

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

In the Matter of:
Innis, LA Post Office
Innis, Louisiana

Docket No. A2011-34

UNITED STATES POSTAL SERVICE
COMMENTS REGARDING APPEAL
(September 19, 2011)

On July 8, 2011, the United States Postal Service (“USPS” or “Postal Service”) posted its “Final Determination to Close the Innis, LA Post Office and Establish Service by Community Post Office” (“Final Determination” or “FD”). Item No. 47.¹ In this docket, Mr. Larry Rabalais (“Petitioner”) appeals the Postal Service’s Final Determination and requests that the matter be reversed and remanded to the Postal Service for further consideration.² For the reasons set forth in these Comments, the Postal Service submits that it has complied with its statutory obligations under 39 U.S.C. § 404(d) as reflected in the Final Determination. The Postal Service further submits (1) that its decision is in accordance with the law and is supported by substantial record evidence, and (2) that the Postal Service observed procedure required by law. Therefore, the Postal Service respectfully requests that the Postal Regulatory Commission (“Commission”) affirm the Final Determination.³

¹ In these comments, specific items in the Administrative Record filed by the Postal Service on August 12, 2011, are referred to as “Item No. ___.”

² “Appeal to Request and Petition for Review of the Final Determination to Close the Innis, Louisiana Post Office and Establish service by Community Post Office” (“Petition”) at 1 (July 25, 2011); Petitioner’s Brief at 1 (dated August 26, 2011).

³ The procedural history to this appeal appears below the “Background” section.

Background

The Administrative Record ("AR") filed by the Postal Service on August 12, 2011, shows that the Innis Post Office in Innis, Louisiana (70747), provides EAS-11 level service to 89 Post Office Box customers and window service from 7:30 a.m. to 12:00 p.m. and from 1:00 p.m. to 4:00 p.m., Monday through Friday, and from 8 a.m. to 11 a.m. on Saturdays. Item No. 1, Request/Approval to Study for Discontinuance; Item No. 8, PS Form 150, Postmaster Workload Information, at 1; Item No. 9, Worksheet for Calculating Work Service Credit; Item No. 13, Administrative Postmaster/OIC Comments; Item No. 15, Post Office Survey Sheet, at 1; Item No. 33, Proposal to Close the Innis, LA Post Office and Establish Service by Community Post Office (Proposal), at 2; FD at 2. The Innis Post Office lobby is accessible 24 hours Monday through Saturday. Item No. 15 at 1; Proposal at 2; FD at 2. Carrier delivery service is not provided by the Innis Post Office. Item No. 18 at 1; Proposal at 2; FD at 2. On average, there are approximately twenty-five (25) retail window transactions at the Innis Post Office per day and these transactions account for approximately twenty-five (25) minutes of retail workload daily. Item No. 10, Window Transaction Record; Proposal at 2; FD at 2. Revenue has generally been low: \$21,026.00 in FY 2008 (55 revenue units); \$15,804.00 in FY 2009 (41 revenue units); and \$19,089.00 in FY 2010 (50 revenue units). Item 18, Form 4920, Post Office Closing or Consolidation Proposal – Fact Sheet, at 1; Proposal at 2; FD at 2. The Innis Post Office has one permit customer. Item No. 13; Item No. 15 at 1.

Upon implementation of the Final Determination, delivery and retail services will be provided by the Bachelor Post Office which is located approximately four (4) miles away from the Innis Post Office. Item No. 4, Highway Map, at 1; Proposal at 2; FD at 2. The Bachelor Post Office is an EAS-13 level office that provides window service between 7:30 a.m. and 4:00 p.m. Monday through Friday, and between 8:30 a.m. and 11:00 a.m. on Saturday. Item No. 18, Post Office Consolidation Proposal, at 1; Proposal at 2; FD at 2. Post Office Box fees will be the same. Item No. 15 at 2; Item No. 21 at 1. The Bachelor Post Office lobby is accessible 24 hours Monday through Saturday. Item 18 at 1.

The postmaster of the Innis Post Office was reassigned on July 2, 2008. Item No. 1 at 1; Proposal at 2; FD at 2. The record indicates that a temporary officer-in-charge (OIC) has been installed to operate the office. Proposal at 2; FD at 2. A postmaster relief (PMR), a temporary employee, is serving the Innis Post Office. Item No. 15 at 1. The FD states that the PMR may be separated from the USPS upon implementation of the FD. Proposal at 7; FD at 5. No other postal employee will be affected by the Final Determination. Proposal at 7; FD at 5.

In light of the postmaster vacancy, a minimal workload,⁴ low office revenue,⁵ the existence of an alternative delivery and retail option,⁶ no expected growth in the area,⁷

⁴ Item No. 1 at 1.

⁵ Item 18 at 1; Proposal at 2; FD at 2;.

⁶ Proposal at 6, 8; FD at 5.

⁷ Item No. 16 at 1.

minimal impact upon the community and employees,⁸ and the expected financial savings,⁹ the Postal Service issued the FD.

The Postal Service followed the proper procedures prior to the issuance of the Final Determination and complied with all notice requirements. In addition to the posting of the Proposal and FD, customers received notice through other means. Questionnaires were distributed to delivery customers of the Innis Post Office and were also available over the counter for retail customers. Item No. 20, Questionnaire Instruction Letter to Postmaster/OIC, at 1; Item 23, Postal Service Customer Questionnaire Analysis, at 1; Proposal at 2; FD at 2. A letter from the Manager, Post Office Operations, New Orleans, LA, informing customers that the Innis Post Office was being studied for possible closing or consolidation, was also made available to Innis customers. Item No. 21, Letter to Customer, at 1. The letter indicated that the Postal Service was considering consolidating the Innis Post Office with the Bachelor Post Office. Id. The letter invited customers to complete and return a customer questionnaire and to express their opinions about the possible change. Id. The returned customer questionnaires and Postal Service response letters appear in the AR as Item No. 22.

Representatives from the Postal Service were available for a community meeting on Wednesday, February 23, 2011, to answer questions and provide information to customers. Item No. 24, Community Meeting Roster, at 1; Item No. 25, Community

⁸ Proposal at 7; FD at 5, 7.

⁹ Item No. 17, Alternate Service Options/Cost Analysis; Proposal at 7; FD at 6.

Meeting Analysis, at 1; Proposal at 2; FD at 2. Customers received formal notice of the Proposal and FD through postings at affected facilities. The Proposal was posted with an invitation for public comment at the Innis and Bachelor Post Offices from March 30, 2011 to May 31, 2011. Item No. 36, Round-date Stamped Proposal and Invitation for Comments from Affected Offices; Item No. 37, Notification of Taking Proposal and Comments Under Internal Consideration. The FD was posted at the same two Post Offices starting on July 8, 2011, as confirmed by the round-dated FD cover sheets that appear in the AR. Item No. 49.

Procedural History in Docket No. A2011-34

On July 26, 2011, the Commission received a petition for review (“Petition”) dated July 25, 2011, and postmarked July 19, 2011, from Petitioner objecting to the determination of the Postal Service to close the Innis Post Office. Attached to the Petition are three pages containing signatures of customers. By letter dated August 6, 2011, customer Donald E. Fetzer, Sr. filed a Notice of Intervention as a Limited Participant.¹⁰ On August 2, 2011, the Commission received Comments from Donald E. Fetzer, Sr. objecting to the FD. Between August 4 and September 12, 2011, the Commission received thirty (30) letters objecting to, or expressing concern with, the FD. On July 29, 2011, the Commission issued Order No. 765, its Notice and Order Accepting Appeal and Establishing Procedural Schedule under 39 U.S.C. § 404(d). On

¹⁰ The Notice was accepted on August 8, 2011.

August 10, 2011, the Postal Service filed the Administrative Record (AR) with the Commission. On August 12, the Postal Service filed a complete, corrected AR.¹¹

Petitioners filed a “Brief, Supplemental Information, Facts, and Arguments to Support the Appeal to Request and Petition for Review of the Final Determination to Close the Innis, Louisiana Post Office and Establish Service by Community Post Office” (“Petitioner’s Brief”) dated August 26, 2011. Petitioner’s brief was accepted on August 28, 2011. Public Representative Emmett Rand Costich filed Comments and a Motion for Late Acceptance on September 2, 2011,

The Petitioner, the commenters, and customers submit several allegations and arguments in opposition to the FD. Those allegations and arguments concern the following topics: (1) the effect of the closing of the Innis Post Office on postal services provided to the community, (2) the impact of the closing on the community served by the Innis Post Office, and (3) the economic savings expected to result from closing the Post Office. Additionally, the adequacy of the process preceding the issuance of the FD has been challenged. As reflected in the AR, the Postal Service gave the substantive issues raised in this appeal serious consideration and afforded residents with ample opportunity to ask questions, provide comments, and express concerns prior to the issuance of the FD. Consistent with the Postal Service’s statutory obligations and Commission precedent,¹² the Postal Service also gave consideration to these and other issues not raised by Petitioners, including the impact of the closing on postal

¹¹ United States Postal Service Notice of Filing Corrected Administrative Record – Errata (August 1, 2011).

¹² See 39 U.S.C. 404(d)(2)(A).

employees. Accordingly, the determination to close the Innis Post Office should be affirmed.

Each of the issues raised by the Petitioner, the commenters, and customers is specifically addressed below.

Effect on Postal Services

Consistent with the mandate in 39 U.S.C. § 404(d)(2)(A)(iii) and as addressed throughout the AR, the Postal Service considered the effect of closing the Innis Post Office on postal services provided to customers served by that office. The Innis Post Office currently provides EAS-11 level service to 89 Post Office Box customers and no carrier delivery customers. Item No. 8, PS Form 150, Postmaster Workload Information; Item No. 18 at 1; FD at 2. The Post Office has approximately twenty five (25) daily retail window transactions which account for twenty five (25) minutes of retail workload daily. Item No. 10, Window Transaction Survey; Proposal at 2; FD at 2. The closing of the Innis Post Office is premised upon continuing to provide regular and effective postal services to Innis customers.

Petitioner alleges that “closure of the Innis [P]ost [O]ffice will result in local customers having to travel an additional 4.4 miles to the USPS suggested site.” Petition at 4. Furthermore, Petitioner asserts that “[e]lderly residents will have to travel greater distance to receive typical window service” in part because these residents are “the least likely to use Internet-based services.” Petitioner’s Brief at 4-5. Some letters received by the Commission indicate that certain residents do not have means of

transportation to Bachelor or Lettsworth locations. See, e.g., Letter from Claudius James (dated August 5, 2011). Petitioner further questions the ability of customers to purchase money orders and stamps when the Innis Post Office is closed and raises concerns regarding the receipt of accountable mail and the Petitioner's ability to use postal assistant for Priority Mail. Id. at 5, 6. Petitioner asserts that "[i]f a letter or package requires a signature...the letter or package cannot be delivered by a rural carrier" thereby requiring a trip to the "next postal facility." Id. at 5. Petitioner further asserts that "Rural areas and relatively low income areas [will be] disproportionately impacted, given their larger dependency on USPS for personal business." Id.

Petitioner's concerns have been considered and addressed by the Postal Service. Upon the implementation of the Final Determination, delivery and retail services will be provided by rural route delivery under the administrative responsibility of the Bachelor Post Office, thereby obviating the need for Innis residents to travel to the Bachelor office.¹³ Proposal at 2; FD at 2; Memorandum to File ¶ 1. Senior citizens who may lack the means or ability to travel to a Post Office could benefit greatly from rural carrier delivery which provides service directly to roadside mailboxes located close to customers' residences. Item No. 23, Concern Nos. 2, 3. Moreover, the Postal Service makes special provisions for hardship cases and special customer needs. Proposal at 2, Concern No. 3; FD at 2, Concern No. 3. Customers will be able to obtain stamps,

¹³ Petitioner further identifies concerns regarding the location of the Bachelor Post Office, including concerns about parking and traffic hazards. Petitioner's Brief at 9, Exhibit A; Letter from Suzanne Johnson (dated August 15, 2011). These concerns are not supported by the record. Additionally, because delivery and retail services will be provided by rural carrier, there will be no need for Innis customers to travel to the Bachelor office. Proposal at 2; FD at 2.

money orders, and special services such as certified, registered, Express Mail, delivery confirmation, signature confirmation, and COD through the rural carrier. Proposal at 4; Final Determination at 3-4. Petitioner's additional concerns regarding the sanctity and security of mail delivered via rural carrier service are vague and unwarranted. Petition at 5. In its responses to customer comments and concerns the Postal Service noted that rural carriers, who are career employees of the Postal Service, have a longstanding track record of providing dependable mail service to postal customers. Proposal at 3, Concern No. 5; FD at 3, Concern No. 5. Accordingly, the Postal Service considered the effect of closing the Innis Post Office on postal services provided to customers served by that office. 39 U.S.C. § 404(d)(2)(A)(iii).

Effect on the Innis Community

The Postal Service is obligated to consider the effect of its decision to close the Innis Post Office upon the Innis community. 39 U.S.C. § 404(d)(2)(A)(i). As information, Innis, Louisiana, is an unincorporated rural community that is located in the Pointe Coupee Parish. Item No. 16, Community Survey Sheet, at 1; Proposal at 6; FD at 5. Police protection is provided by the Pointe Coupee Parish Sherriff and fire protection is provided by the Innis Volunteer Department. Item No. 16 at 1; Proposal at 6; FD at 5. The community is comprised of retired people, self-employed individuals, farmers, and elderly citizens, and those who commute to work at nearby communities and work in local businesses. Item No. 16 at 1; Proposal at 6; FD at 5. Petitioner asserts that "Innis is the central hub of the rural community area...and is the only small

village that is growing towards town incorporation.” Petition at 3, 4, 7. The Intervener describes the civic and commercial facilities available within the Innis community.

Notice of Intervention at 2; see Petitioner’s Brief at 4, 11, Exhibit A. See also Comments of Michelle D. Oubre; Letter from Janet Carroll (dated August 26, 2011); Letter from Doree Block (dated August 10, 2011); Comments of Donald E. Fetzer at 1.

While the primary purpose of the Postal Service is to provide postal services, Title 39 U.S. Code and postal regulations recognize the substantial role in community affairs often played by local Post Offices and requires consideration of that role whenever the Postal Service proposes to close or consolidate a Post Office. The issue of the effect of the closing of the Innis Post Office upon the Innis community was considered by the Postal Service, as reflected in the AR. Item No. 16 at 1; Item No. 22 at 8; Item No. 23 at 1-3; Item No. 25 at 1-3; Proposal at 6; FD at 5. In response to questions and concerns posed by the community, the Postal Service explained that a community’s identity derives from the interest and vitality of its residents and their use of its name. Proposal at 2, Concern No. 2; FD at 2, Concern No. 2. Additionally, the regular and effective postal services required by communities generally will continue to be provided to the Innis community. Item No. 22 at 9; Proposal at 2; FD at 2. Although Petitioner claims that “Innis will not be able to achieve town incorporation” and “[f]uture business will not locate in [the] town” (Petitioner’s Brief at 4) there is no evidence for this claim in the record. Moreover, the Postal Service considered whether the community was expected to grow in the future and found that that no population, residential, commercial, or business growth was expected to occur. Item No. 16 at 1, 2. Petitioner

asserted that the “Community Survey Sheet is inconsistent with population growth expected[,]” “commercial and business growth is incorrect[,]” and “Census 2010 shows a difference.” Petitioner’s Brief at 6. See also Comments of Michelle D. Oubre. However, the Community Sheet reflects the findings of a postal official who completed the survey in the course of official duties and there is no record evidence that suggests that the findings are inaccurate.

Petitioner questions the timing of the window transaction survey, claiming that it was conducted in a two week period in the coldest part of winter and after one of the busiest times of year for the Post Office. Petitioner’s Brief at 6. See also Comments of Donald E. Fetzer at 1. This assertion is immaterial. According to Postal Regulations, a discontinuance study cannot be conducted without authorization from the district manager. Postal Service-Operated Retail Facilities Discontinuance Guide, Handbook PO-101 (July 2011) § 211. The record shows that the Window Transaction Survey was conducted immediately following the approval to conduct the discontinuance study for the Innis Post Office which was granted on January 19, 2011. Accordingly, the two week study was conducted in accordance with Postal Regulations. In any event, with 25 minutes of daily workload in a full time office, retail activity could be several times larger than it is and still leave the office under utilized.

The Postal Service submits that it has met its burden, as set forth in 39 U.S.C. § 404(d)(2)(A)(i), by considering the effect of closing the Innis Post Office on the community served by that facility. Proposal at 6; FD at 5.

Economic Savings

Consistent with the mandate in 39 U.S.C. § 404(d)(2)(A)(iv), the Postal Service considered economic factors when determining to close the Innis Post Office. Proposal at 7; FD at 5-6. The estimated annual savings associated with discontinuing the Innis Post Office and providing rural route replacement service out of the Bachelor Post Office are \$35,804.00. Proposal at 7; FD at 5-6.

Petitioner claims that the Postal Service did not conduct a study to “to determine what...additional expense would be needed for routes and other services.” Petition at 5; see Petitioner’s Brief at 6. The Public Representative states that the Postal Service’s responses to certain customer questions only refer to service provided by rural carrier, while the letter to the customer indicated that service would be provided via a community post office. Id. at 2. The Public Representative states that the absence of an estimate a cost for replacement service suggests that neither rural carrier nor CPO service will be provided. Id. at 2, 4.

Although the Postal Service acknowledges that certain statements in the AR indicate that replacement service will be provided by a contract unit upon implementation of the FD, the Memorandum filed today clarifies that the phrase “community post office” was intended to refer to the Bachelor Post Office which is located in the community encompassed by the Pointe Coupee Parish. Memorandum ¶ 1. Customers were informed at the community meeting and through responses to returned questionnaires that delivery and retail services will be provided by the Bachelor Post Office. Id. at ¶ 1, 2; Proposal at 2; FD at 2. See also Item No. 22 at 1-8, 13-29;

Item No. 23, Postal Service Customer Questionnaire Analysis, Comment Nos. 2-3, 6, 10, 11, 13, at 1-3; Item No. 25, Postal Service Community Meeting Analysis, Comment Nos. 5-7, at 1-2. The references to “community post office” or “CPO” were not intended to imply that the Postal Service was seeking to replace the Innis Post Office with a new contract unit. Memorandum ¶ 1. Therefore, there was no need to estimate the cost for a replacement contract unit when calculating the estimated economic savings gained by the closure of the Innis Post Office.

Additionally, there is a rural route that emanates from the Bachelor Post Office that currently provides delivery and retail services to the Innis, Bachelor, and Lettsworth communities. Memorandum ¶¶ 1, 4. Because there is an established rural route servicing the Innis community, no additional costs would be added to those routes upon implementation of the Final Determination. Id. Even if several of the P.O. Box customers choose switch to rural route delivery, delivery receptacles would be erected along the existing line of travel so any cost impact would be minimal. Accordingly, the AR appropriately reflects that there will be no material cost increase to provide replacement service via rural carrier. Id.

Petitioner alleges that the Postal Service conducted a static, as opposed to a dynamic analysis, concerning the savings that would be achieved by closing the Innis [P]ost [O]ffice. Petitioner’s Brief at 7. For example, Petitioner states that the Postal Service should have estimated the costs attributable to the loss of box rent or extra carrier time that would be required for home delivery and included such costs in its analysis. Petitioner’s Brief at 8. Petitioner further asserts that the methodology used to

determine the financial savings that would result from the closing of the Innis Post Office has been criticized by the Commission. Petitioner's Brief at 8. Petitioner provides no citation to any authority to support his claim.

While Petitioner's observations may have merit, the Postal Service appropriately applied its standard financial analysis. In this instance, the most important point is that one career slot is being eliminated. In most discontinuance decisions the Postal Service values positions slated for possible elimination by the expense that would be necessary were a career employee assigned, in accordance with policies and agreements with employee organizations. This is a reasonable valuation by the Postal Service that constitutes an appropriate way of standardizing the valuation of positions. Hence while Petitioner points out that other reasonable approaches do exist, the Postal Service's approach is both defensible and reasonable; moreover it is efficient while adding comparability across discontinuance studies. Due in part to the Commission's suggestions in PRC Docket No. N2009-1 (SBOC), the means by which financial savings are calculated were changed in the recent update to Handbook PO-101, as the Commission explored on September 8, 2011 through the testimony and oral cross-examination of witnesses James Boldt and Dean Granholm (PRC Docket No. N2011-1). In the near future, those calculations will be presented in the same terms as Finance in the Postal Service evaluates employee and other costs.

Petitioner claims that the Postal Service undertook several actions to undercut the business at the Innis Post Office. Petitioner asserts that Postal Service violated its own requirements by "establishing rural route boxes within the town of Innis [P]ost

[O]ffice jurisdiction to only blocks away from the Innis [P]ost [O]ffice[.]" thereby leading to a reduction in revenue at the Innis Post Office. Petition at 3, 7. See also Notice of Intervention at 2; Petitioner's Brief at 6; Comments of Donald E. Fetzer at 2; Letter from Doree Block (dated August 10, 2011). Petition at 3. Petitioner further alleges that the presence of an "inapt, incompetent, [and] dysfunctional" postal employee at the Innis Post Office caused a reduction in business at the Innis Post Office. Petitioner's Brief at 7; Comments of Donald E. Fetzer at 1. These allegations, however, do not warrant the remanding of the FD to the Postal Service. Petitioner provides no citation to any legal authority supporting the alleged violation and neither allegation is supported by record evidence. There is no evidence of any formal complaint filed against the postal employee referenced in the Petition. In any event, rural routes from neighboring Post Offices commonly reach households near some other Post Office; this is not precluded by postal regulations and it occurs more routinely than it once did after consolidation of carriers into fewer locations.

The Postal Service determined that carrier service is more cost-effective than maintaining the Innis Post Office and postmaster position. FD, at 5. The Postal Service's estimates are supported by record evidence, in accordance with the Postal Service's statutory obligations. The Postal Service, therefore, has considered the economic savings to the Postal Service resulting from such a closing, consistent with its statutory obligations and Commission precedent. See 39 U.S.C. § 404(d)(2)(A)(iv).

Effect on Employees

As documented in the record, the impact of the closing on postal employees is minimal. The postmaster was reassigned on July 2, 2008, and temporary officer-in-charge (OIC) has been installed to operate the Innis Post Office. A PMR is also serving the Innis Post Office and may be separated from the USPS upon implementation of the FD. The record shows that no other employee would be affected by this closing. Item No. 15 at 1; Proposal at 7; FD at 5. Therefore, in making the determination, the Postal Service considered the effect of the closing on the employees at the Innis Post Office, consistent with its statutory obligations. See 39 U.S.C. § 404(d)(2)(A)(ii).

Procedural Concerns

One of Petitioners' central criticisms of the Final Determination is that the Postal Service did not consider an alternative proposal that contemplates the consolidation of two other Post Offices (i.e., the Bachelor and Lettsworth Post Offices) into the Innis Post Office. Petition at 2, 7, 10-11; Petitioner's Brief at 8; Public Representative Comments at 3. Petitioner alleges that "merging all three Post Office units from the county" (Petition at 2, 5, 7, Exhibit A) would save more money. See also Notice of Intervention at 1 (suggesting that such merger would create efficiencies); Petitioner's Brief at 6, 8; Comments of Michelle D. Oubre; Letter from Doree Block (dated August 10, 2011). Petitioner observes that administrative record does not support the Postal Service rejection of his alternative proposal.¹⁴ Petitioner's Brief at 10. Petitioner and the Public

¹⁴ Petitioner criticizes the Postal Service for not comparing walk-in foot traffic observed at the Bachelor

Representative find significant the fact that the postmaster positions at the Bachelor and Lettsworth Post Offices are also vacant. Petitioner's Brief at 6; Public Representative Comments at 4. Petitioner urges the Commission to consider his alternative plan for consolidating the Lettsworth and Batchelor Post Offices with the Innis Post Office. Petition at 8; Petitioner's Brief at 2, 10, Exhibit A. See also Notice of Intervention. Under this plan, rural routes would emanate from the Innis Post Office. Petitioner's Brief, Exhibit A at 2.

While Petitioner's views may, or may not, interest postal officials, the Postal Service itself is responsible for formulating a specific proposal and evaluating it in the context of title 39 and applicable regulations. That is precisely what the Postal Service has done. The Postal Service is only required to demonstrate that the closure of the specific Post Office under review will satisfy the criteria set forth in § 404(d). In so doing, the Postal Service is not required also to evaluate and reject alternative proposals put forth by anyone. Of course, at the same time, the Postal Service has the discretion to consider such alternatives. In this instance, the Final Determination reflects the Postal Service's considered decision. Consistent with these legal standards, the Commission informed Petitioners that the Commission does not have the authority to return a Final Determination to the Postal Service even if the Commission

and Lettsworth Post Offices with similar data from the Innis Post Office. Petitioner's Brief at 6. Petitioner states that answers to questions concerning income and expense, box holder counts, route-weighted volume of the two other rural post offices, and other topics were never received by postal patrons. Petition at 7, 10, Exhibit B. See also Petitioner's Brief at 5-6, 9. For the reasons set forth herein, the Postal Service was not required to consider these data when determining whether to close the Innis Post Office.

believes that a different result might be preferable. See Secretary's Letter Transmitting PRC Form 61 to Petitioner ("Commission Form 61") at 1 (August 1, 2011).

Regardless, the Postal Service did address Petitioner's alternative proposal and provided an explanation as to why the proposal was not feasible. Memorandum ¶ 3. See also Item No. 22 at 8; Item No. 23, Concern Nos. 1, 4; Item No. 25, Concern No. 4. As demonstrated above, the Postal Service has fulfilled its statutory and regulatory obligations with respect to the determination to close the Innis Post Office.

Petitioner alleges that the Postal Service decided to close the Innis Post Office before receiving any public input. Petitioner's Brief at 5; Petitioner's Brief at 8. Petitioner states that the copy of the January 24, 2011, notice does not indicate that the Innis [P]ost [O]ffice was being considered for closing but "indicates that the Postal Service is asking for opinions concerning and considering a possible change in the way postal services are provided" and "suggested opportunities to discuss *alternatives* with the USPS at the public town hall meeting February 16, 2011." Petition at 6 (emphasis in the original).

If the Postal Service is to discontinue an office, it is obliged to develop a plan by which replacement services will be provided; it must also share that plan with customers and get their feedback about it. That feedback can and does impact what the Postal Service eventually chooses to do, but at least for discontinuance, the only authority for a final decision rests with the Vice-President, Delivery and Post Office Operations.

Petitioner's argument would apparently require the Postal Service not to develop a plan

for replacement services before meeting with affected customers. However, that is not the way title 39 works.

Despite Petitioner's claims to the contrary, the January 24 letter to customers states that Innis Post Office was being "studied for possible closing or consolidation."

Item No. 21. As explained above, customers were informed that they would be provided with delivery and retail services via rural carrier. Additionally, in accordance with the representations in the letter, the Postal Service discussed the feasibility of Petitioner's alternative proposal at the community meeting February 16, 2011.

Memorandum at 3.

Petitioner alleges that the Postal Service acted arbitrarily during the process preceding the issuance of the Final Determination, provided insufficient responses to customer questions and concerns, and failed to produce certain information and documentation pertaining to the closure. Petition at 2-6, Exhibit F. Despite Petitioners' contentions, the AR shows that the actual concerns of the residents of the Innis community were considered by Postal Service representatives and that the community meeting was designed to solicit the concerns of, and address the needs of, the community. Throughout the process, postal representatives answered questions on a variety of topics, including: (1) how customers with disabilities will obtain service; (2) concerns regarding traveling to another Post Office; (3) the dependability of rural route service; (4) what services would be available from the rural carrier. Item No. 23; Item No. 25. The Postal Service is confident that the Innis residents were afforded an

adequate opportunity to express their concerns, ask questions, and receive information from the Postal Service.

Petitioner alleges several errors in the AR and states that “there are businesses, grocery stores...and existing churches...not listed, to name a few, and omitted in error on page 13.” Petitioner’s Brief at 6. Petitioner states that “route boxes are not listed” in Item 13. Petitioner’s Brief at 6, 8. These observations are, however, not material. Carrier route delivery receptacles are not listed because the carrier heads out from a neighboring office. Hence they are not served by a route that emanates out of the Innis Post Office. See Memorandum ¶ 4. Additionally, any errors claimed by Petitioner could not have a material effect on the analysis contained in the Proposal and Final Determination, and, therefore, provide no basis for remanding the Final Determination to the Postal Service. See Commission Form 61 at 1-2.

Conclusion

As reflected throughout the AR, the Postal Service has followed the proper procedures and carefully considered the effect of closing the Innis Post Office on the provision of postal services and on the Innis community, as well as the economic savings that would result from the proposed closing, the effect on postal employees, and other factors, consistent with the mandate of 39 U.S.C. § 404(d)(2)(A).

After taking all factors into consideration, the Postal Service determined that the advantages of discontinuance outweigh the disadvantages; additionally, the Postal Service concluded that after the discontinuance, the Postal Service will continue to

provide effective and regular service to Innis customers. FD at 7. The Postal Service respectfully submits that this conclusion is consistent with and supported by the Administrative Record and is in accord with the policies stated in 39 U.S.C. § 404(d)(2)(A). Accordingly, the Postal Service respectfully requests that the Final Determination to close the Innis Post Office be affirmed.

Respectfully submitted,

UNITED STATES POSTAL SERVICE
By its attorneys:

Anthony F. Alverno
Chief Counsel, Global Business

Matthew J. Connolly
Attorney

475 L'Enfant Plaza, S.W.
Washington, D.C. 20260-1137
(202) 268-8582; Fax -5418
matthew.j.connolly@usps.gov
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