plus letters from customers of the Wesleyville Post Office, posted/submitted between April 25th and May 9th 2011

The following is respectfully-submitted as my June 17th 2011 brief:

- The United States Postal Service's (USPS) June 16th 2011, filing for an Application for Non-Public Status and submission of a USPS "...non-public version of the administrative record under seal to protect certain commercial information of the Postal Service..." is quite misleading and only partially accurate and true. A close review of the USPS-filed, non-public version does clearly indicate that some of the redacted information is clearly proprietary information, subject to non-submission to the general public audience

- As per my prior submissions indicated, the PRC previously-rejected the USPS position, contending that the USPS "...has no obligation to provide the complete administrative record because the Commission lacks jurisdiction to hear Petitioner's appeal...". The USPS position is further and incorrectly based on "...the Wesleyville Branch is not a Post Office..." and "...that the procedural requirements of 39 U.S.C. 404(d) do not apply because the discontinuance of the Wesleyville Branch does not qualify as a closure as envisioned...". As previously-stated in my prior submissions: "The USPS contention (e.g., as the USPS stated in April 12th 2011, USPS "Pleading;" in response to PRC Docket A2011-12) that the USPS' "...Publication 32, Glossary of Postal Terms ..." discounts USC Title 39 applicability in regard to the closing of the Wesleyville Post Office was previously discarded by the PRC in more than one instance. The PRC correctly, previously, refused and refuted such a position, based on the position that lay, Postal Service customer generally-consider any postal facility with normal services (e.g., counter services, post office boxes, etc.), a "post office branch" facility, regardless of any finite set of technical definitions dictating otherwise."
- However, a great deal of the redacted information should not be considered "non-public information" by the PRC, as much of this same information was provided in open, public testimony before United States Congressional Committees/Sub-Committees. There are many, very clear examples contained in Reference A. However, one specific example of inappropriately-redacted areas is nearly all of the redacted portions of the "Station/Branch Optimization, Given at Congressional Briefing on Sept. 2, 2009, Given at Union briefing on August 11, 2009", found at pages 36 & 37 of the 361 pages {USPS Docket No. 16510, Item No. 7 & Pages 3 & 4} of Reference B.
- The USPS' April 12th 2011 Initial Repose's Exhibit #1 ("Final Determination to Close the Wesleyville Finance, Pennsylvania Classified Branch and Continue to Provided Retail and Post Office Box Service Through the Erie GMF, Pennsylvania Post Office – Docket Number 16515"):
 - + Albeit, "Wesleyville" facility is clearly the main point of discussion, this document (e.g., the USPS' April 12th 2011-submitted Exhibit 1, entitled, "Final Determination to Close the Wesleyville Finance, PA Classified Branch....." with the "Docket Number 16515" sub-title) was never posted at the Wesleyville (Post Office) facility for any of that facility's customers.

Notes:

1. The above is attested to from my personal observations from actual, frequent, in-personal visits to the USPS' Wesleyville Post Office on weekly visits, taking place during all the months of January, February, March and April 2011. During each of the aforementioned, weekly visits, all the USPS' glassed-enclosed and locked bulletin boards were personally-inspected. NO such USPS "Final Determination" notice was ever posted, either prior to the alleged, February 4th 2011, date (e.g., either the author, filing and/or posting date of such notice).
2. Such posting is required by USC, Title 39, at least sixty (60) days prior to the effective date of closure/consolidation of a USPS facility to allow affected customers of a facility to both review the "Final Determination" notice and to allow customers to prepare and submit responses to the "Final Determination" notice to the USPS.

- + Reference is made to a "Docket Number 16515" is both confusing, misleading & unclear
- My June 7th 2011, last Brief provides additional, specific comments, responding to other areas expressed in the USPS' June 12th 2011-submitted, Exhibit #1's contentions and conclusions.

Respectfully-Submitted,

W. A. Wittenberg

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