Postal Regulatory Commission
Submitted 8/25/2011 4:05:20 PM
Filing ID: 75127
Accepted 8/25/2011

Before the
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Hamilton Post Office
Hamilton, Iowa

Docket No. A2011-26

PUBLIC REPRESENTATIVE COMMENTS
(August 25, 2011)

On July 21, 2011, the Commission received a letter from Bruce Pettyjohn objecting to the closing of the post office in Hamilton, Iowa. The letter was postmarked July 12, 2011.[1] The Commission also received letters from Wanda Clark and Marlene Allen objecting to the closing of the Hamilton Post Office. Both letters were received on July 21, 2011. On July 22, 2011, the Commission issued Order No. 768 accepting the Pettyjohn letter as an appeal, directing the Postal Service to file the administrative record by August 5, 2011, establishing a procedural schedule, and naming the undersigned Public Representative.[2]

On August 5, 2011, the Postal Service filed the administrative record. On August 23, 2011, the Postal Service filed an amended administrative record. The Postal Service states that it will provide service to Hamilton customers via rural delivery emanating from the Bussey, Iowa, post office. Hamilton customers desiring to retain their post office box address will have to rent a box in Bussey. On August 9, 2011, petitioner Pettyjohn filed his petitioner's statement (form 61). Mr. Pettyjohn asserts that

- the East Street road in Hamilton is not appropriate for rural delivery due to soft shoulders,
- the Bussey post office does not have enough boxes to accommodate all the customers from Hamilton and would have to be expanded,
- the rural carrier will need extra time to deliver to customers in Hamilton, and
- there are other post offices more suited to closing than Hamilton.

[1] Notice of Filing under 39 U.S.C. § 404(d), July 21, 2011.

[2] Notice and Order Accepting Appeal and Establishing Procedural Schedule, July 22, 2011.

In his appeal letter, Mr. Pettyjohn raises concerns about vandalism of rural mail boxes. Ms. Clark and Ms. Allen assert that traveling to Bussey would impose a burden on them.

Legal considerations. Under 39 U.S.C. section 404(d)(2)(A), in making a determination on whether to close a post office, the Postal Service must consider the following factors: the effect on the community; whether a maximum degree of effective and regular postal service will be provided; the effect on postal employees; and the economic savings to the Postal Service. The issues raised by Mr. Pettyjohn, Ms. Clark, and Ms. Allen fall under the categories of effect on community and economic savings. The Commission is empowered by section 404(d)(5) to set aside any determination, findings, and conclusions of the Postal Service that it finds to be: (A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law; (B) without observance of procedure required by law; or (C) unsupported by substantial evidence in the record. Should the Commission set aside any such determination, findings, or conclusions, it may remand the entire matter to the Postal Service for further consideration. Section 404(d)(5) does not, however, authorize the Commission to modify the Postal Service's determination by substituting its judgment for that of the Postal Service.

Effect on the community. With respect to the condition of the East Street road, that issue does not seem to have been brought to the Postal Service’s attention during the study of possible closing of the Hamilton post office. If the condition of the road prevents a rural carrier from serving customers there, it might be possible for the Postal Service to install a community box unit in Hamilton. Otherwise, the residents of East Street would have to travel to a different community to get their mail. With respect to vandalism of mail boxes, the administrative record shows that the Postal Service inquired of local law enforcement about incidents of vandalism and mail theft. Only one incident was reported.[3] With respect to the burden of having to travel to Bussey to conduct business with the Postal Service, the Postal Service explained that retail service is available from the rural carrier. The Postal Service also explained that in cases of extreme hardship, the rural carrier could deliver to the home. AR item 22 at 40.

[3] Administrative Record (AR) item 14.

Economic savings. Mr. Pettyjohn asserts that the Bussey post office would need to be expanded to accommodate the box holders from Hamilton. The cost of such an expansion would reduce the economic savings from closing the Hamilton post office. However, the administrative record shows that there are 34 box holders at the Hamilton office and there are 64 boxes available at the Bussey office. AR item 18. Thus there would appear to be no need to expand the Bussey post office. Mr. Pettyjohn asserts that the rural carrier will work more hours to serve Hamilton residents. The Postal Service has included the cost of these hours in its calculation of economic savings. AR item 17a, item 47 at 7.

Conclusion. The only issue that cannot be resolved on the record is the condition of the East Street road and the possible need for a community box unit in Hamilton. This issue does not appear to be significant enough to warrant a remand. Accordingly the Commission should affirm the decision of the Postal Service to close the Hamilton post office.

Respectfully submitted,

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