

RECEIVED

2011 NOV -1 P 4:44

BEFORE THE
POSTAL RATE COMMISSION
WASHINGTON, DC 20268

In the Matter of:

West Leyden, NY 13489
Post Office State ZIP Code

POSTAL REGULATORY
COMMISSION
OFFICE OF THE SECRETARY

Docket No: A 2011-96

Postal Regulatory Commission
Office of the Chief Admin. Officer

Town of Lewis, Petitioner(s)

NOV 1 2011

PARTICIPANT STATEMENT

1. Petitioner(s) are appealing the Postal Service's Final Determination concerning the West Leyden post office. The Final Determination was posted August 24, 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.

* Please see attached brief

The action of the USPS in its decision to close the West Leyden (13489) Post Office is arbitrary and capricious. The observance of procedure required by law followed by the USPS is questionable, at best. There are flaws in the calculations of savings to the USPS. Hence, the conclusions drawn are not supported by substantial evidence of record.

Most importantly, the decision by the USPS to close the West Leyden (13489) Post Office is in direct violation of Title 39, Part 1, Chapter 1, Section 101, subparagraph (b), which states "The Postal Service shall provide a maximum degree of effective service and regular postal service to rural areas, communities and small towns where post offices are not self-sustaining". The United States Postal Service has failed to prove that this section of law was not violated.

One of the reasons the USPS cites for its proposed closure of the West Leyden Post Office (13489) is the fact that its postmaster had retired on January 1, 2009 (Docket 1387082 - 13489, Item Nbr:41). Not replacing our community's postmaster and then using that as a reason for closure is arbitrary.

Another reason cited for the closure of West Leyden (13489) is that there would be an annual economic savings of \$40,882. The basis of the "Total Annual Savings" located on Page 11 of Item #41, is based on the salary of a postmaster, not the salary of the currently employed individual, who does not receive fringe benefits. Obviously, if we have no postmaster, then this calculation must be flawed. Furthermore, the USPS failed to calculate the additional costs of the increased rural delivery in the West Leyden area. According to Item number 42, page 1, there are currently 165 post office box holders in West Leyden 13489. These individuals and businesses pay for their post office boxes. The post office would not only lose that income, but would have to pay the salary of a driver and provide additional delivery services. Again, the calculations are flawed because they do not take these things into consideration. Hence, the conclusion drawn is not supported by the substantial evidence of record, since that evidence is erroneous and incomplete.

The effectiveness of postal service to the residents of this area will be severely undermined as a result of the closure of the West Leyden Post Office. While the USPS indicates that service will be provided by rural delivery to those residents who currently have Post Office boxes, many of the residents of the Town of West Leyden have no place to put a mailbox.

West Leyden (situated in the Town of Lewis) is located in the Tug Hill region of New York State, known for its heavy snowfall. The average annual snowfall in West Leyden, New York is 172.92 inches compared with only 54.91 inches for the State of New York and 23.19 inches for the United States (www.usa.com/west-leyden-ny-weather.htm). This makes it difficult if not near

impossible for some residents to maintain a rural delivery mailbox without the snowplow hitting it and destroying it. For the purposes of operating a business utilizing high volumes of mail within the community of West Leyden, it is a necessity to maintain a post office box so that the privacy of business customers can be maintained. The closure of the West Leyden Post Office would hurt our local businesses. It would also reduce the likelihood that new businesses would be attracted to our area, since the Post Office provides a vital service to new businesses within small communities.

The USPS indicated that post office box service for West Leyden (13489) residents would be provided at the Boonville, New York Post Office (13309). This is a distance of 7 miles each way from West Leyden. For those living outside of town, this may mean traveling a distance of 15 or more miles each way in order to receive mail service. This would create a hardship for individuals and for businesses.

Moving the post office boxes to Boonville will also directly affect the disabled individuals living in the Town of West Leyden. While the Boonville Post Office does have a handicap accessible ramp, again one must consider the snowfall in our local area. The West Leyden Post Office is at ground level, which is much safer in icy and snowy conditions, than having to ascend a ramp or staircase, as one would have to do in Boonville.

The USPS indicated that the rural carrier will be able to sell stamps, certified mail, express mail, and ship packages. However, this means that in order to utilize such service, the postal customer will have to be at home awaiting the arrival of the postal carrier. This is not an effective means of providing services to our rural community. In fact, those who do utilize stamps by mail by leaving a check in their mailbox must wait 24 hours after payment to receive their purchased stamps. In a rural community like West Leyden, there are still many people who do not use checking accounts or credit cards and deal only in cash. For those individuals, there would only be a very brief (less than 1 minute) window of opportunity during the day to utilize the postal services offered by the rural carrier.

While the above issues were previously addressed by the USPS in its docketed postings, a review of these responses gives one the impression that the letters to each individual community member were generated by a computer program. These canned responses failed to take into account the nuances of the various concerns of the community members. We believe this program was put into place to allow the USPS to quickly and easily generate evidence to suggest that the procedures required by law were followed. However, knowing what their responses would be before the questions were even asked, shows that the USPS was capricious in its determination to close the West Leyden Post Office.

The West Leyden Post Office currently provides effective service to the rural community of West Leyden and closing it would hurt our community. Our Post Office is centrally located on Route 26 and serves people passing through from Taberg, Boonville, Lowville, Syracuse, Verona, Glenfield, and many other areas. Since our Post Office opens at 7:30 am, while the other local post offices do not, we are able to serve commuters from other communities who pass by our post office on their way to work. The West Leyden Post Office is very convenient to the residents in town who are able to walk to the post office to receive their mail.

For these reasons, we have appealed the closure of the West Leyden Post Office and we ask that the Commission remand the entire matter to the Postal Service for further consideration.

Lawrence Logeuskis	(Supervisor)
Jim [unclear]	Councilman
Karl [unclear]	Councilman
James [unclear]	Councilman