

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

In the Matter of:

Pimmit Branch
Falls Church, Virginia 22043
(Elaine J. Mittleman, Petitioner)

Docket No. A2011-90

**RESPONSE OF UNITED STATES POSTAL SERVICE TO PETITIONER'S
APPLICATION FOR SUSPENSION OF DISCONTINUANCE FOR THE
PIMMIT BRANCH, FALLS CHURCH, VIRGINIA 22043
(October 7, 2011)**

On September 27, 2011, the Postal Regulatory Commission (Commission) received an application filed by the Petitioner to suspend the discontinuance of the Pimmit Branch (the "Application").¹ By means of Order No. 882 (September 29, 2011), the Commission docketed correspondence from Elaine J. Mittleman, (Petitioner), assigning PRC Docket No. A2011-90 as an appeal pursuant to 39 U.S.C. § 404(d). The Pimmit Branch is scheduled to close on November 10, 2011. As explained below, Petitioner's Application should be denied.

As an initial matter, this appeal is not within the scope of the Commission's jurisdiction under 39 USC § 404(d). The Pimmit Branch is not an independent Post Office so Commission jurisdiction under 39 U.S.C. § 404(d) does not attach. As the Commission is well aware, the Postal Service understands that the Commission lacks subject matter jurisdiction under 39 U.S.C. § 404(d) to review Postal Service decisions regarding the discontinuance

¹ Letter to Shoshana Grove, Secretary of the Commission, Postal Regulatory Commission, from Elaine J. Mittleman, dated September 22, 2011, PRC Docket No. A2011-90, (September 27, 2011).

of stations and branches. See *generally* Reply Brief of the United States Postal Service, section III (pp. 6-12), PRC Docket No. N2009-1 (December 16, 2009); Comments of United States Postal Service Regarding Jurisdiction Under (Current) Section 404(d), PRC Docket No. A2010-3 (April 19, 2010); Initial Comments of the United States Postal Service, section I (pp. 2-7), PRC Docket No. RM2011-13 (October 3, 2011).² In the Postal Service's view, the appeal procedures of 39 USC 404(d) do not apply to the Pimmit Branch because the Pimmit Branch is not an independent Post Office. Thus, the Commission's Rules of Practice for Post Office closings found in section 3001.110 et seq. do not apply in this instance. Petitioner fails to allege facts that constitute a condition precedent to any jurisdiction of the Commission under section 404. 39 U.S.C. § 404(d)(5).

Second, even assuming section 404(d) were interpreted to embrace the discontinuance of stations and branches, this proceeding does not involve a loss of retail services to the community for reasons that match those in PRC Docket No. A2010-3. In that proceeding, the Commission concluded that the section 404(d) procedural requirements apply only where postal customers lose access to postal services, and postal customers do not lose access to postal services where alternate retail facilities are located in "close proximity" to the discontinued station.³ Because of the close proximity of other postal facilities and the availability of postal services through <http://www.USPS.com/> and other expanded

² In turn, the Postal Service is well aware that the Commission claims a broader jurisdiction. See PRC Order No. 814, Notice of Proposed Rulemaking Regarding Appeals of Postal Service Determinations to Close or Consolidate Post Offices, Docket No. RM2011-13, August 18, 2011, at 10-11.

³ PRC Order No. 477, Order Dismissing Appeal, Docket No. A2010-3, June 22, 2010, at 7-8.

access options, the discontinuance of the Pimmit Branch will not cause postal customers to lose access to postal services.⁴ Consequently, the Postal Service submits that the section 404(d) procedures do not apply on this separate basis. Therefore, the relief requested by the petitioner is not, as a matter of law, available to Petitioner and should be denied on these grounds alone. The Postal Service will respond to these matters in greater detail in its Notice due on October 11, 2011.

Third, even assuming the 404(d) requirements were applied in the context of the discontinuance of the Pimmit Branch, the Postal Service satisfied the salient provisions of section 404(d). On January 7, 2010, the Postal Service distributed a letter stating that consolidation of the Pimmit Branch was under consideration. The letter included a questionnaire and invited comments on the potential change to the postal retail network. The Postal Service also made the questionnaire available over the counter for retail customers at the Pimmit Branch. Through this notification, the Postal Service furnished customers with well over 60 days' notice of the Postal Service's intention to consider discontinuance of the facility. Upon making the final decision to discontinue Pimmit Branch, the Postal Service announced its decision publicly on September 14, 2011 by letter notifying customers that the Pimmit Branch will discontinue operations in November 2011.

⁴ The Dunn Loring Branch and the Falls Church Finance Unit are located about two miles from the Pimmit Branch. See Exhibit 1 (printout from "Find USPS Locations" on USPS.com) [Note that this printout uses the term "Post Office" for retail units staffed by postal employees, thereby including stations, branches and Post Offices].

Fourth, in earlier station and branch discontinuance appeals, the Commission has declined either to address or to grant petitioner applications for suspensions of scheduled closings.⁵ In these cases, the Commission did not interfere with the Postal Service's completion of scheduled closures even though the Commission had not ruled on petitioners' appeals. See *id.*

Fifth, the Postal Service investigated the facts pertaining to the Pimmit Branch; the relief requested by the petitioner is not practicable to implement at this late stage and would significantly frustrate postal operational plans. The Postal Service has already made numerous arrangements to implement the final determination, including the following:

- Gave notice to the lessor of the termination of the lease, in accordance with the terms of the lease;
- Arranged for the premises to be vacated in a timely fashion with all postal owned equipment removed;
- Made arrangements for relocating affected employees currently working at the Pimmit Branch, in accordance with applicable standards; and
- Scheduled various operational changes to coincide with the discontinuance of the Pimmit Branch on November 10, 2011.

⁵ See PRC Docket No. A2011-1 (application for suspension filed on October 19, 2010; station closed on December 31, 2010; order affirming final determination issued on February 15, 2011); PRC Docket No. A2011-4 (application for suspension filed on November 22, 2010; station closed on December 31, 2010; order affirming final determination issued on March 16, 2011); PRC Docket No. A2011-5 (application for suspension filed on December 6, 2010; station closed on January 14, 2011; order affirming final determination issued on March 31, 2011); PRC Docket No. A2011-16 (application for suspension filed on May 17, 2011; station closed on June 17, 2011; order affirming final determination issued on September 8, 2011); PRC Docket No. A2011-18 (application for suspension filed on June 20, 2011; station closed on July 8, 2011; order affirming final determination issued on September 20, 2011).

Thus, Postal Service operational plans for an efficient transition would be frustrated and costly if the Commission were to grant the requested relief. Also, many customers of the Pimmit Branch have made and scheduled their own adjustments to accommodate their needs to send and receive mail based on the scheduled November 10, 2011 discontinuance.

For the reasons set forth above, Petitioner's application for suspension of the scheduled closing of the Pimmit Branch should be denied.

Respectfully submitted,

UNITED STATES POSTAL SERVICE
By its attorneys:

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October 7, 2011

EXHIBIT 1



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| <p>1 Post Office™
Location - PIMMIT
7520 LEESBURG
PIKE
FALLS CHURCH, VA
22043-9998
(800) ASK-USPS
(800) 275-8777</p> <p style="border: 1px solid black; padding: 2px; display: inline-block;">0.0 mi</p> | <p>Business Hours
Mon-Fri
8:30am-2:00pm
3:00pm-5:00pm
Sat-Sun
Closed</p> | |
| <p>2 Post Office™
Location - DUNN
LORING
2302 GALLOWS RD
DUNN LORING, VA
22027-9998
(800) ASK-USPS
(800) 275-8777</p> <p style="border: 1px solid black; padding: 2px; display: inline-block;">1.2 mi</p> | <p>Business Hours
Mon-Fri
9:30am-5:00pm
Sat
8:30am-12:00pm
Sun
Closed</p> | |
| <p>3 Post Office™
Location - FALLS
CHURCH FINANCE
UNIT
800 W BROAD ST
STE 100
FALLS CHURCH, VA
22046-3199
(800) ASK-USPS
(800) 275-8777</p> <p style="border: 1px solid black; padding: 2px; display: inline-block;">1.7 mi</p> | <p>Business Hours
Mon-Fri
9:00am-5:00pm
Sat
9:00am-12:30pm
Sun
Closed</p> | <p>Services
Passport Application
Services
Automated Postal Centers®</p> <p><small>Service hours may vary. Please check link for business hours.</small></p> |
| <p>4 Post Office™
Location - WEST
MCLEAN</p> | <p>Business Hours
Mon-Fri
9:00am-5:00pm</p> | <p>Services
Passport Application
Services</p> |

<p>1544 SPRING HILL RD MC LEAN, VA 22102-9998 (800) ASK-USPS (800) 275-8777</p> <p>2.5 mi</p>	<p>Sat 9:00am-2:00pm Sun Closed</p>	<p>Automated Postal Centers®</p> <p>Service hours may vary. Please check link for business hours.</p>
<p>5 Post Office™ Location - MC LEAN 6841 ELM ST MC LEAN, VA 22101-9998 (800) ASK-USPS (800) 275-8777</p> <p>2.5 mi</p>	<p>Business Hours Mon-Fri 9:00am-5:00pm Sat 9:00am-2:00pm Sun Closed</p>	<p>Services Automated Postal Centers®</p> <p>Service hours may vary. Please check link for business hours.</p>

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By City

[DUNN LORING](#) [MC LEAN](#) [MERRIFIELD](#) [ARLINGTON](#) [ANNANDALE](#)

By ZIP Code

[22043](#) [22027](#) [22046](#) [22102](#) [22101](#) [22081](#) [22042](#) [22180](#) [22205](#) [22044](#)
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|---|---|--|
| <p>6 Post Office™
 Location -
 MERRIFIELD
 8409 LEE HWY
 MERRIFIELD, VA
 22081-9998
 (800) ASK-USPS
 (800) 275-8777</p> | <p>Business Hours
 Mon-Fri
 9:00am-8:00pm
 Sat-Sun
 9:00am-5:00pm</p> | <p>Services
 Passport Application
 Services
 Automated Postal Centers®</p> <p>Service hours may vary. Please check link for business hours.</p> |
| 2.8 mi | | |
| <p>7 Post Office™
 Location - MOSBY
 3030 ANNANDALE RD
 FALLS CHURCH, VA
 22042-9998
 (800) ASK-USPS
 (800) 275-8777</p> | <p>Business Hours
 Mon-Fri
 9:00am-5:00pm
 Sat
 9:00am-2:00pm
 Sun
 Closed</p> | |
| 3.0 mi | | |
| <p>8 Post Office™
 Location - VIENNA
 200 LAWYERS RD
 NW
 VIENNA, VA 22180-9998
 (800) ASK-USPS
 (800) 275-8777</p> | <p>Business Hours
 Mon-Fri
 9:00am-5:00pm
 Sat-Sun
 Closed</p> | <p>Services
 Passport Application
 Services
 Automated Postal Centers®</p> <p>Service hours may vary. Please check link for business hours.</p> |
| 3.5 mi | | |
| <p>9 Post Office™
 Location - PRESTON KING
 5877 WASHINGTON BLVD
 ARLINGTON, VA</p> | <p>Business Hours
 Mon-Fri
 9:00am-5:00pm
 Sat
 9:00am-2:00pm
 Sun</p> | <p>Services
 Passport Application
 Services</p> <p>Service hours may vary. Please check link for business hours.</p> |

22205-9998 Closed
 (800) ASK-USPS
 (800) 275-8777
3.6 mi

10 Post Office™ **Business Hours**
Location - SEVEN Mon-Fri
CORNERS 8:30am-2:00pm
 6375 SEVEN 3:00pm-5:00pm
 CORNERS CTR Sat-Sun
 FALLS CHURCH, VA Closed
 22044-9998
 (800) ASK-USPS
 (800) 275-8777
3.8 mi

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Location - NORTH
2200 N GEORGE
MASON DR
ARLINGTON, VA
22207-9998
(800) ASK-USPS
(800) 275-8777</p> <p style="border: 1px solid black; padding: 2px; display: inline-block;">3.8 mi</p> | <p>Business Hours
Mon-Fri
9:00am-5:00pm
Sat
9:00am-2:00pm
Sun
Closed</p> | <p>Services
Automated Postal Centers®</p> <p>Service hours may vary. Please check link for business hours.</p> |
| <p>12 Post Office™
Location -
BAILEYS
CROSSROADS
6021 LEESBURG
PIKE
FALLS CHURCH, VA
22041-9998
(800) ASK-USPS
(800) 275-8777</p> <p style="border: 1px solid black; padding: 2px; display: inline-block;">4.9 mi</p> | <p>Business Hours
Mon-Fri
9:30am-5:00pm
Sat
9:00am-4:00pm
Sun
Closed</p> | <p>Services
Passport Application
Services
Automated Postal Centers®</p> <p>Service hours may vary. Please check link for business hours.</p> |
| <p>13 Post Office™
Location -
ANNANDALE
4270 JOHN MARR DR
ANNANDALE, VA
22003-9998
(800) ASK-USPS
(800) 275-8777</p> <p style="border: 1px solid black; padding: 2px; display: inline-block;">5.1 mi</p> | <p>Business Hours
Mon-Fri
9:30am-5:00pm
Sat
9:00am-2:00pm
Sun
Closed</p> | <p>Services
Passport Application
Services
Automated Postal Centers®</p> <p>Service hours may vary. Please check link for business hours.</p> |
| <p>14 Post Office™
Location -
TURNPIKE</p> | <p>Business Hours
Mon-Fri
8:30am-5:00pm</p> | <p>Services
Passport Application
Services</p> |

3601 PICKETT RD
FAIRFAX, VA 22031-9998
(800) ASK-USPS
(800) 275-8777

Sat
8:30am-12:00pm
Sun
Closed

Automated Postal Centers®

Service hours may vary. Please check link for business hours.

5.2 mi

15 **Post Office™**
Location - CABIN JOHN
7945 MACARTHUR BLVD STE 101
CABIN JOHN, MD 20818-9998
(800) ASK-USPS
(800) 275-8777

Business Hours
Mon-Fri
9:00am-5:00pm
Sat
9:00am-1:00pm
Sun
Closed

5.4 mi

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