

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

Breaks Post Office  
Breaks, Virginia

Docket No. A2011-88

NOTICE AND ORDER ACCEPTING APPEAL AND  
ESTABLISHING PROCEDURAL SCHEDULE

(Issued September 28, 2011)

Notice is hereby given that, pursuant to 39 U.S.C. 404(d), on September 23, 2011, the Commission received a petition for review of the Postal Service's determination to close the Breaks post office in Breaks, Virginia. The petition was filed by Keith Mullins (Petitioner) and is postmarked September 14, 2011. The Commission hereby institutes a proceeding under 39 U.S.C. 404(d)(5) and establishes Docket No. A2011-88 to consider Petitioner's appeal. If Petitioner would like to further explain his position with supplemental information or facts, Petitioner may either file a Participant Statement on PRC Form 61 or file a brief with the Commission no later than October 28, 2011.

*Category of issues apparently raised.* Petitioner contends that the Postal Service failed to consider the effect of the closing on the community. See 39 U.S.C. 404(d)(2)(A)(i).

After the Postal Service files the administrative record and the Commission reviews it, the Commission may find that there are more legal issues than the one set forth above, or that the Postal Service's determination disposes of one or more of those issues. The deadline for the Postal Service to file the applicable administrative record with the Commission is October 11, 2011. See 39 CFR 3001.113. In addition, the due date for any responsive pleading by the Postal Service to this Notice is October 11, 2011.

*Availability; website posting.* The Commission has posted the appeal and supporting material on its website at <http://www.prc.gov>. Additional filings in this case and participants' submissions also will be posted on the Commission's website, if provided in electronic format or amenable to conversion, and not subject to a valid protective order. Information on how to use the Commission's website is available online or by contacting the Commission's webmaster via telephone at 202-789-6873 or via electronic mail at [prc-webmaster@prc.gov](mailto:prc-webmaster@prc.gov).

The appeal and all related documents are also available for public inspection in the Commission's docket section. Docket section hours are 8 a.m. to 4:30 p.m., eastern time, Monday through Friday, except on Federal government holidays. Docket section personnel may be contacted via electronic mail at [prc-dockets@prc.gov](mailto:prc-dockets@prc.gov) or via telephone at 202-789-6846.

*Filing of documents.* All filings of documents in this case shall be made using the Internet (Filing Online) pursuant to Commission rules 9(a) and 10(a) at the Commission's website, <http://www.prc.gov>, unless a waiver is obtained. See 39 CFR 3001.9(a) and 3001.10(a). Instructions for obtaining an account to file documents online may be found on the Commission's website or by contacting the Commission's docket section at [prc-dockets@prc.gov](mailto:prc-dockets@prc.gov) or via telephone at 202-789-6846.

The Commission reserves the right to redact personal information which may infringe on an individual's privacy rights from documents filed in this proceeding.

*Intervention.* Persons, other than Petitioner and respondent, wishing to be heard in this matter are directed to file a notice of intervention. See 39 CFR 3001.111(b). Notices of intervention in this case are to be filed on or before October 24, 2011. A notice of intervention shall be filed using the Internet (Filing Online) at the Commission's website unless a waiver is obtained for hardcopy filing. See 39 CFR 3001.9(a) and 3001.10(a).

*Further procedures.* By statute, the Commission is required to issue its decision within 120 days from the date it receives the appeal. See 39 U.S.C. 404(d)(5). A procedural schedule has been developed to accommodate this statutory deadline. In the interest of expedition, in light of the 120-day decision schedule, the Commission may request the Postal Service or other participants to submit information or memoranda of law on any appropriate issue. As required by the Commission rules, if any motions are filed, responses are due 7 days after any such motion is filed. See 39 CFR 3001.21.

*It is ordered:*

1. The Postal Service shall file the applicable administrative record regarding this appeal no later than October 11, 2011.
2. Any responsive pleading by the Postal Service to this Notice is due no later than October 11, 2011.
3. The procedural schedule listed below is hereby adopted.
4. Pursuant to 39 U.S.C. 505, Natalie Rea Ward is designated officer of the Commission (Public Representative) to represent the interests of the general public.

5. The Secretary shall arrange for publication of this Notice and Order in the *Federal Register*.

By the Commission.

Shoshana M. Grove  
Secretary

### PROCEDURAL SCHEDULE

September 23, 2011	Filing of Appeal
October 11, 2011	Deadline for the Postal Service to file the applicable administrative record in this appeal
October 11, 2011	Deadline for the Postal Service to file any responsive pleading
October 24, 2011	Deadline for notices to intervene (see 39 CFR 3001.111(b))
October 28, 2011	Deadline for Petitioner's Form 61 or initial brief in support of the petition (see 39 CFR 3001.115(a) and (b))
November 17, 2011	Deadline for answering brief in support of the Postal Service (see 39 CFR 3001.115(c))
December 2, 2011	Deadline for reply briefs in response to answering briefs (see 39 CFR 3001.115(d))
December 9, 2011	Deadline for motions by any party requesting oral argument; the Commission will schedule oral argument only when it is a necessary addition to the written filings (see 39 CFR 3001.116)
January 12, 2012	Expiration of the Commission's 120-day decisional schedule (see 39 U.S.C. 404(d)(5))