

Postal Regulatory Commission  
Office of the Chief Admin. Officer

OCT 17 2011

BEFORE THE  
POSTAL RATE COMMISSION  
WASHINGTON, DC 20268

RECEIVED

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In the Matter of:

Old Chatham, NY 12136  
Post Office State ZIP Code

POSTAL REGULATORY  
COMMISSION  
OFFICE OF THE SECRETARY  
Docket No: A2011-69

Karen A. Murphy, Petitioner(s)

PARTICIPANT STATEMENT

1. Petitioner(s) are appealing the Postal Service's Final Determination concerning the Old Chatham post office. The Final Determination was posted 8/9/2011 (date)

2. In accordance with applicable law, 39 U.S.C. § 404(d)(5), the Petitioner(s) request the Postal Regulatory Commission to review the Postal Service's determination on the basis of the record before the Postal Service in the making of the determination.

3. Petitioners: Please set out below the reasons why you believe the Postal Service's Final Determination should be reversed and returned to the Postal Service for further consideration. (See pages of the Instructions for an outline of the kinds of reasons the law requires us to consider.) Please be as specific as possible. Please continue on additional paper if you need more space and attach the additional page(s) to this form.

See attached: Participant Statement  
Verified Petition for Review  
June 3 2011 letter of  
Karen A. Murphy  
June 3, 2011 Toll Demand  
June 29 2011 letter of  
Richard J. Dorsey

VIA PRIORITY MAIL

TO: Office of the Secretary  
Postal Regulatory Commission  
901 New York Avenue, NW. Suite 200  
Washington, DC 20268

PARTICIPANT STATEMENT (PRC Form 61)

The proposed closure of the Old Chatham Post Office, NY 12136 is the subject of four separate appeals: Murphy, Dorsey, Murray and Lundy (the former Old Chatham Postmaster).

At the outset it is important to note that after a great deal of time spent on the prc web cite I was UNABLE to download the Postal Service's Response and Record filed on September 23, 2011. We ask that these filings be forwarded to the address in the attached September 6, 2011 Verified Petition for Review ("Petition"), and that we are given additional time to serve our reply.

Each of the aforementioned appeals set forth in detail the numerous failures and misstatements made by the Postal Service in course of implementing what was an obvious pre-determined decision to close this vital and historic office.

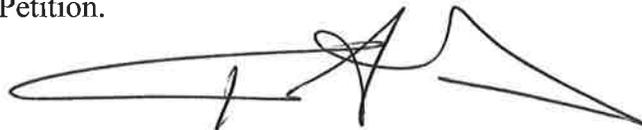
I will not restate those argument here but will highlight the most egregious of Postal Service's errors which proves or supports a finding that the "final determination" was "arbitrary, capricious and an abuse of discretion" and fails for want of "substantial evidence."

*First*, and in connection with the required consideration of "the effect that such closing [] [will have] on the community served by the post office," the Postal Service falsely stated in the Docket that 121 responders out of 179 expressed "no opinion regarding the proposed alternative service" (location 6 miles away). *See* letter of Karen A, Murphy, dated June 3, 2011, attached to the Petition for a detailed explanation. That demonstrably false statement of fact (which has not been corrected) requires a remand to determine the community's *actual* opinion concerning the closing of its post office.

*Second*, and in connection with the required consideration of the "**economic savings**" to the Postal Service, the analysis offered is a complete fiction. There are no MONETARY SAVINGS associated with this closing. On the contrary, it will actually COST the Postal Service (at a minimum) \$20,000.00 a year to relocate these services to a post office 6 miles away. *Id.* As the "final determination" is premised upon "savings" which can not be proven the matter should be remanded for reconsideration.

*Finally*, our other points on appeal are fully set forth in the attachments hereto and in the record of 429 pages we supplied together with our Petition.

Filing dated: October 13, 2011  
By: Karen A. Murphy, Esq.



**VERIFIED PETITION FOR REVIEW**

PETITIONER: KAREN A. MURPHY

RESPONDENT: POSTAL SERVICE  
DEAN J. GRANHOLM  
VICE PRESIDENT OF DELIVERY AND POST OFFICE OPERATIONS

TO: Postal Regulatory Commission  
901 New York Avenue NW  
Suite 200  
Washington DC, 20268-0001  
*VIA EXPRESS MAIL*

1. This Petition for Review (“Petition”) is filed in connection with the Final Determination to Close the Old Chatham, N.Y. Post Office, date of Posting 8/9/11, Docket Number 1376004-12136 (“The Final Determination”).

2. As a resident served by the Old Chatham Post Office, I file this *timely appeal* of the decision to shutter its operations. I understand that pursuant to Rule 3025.30, the Final Determination will be suspended until there is a final decision in connection with this (and any other “consolidated”) appeal.

3. Enclosed herewith are copies of all of the opposition documentation supplied to the Postal Service during the 60-day comment period. It is noted, at the outset, that The Final Determination failed to even identify the bulk of this opposition. This failure to identify and address the concerns raised serves as our first basis for the appeal. It does so particularly as it relates to the failure to address the significant safety issues raised in connection with the dangerous bridge crossing which almost every Old Chatham resident will have to transverse to reach the East Chatham Post Office. Those submissions are addressed in the companion Petition for Review submitted by Richard Dorsey, a resident served by the Old Chatham Post Office.

4. In addition, we appeal on the following principal grounds: the “economic savings” presented in the original proposal (and restated in the Final Determination) is simply a fiction as noted in our letter, dated June 3, 2011, which is enclosed herewith; the deliberate misrepresentation (and the failure to correct same in the Final Determination) regarding the number of residents who “expressed no opinion” concerning the proposed alternative service (*Id.*); and, the failure to respond to our June 3, 2011 detailed FOIL demand for information concerning the operations of the East Chatham Post Office (also enclosed herewith).

5. To emphasize, the purported “economic savings” is ***no savings at all but an actual COST of \$20,000.00*** should our postal service operations be relocated to East Chatham. The last Old

Chatham Postmaster retired 13 years ago. Her replacement was relocated from our Post Office in 2008, or over 3 years ago. As such, the Postal Service has not paid the reported salary of \$36,381.00 nor fringe benefits of \$12,188.00 for this unfilled position nor is it under any obligation to do so. Instead, we have operated with a Postal Service employee and a rural carrier both of whom the Final Determination claims will be retained with the planned relocation. Therefore, the only "savings" would be the "annual lease costs of \$9,025.00." If that figure is subtracted from the "Annual Cost of Replacement Service" of \$29,027.00 the actual (minimum) cost of closing the Old Chatham Post Office is \$20,002.00 and NOT a savings of \$28,567.00. The claimed money "savings" fails for lack of proof.

6. On a related note, it is our understanding that the monthly rent at the East Chatham location is **\$5,000.00** as opposed to the Old Chatham rent of \$752.00. We sought, *inter alia*, confirmation of that East Chatham figure by way of our June 3<sup>rd</sup> FOIL demand which remains unanswered now three months later. It is clear that the Postal Service made a very bad business decision when it constructed the East Chatham location (a location which has virtually no walk-in business and obviously very steep long term expenses). To use a false claim of "savings" as the sole basis to close our Post Office is simply disingenuous (in the extreme) as the real reason is to forcefully shift more business to this failed East Chatham location.

7. All other points on appeal are fully set forth in the documents enclosed herewith. Your written response should be forwarded to the address below. Please advise when we should expect same.

WHEREFORE, Petitioner respectfully demands that the Final Determination be reversed or, in the alternative, that the matter be remanded for further review and reconsideration given the overwhelming opposition to closure, the misrepresentations in the Docket, the failure to prove any monetary "savings" in connection with this closing.

ATTORNEY VERIFICATION: I, Karen A. Murphy, being duly admitted to practice before the Courts of this State hereby affirm upon information and belief and under the penalty of perjury that I have read the Petition and know the contents thereof to be true to my knowledge.

Dated: September 6, 2011  
Old Chatham, New York

By: 

*For the Petitioner*  
Karen A. Murphy  
76 Phelps Road  
Old Chatham, New York 12136  
(518) 392-6471  
[KarenAMurphyEsq@aol.com](mailto:KarenAMurphyEsq@aol.com)

Enclosures

cc: The Honorable Kirsten Gillibrand (w/o enclosures)  
The Honorable Chris Gibson (w/o enclosures)  
Citizens to Save the Old Chatham Post Office (w/o enclosures0

June 3, 2011

Optimization Coordinator  
United States Postal Service Customer Affairs  
30 Karner Road  
Albany, New York 12214-9653

*Re: The Threatened Closing of the Old Chatham, N.Y. Post Office*

Dear Sir/Madame:

I write in connection with the above referenced matter, and to correct certain material misstatements made by your Office in a document entitled "Proposal to Close the Old Chatham, NY Post Office and to Continue to Provide Service by Rural Route Delivery" (date of posting May 17, 2011) ("The Proposal"), as well as in letters sent under Mr. Tiemann's (Robo) signature to residents who have voiced their concern and objections to the threatened closure of their Post Office.

*First*, and perhaps the most disturbing, is the claim that of the 179 Questionnaires returned (on or before May 3, 2011) "121 expressed no opinion" regarding the proposed alternative service. This claim is demonstrably false. After personally reviewing the "Docket" it appears that a certain prompt in the Questionnaire told the responder to SKIP answering Question 3 if the individual had "carrier delivery." So most of the responders did what they were told and skipped all together offering their opinion on whether the proposed change was "Better," "Just As Good," "**No Opinion**," or "Worse."

Less than 10 responders checked the "no opinion" box so the "121" number must be the result of your Office counting all non-responses to that answer as having "no opinion." Obviously, that is in error and must be corrected in The Proposal. Affidavits will be supplied under separate cover to confirm that the responders who did not check the box do have an opinion. And, their opinion is NOT to close the Old Chatham Post Office and that the proposed alternative would be "Worse" delivery service.

*Second*, the last Postmaster to *retire* normally did so 13 years ago not three years ago as represented in The Proposal. The person who left in 2008 was apparently given an equivalent position at a different post office location. In doing so, the Postal Service put our Post Office at risk with this intentional relocation. Consequently, we should not even be considered for closure.

Moreover, the purported "savings" figure included in The Proposal is completely unintelligible. You represent that closing this Post Office will actually cost (at a minimum) 30 thousand dollars which is more than three times the "savings" on the rent at the present location,

and the Postal Service has not been paying the Postmaster salary (and fringe benefits) it includes in its calculation. Thus, no matter how one looks at this proposed closing that action will COST MORE than it will to keep our Post Office up and running. Importantly, this cost does not even consider the economic hardship placed on Old Chatham residents forced to travel great distances nor the emotional and economic costs associated with losing the heart of our historic hamlet.

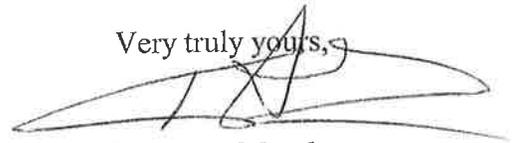
*Third*, your office has sent out letters that state that “there is no indication that the business community will be adversely affected” and that “Questionnaire responses revealed that customers will continue to use local businesses if the post office is discontinued.” See Tiemann letter dated May 12, 2011. Again, after my review of the Docket those statements DO NOT accurately reflect the responses given. There were a substantial number of responders who stated that they would, in fact, discontinue using the local businesses in the hamlet. Obviously, local businesses will be negatively impacted and at a time when business is down overall because of the continuing recession.

*Fourth*, the income figures for the Old Chatham Post Office are grossly understated as The Proposal wrongly assumes that there are “no permit mailer(s) or postage meter customer(s).” There are both and your own monthly reports acknowledge same. Those income figures must be corrected as well in The Proposal.

This community’s united voice must be heard, and once heard the Postal Service’s conclusion that “this proposal [to close our Post Office] will provide a maximum degree of effective and regular postal services to the community” is simply indefensible.

Finally, we are confirming by this writing that our comments and further submissions are timely so long as made by The Proposal “removal” date of July 18, 2011.

Very truly yours,



Karen A. Murphy  
76 Phelps Road  
Old Chatham, New York 12136  
(518) 392-6471  
[KarenAMurphyEsq@aol.com](mailto:KarenAMurphyEsq@aol.com)

cc: The Honorable Kirsten Gillibrand  
The Honorable Chris Gibson  
Eric Tiemann, Manager, Albany Post Office Operations

**KAREN A. MURPHY, ESQ.**  
**76 Phelps Road**  
**Old Chatham, New York 12136**  
**(518) 392-6471**  
**(518) 392-7916 (fax)**  
KarenAMurphyEsq@aol.com

**FAX COVER PAGE**

TRANSMITTED TO: MGR Records Office (202) 268-5353  
United States Postal Service

FROM: Karen A. Murphy, Esq.

CC: The Honorable Kirsten Gillibrand (518) 431-0128  
The Honorable Chris Gibson (518) 610-8135

MATTER/CLIENT: *Threatened Closing of the Old Chatham N. Y. Post Office, 12136*

DATE: June 3, 2011

DOCUMENTS/NUMBER OF PAGES/COMMENTS: 2 pages

- Letter of karen A. Murphy, FOIL Demand, dated June 3, 2011.

June 3, 2011

*Via Facsimile 202-268-5353*

Mgr Records Office  
United States Postal Service  
475 L'Enfant Plaza SW Room 4541  
Washington DC 20260-45421

*Re: The Threatened Closing of the Old Chatham, N.Y. Post Office, 12136*

Dear Sir/Madame:

I write in connection with the above referenced matter (April 22, 2011 letter from the Postal Service attached), and to make a request for the production of certain information/documents to be produced pursuant to the *Freedom of Information Act*. We have been advised by Ms. Nadine Tremblay, Post Office Review Coordinator in the Albany, New York Office that this is the appropriate procedure by which to proceed.

Specifically, we request the following information, and any and all documentary support, in connection with the operation of the East Chatham N.Y. Post Office:

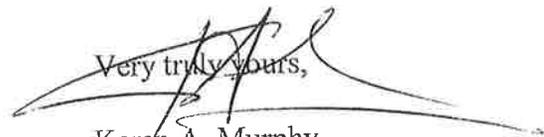
- (i): Annual revenues generated at the location for 2008, 2009 and 2010;
- (ii): Daily transactions at the site, including volume received and dispatched, for 2008, 2009 and 2010 (or for any study periods conducted within those same calendar years);
- (iii): Monthly rental paid for 2008, 2009 and 2010, and to whom the payments are made, and a copy of the lease for the requested calendar years;
- (v): Payroll, including the Postmaster salary and fringe benefits, for 2008, 2009 and 2010;
- (vi): Total population figures for 2008, 2009 and 2010, together with any future population projections;
- (vii): Any and all analyses conducted in connection with the construction of this facility and its sale in 2009;

(viii) Any and all analyses conducted in connection with the operations of this facility, including any *comparative analyses* with the operations of the other Post Offices located in Old Chatham, Malden Bridge, Brainard, and North Chatham; and,

(ix): Identify and produce any **comprehensive analysis and plan** for future Post Office operations in light of the roughly *65 Post Offices* that have been designated as sites for possible closure by Albany's Post Office Operations. If there are no such comprehensive studies complete, explain why that study has not been undertaken to date.

Please immediately advise of the production date for this information as we are facing an imminent Postal Service imposed deadline for further submissions in opposition to the closing of the Old Chatham Post Office.

Thank you.

Very truly yours,  


Karen A. Murphy  
76 Phelps Road  
Old Chatham, New York 12136  
(518) 392-6471  
[KarenAMurphyEsq@aol.com](mailto:KarenAMurphyEsq@aol.com)

cc: Eric Tiemann, Albany Manager, Post Office Operations  
The Honorable Kristen Gillibrand  
The Honorable Chris Gibson

Richard J. Dorsey  
Attorney at Law

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1052 Kinderhook Street, PO Box 48  
Valatie, New York 12184  
Tel: (518) 758 7511  
Fax: (518) 758 7773

June 29, 2011

Jane Wolfgang  
Acting Optimization Coordinator  
US Postal Service Consumer Affairs  
30 Karner Road  
Albany, New York 12288-9996

Re: OLD CHATHAM POST OFFICE

Dear Official:

This follows up my transmittals of May 13, 2011, May 20, 2011 and June 17, 2011 to your office.

In addition to relaying local opposition to closing the Old Chatham post office and transferring its functions to the East Chatham post office, at this point I want to focus on the bridge this change would contemplate existing customers use.

The only direct route leading from the village square in Old Chatham to the East Chatham Post Office is over the so called Albany Turnpike, a town road laid out before the automobile era. Any alternate routes are much longer, circuitous and with their own problems.

Many of the customer's statements submitted have highlighted the steep hills and difficulty of using this Albany Turnpike road in wintertime. I want to highlight the obsolete bridge near the eastern end of this route which has to be crossed to make the transit in either direction.

This narrow bridge is over one hundred years old and was not designed for modern traffic. It is owned by CSX/Amtrak, not by local municipalities.

This bridge is listed in the dangerous bridge category with a score of only 3.466 out of 7.000. It is only a hair breath above the very dangerous category and the Crown Point bridge at 3.375 which was blown up in December as a hazard to travelers.

Currently CSX is excavating the track bed under the bridge for increased clearance of its rolling stock. The bridge itself is not being raised, possibly because of its fragile nature or because of the steep climb already existing on its eastern approach.

The bridge is very narrow without any area for pedestrians or bicycles. Motorists have to be quite careful of clearance in good weather not to mention snow and ice conditions in the northern winter.

It is submitted to be a disregard of the needs of the local Old Chatham citizens, particularly the elderly, who presently have a perfectly accessible post office, to suggest that they now expose themselves to such a dangerous route, in order to continue receiving the same service.

I am enclosing some current pictures of the bridge.

Naturally all the foregoing statements in this letter are subject to your verification, and I invite you to do so that you can see for yourself what we are being confronted with in this proposal.

Very truly yours,

Richard J. Dorsey

Enclosures

cc: Eric Tiemann, Manager Operations,  
30 Karner Road, Albany, NY 12288-9992