

UNITED STATES OF AMERICA  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

Before Commissioners:

Ruth Y. Goldway, Chairman;  
Mark Acton, Vice Chairman;  
Tony L. Hammond; and  
Nanci E. Langley

Nooksack Post Office  
Nooksack, Washington 98276

Docket No. A2011-17

INTERIM ORDER CONCERNING SERVICE STATUS

(Issued August 26, 2011)

The City of Nooksack, Washington (Petitioner) seeks review, pursuant to 39 U.S.C. 404(d)(5), of the Postal Service's closure of the Nooksack post office.<sup>1</sup> In Order No. 734, the Commission accepted the appeal and established a procedural schedule.<sup>2</sup>

---

<sup>1</sup> Appeal of Closure of Nooksack Post Office, Nooksack, Washington 98276, May 17, 2011 (Appeal). Seven exhibits are attached to the Appeal: Exhibit A—a copy of a Dear Postal Customer letter; Exhibit B—a copy of a letter to the Postal Service regarding an opportunity to discuss the possible changes in service in Nooksack; Exhibit C—a copy of the Landlord's Notice of Termination from the Postal Service; Exhibit D—a copy of the Final Determination to Consolidate the Nooksack, WA Post Office and Establish a Classified Station; Exhibit E—a copy of Docket No. A92-7, Commission Opinion Affirming Decision Under 39 U.S.C. 404(b); Exhibit F—an email from Anne Blair to Virginia Radder regarding month-to-month rent to the Postal Service; and Exhibit G—Affidavit of Virginia Radder.

<sup>2</sup> Notice and Order Accepting Appeal and Establishing Procedural Schedule, May 19, 2011 (Order No. 734).

The Postal Service moves to dismiss the appeal, asserting that the Nooksack post office has not been closed, but rather that operations have only been suspended.<sup>3</sup> Petitioner and the Public Representative oppose the motion, contending that the Postal Service's actions demonstrate its intent to close the facility and that the emergency suspension was precipitated by the Postal Service's own actions, *i.e.*, termination of the lease notwithstanding the landlord's willingness to continue leasing the facility on a month-to-month basis.<sup>4</sup>

The parties' pleadings raise important issues. In considering those pleadings, the Commission has concluded that that the record must be supplemented before it can rule on them.

The Commission has two principal concerns. First, to the extent the Postal Service wishes to close or consolidate a post office, it must adhere to procedures set forth in section 404(d). Those procedures cannot be circumvented by artifice.<sup>5</sup> Second, the Commission is concerned that, when the Postal Service makes a determination to close (or consolidate) a facility, affected customers continue to receive effective and regular postal services. On the existing record, that issue is in dispute.

The Postal Service indicates that the "[f]easibility of discontinuing the Nooksack Station is being explored."<sup>6</sup> The Postal Service-Operated Retail Facilities Discontinuance Guide, Handbook PO-101, July 2011, requires the Postal Service to secure alternate quarters, take necessary corrective action, or initiate a feasibility study for possible discontinuance of the Nooksack post office within 90 days of an emergency

---

<sup>3</sup> Motion of United States Postal Service to Dismiss Proceedings, May 31, 2011.

<sup>4</sup> See Answer of the Petitioner, the City of Nooksack, in Opposition to Postal Service Motion to Dismiss, June 7, 2011 at 2-7; see *also* Answer of the Public Representative in Opposition to Postal Service Motion to Dismiss, June 7, 2011 at 2-5.

<sup>5</sup> This observation is not to suggest that this occurred in the instant case. The timing of the Postal Service's actions raises questions. At this time, however, the Commission is not prepared to find that the Postal Service's action demonstrate a disregard of section 404(d) procedures.

<sup>6</sup> Response of the United States Postal Service to Commission Information Request No. 1, June 17, 2011, question 2.

suspension. Operations at the Nooksack post office were suspended May 28, 2011.<sup>7</sup> Thus, the 90-day period is set to expire shortly.

To clarify the record, the Postal Service is directed to provide a status report to the Commission no later than September 1, 2011 on the following:

1. What is the current status of the Nooksack post office?
2. How is service currently being provided to customers formerly served by the Nooksack post office?
3. Are cluster boxes units (CBUs) being used to provide service to former post office box customers? If so, when were such CBUs placed in service?
4. Has the Postal Service made a determination to close the Nooksack post office? If so, please elaborate. If not, what is the status of the discontinuance feasibility study?
5. In connection with the suspension of operations at the Nooksack post office, please describe the Postal Service's efforts to:
  - a. secure alternate quarters; and
  - b. take necessary corrective action.
6. In response to Petitioner's motion to supplement the record, the Postal Service indicated that it "can address the affidavit's content."<sup>8</sup> The Postal Service is requested to address the service issues raised in the affidavit.

---

<sup>7</sup> See United States Postal Service Notice of Filing and Application for Non-Public Status, July 1, 2011, Administrative Record, Item No. 2.

<sup>8</sup> Response of the United States Postal Service in Opposition to Petitioner's Motion for Leave to Supplement the Record, August 15, 2011, at 2.

*It is ordered:*

Responses to the questions set forth in the body of this Order are due no later than September 1, 2011.

By the Commission.

Shoshana M. Grove  
Secretary