

October 19, 2011

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Ms. Elaine J. Mittleman  
Attorney At Law  
2040 Arch Drive  
Falls Church, VA 22043-1355

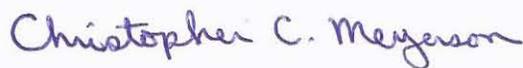
Dear Ms. Mittleman:

Your email dated October 06, 2011, addressed to George Chichester, Senior, Manager Post Office Operations, was forwarded to this office for reply. In your email, you asked several questions about the procedures followed concerning the discontinuance of the Pimmit Branch in Falls Church, Virginia, including the timing of the discontinuance and the notice provided to customers.

By means of Order No. 882 of September 29, 2011, the Postal Regulatory Commission (PRC) docketed correspondence from you, assigning PRC Docket No. A2011-90 to the proceeding. By notice filed on October 12, 2011, the Postal Service furnished an explanation of its legal position concerning the Pimmit Branch discontinuance action. We believe that the enclosed document addresses the concerns raised in your recent correspondence.

Thank you for your interest in this matter.

Sincerely,



Christopher C. Meyerson  
Attorney

Enclosure

## Letter concerning notice of closure

From: **Elaine Mittleman** (elainemittleman@msn.com)

Sent: Thu 10/06/11 8:41 PM

To: **George Chichester** (george.s.chichester@usps.gov)

3 attachments

Chichester, George Letter re notice of closing 10.05.11.pdf (237.9 KB) , Mittleman, Elaine Email to George Chichester.pdf (145.4 KB) , PRC Instructions for Participant Statement 8.10.11.pdf (1435.5 KB)

Mr. Chichester - Thank you for your prompt response to my email about the 60-day notice before closure.

Based on your letter, I have several questions.

1. You stated that the closure cannot occur until 60 days after the Final Determination was signed. I believe the requirement is 60 days after the written determination is made available to persons served by the post office. See page 2 of the instructions for filling out the participant statement.
2. You stated that the Final Determination was signed on June 20, 2011. You also stated that Final Determinations were not to be posted for Station and Branches of a Post Office. If Final Determinations are not posted, then how do postal customers find out that they exist? Are postal customers ever permitted to see the Final Determinations, absent special effort on their own (such as I have undertaken)?
3. A 60-day notice period from the date the Final Determination is signed is meaningless if the postal customers do not know about the Final Determination. The Pimmit branch is a good example of this problem. The customers did not receive any notice of closing until the letter dated September 14, 2011. Based on the rule you indicated, the 60-day notice period from June 20, 2011, would have expired before the letter of September 14, 2011, was posted. Thus, the Postal Service could have abruptly closed the Pimmit branch at the end of August without any notice whatever.
4. You referred to a "Discontinuance Process" and a "Pimmit Branch study." I am unfamiliar with both of these. What was the Discontinuance Process? When did it occur? Similarly, when was a Pimmit Branch study conducted? Why did we not receive notice of the study and an opportunity to comment?

I am quite perplexed at the apparent lack of concern for proper notice and opportunity to comment. I have learned that there is a difference of opinion between the Postal Service and the Postal Regulatory Commission about the notice and process due for a post office as compared

to a station or branch. As a postal customer, I cannot understand why there should be a difference based on the type of facility. Particularly if the reason to close the facility is based on some type of financial analysis, the process should be the same for all facilities.

Moreover, I do not know what were the findings of the Pimmit Branch study. Based on the information in the Final Determination, it seems that the Pimmit Branch is quite profitable. Thus, there seems to be no justification based on budgetary concerns to close the Pimmit branch. If the reasons to close the Pimmit branch are unrelated to budgetary concerns, it is difficult to speculate as to what those reasons might be.

Elaine Mittleman

Elaine Mittleman, Esq.  
Law Office of Elaine Mittleman  
2040 Arch Drive  
Falls Church, VA 22043  
(703) 734-0482  
[elainemittleman@msn.com](mailto:elainemittleman@msn.com)

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MANAGER POST OFFICE OPERATIONS  
NORTHERN VIRGINIA DISTRICT



October 5, 2011

Ms. Elaine J. Mittleman  
Attorney At Law  
2040 Arch Drive  
Falls Church, VA 22043-1355

Dear Ms. Mittleman:

This is in response to your e-mail Tuesday, October 04, 2011 11:48 AM.

Thank you for informing me your course of action. I appreciate this opportunity to respond to you. Under the Discontinuance Process that the Pimmit Branch study was performed, the closure cannot occur until 60 days after the Final Determination was signed. The Final Determination was signed on June 20, 2011. We are in compliance with the 60 day restriction. It should also be pointed out that Final Determinations were not to be posted for Station and Branches of a Post Office.

It is our intent to continue with the closure of the Pimmit Branch effective the close of business on November 10, 2011.

Please know that we appreciate that you value the products and services provided by Postal Service, and again, we regret your disappointment with our decision to close the Pimmit Branch.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Chichester", written over a horizontal line.

George S. Chichester  
Manager Post Office Operations

8409 LEE HWY  
MERRIFIELD VA 22081-9996  
703-698-6464  
FAX: 703-698-6500

## Announced closing of Pimmit branch

From: **Elaine Mittleman** (elainemittleman@msn.com)

Sent: Tue 10/04/11 2:48 PM

To: George Chichester (george.s.chichester@usps.gov)

Bcc: Elaine Mittleman (elainemittleman@msn.com)

2 attachments

PRC Appeal Letter re docket no. 9.30.11.pdf (225.2 KB) , Pimmit Branch USPS Letter re closing 9.14.11.pdf (426.7 KB)

Mr. Chichester - I have filed an appeal of the determination to close the Pimmit branch with the Postal Regulatory Commission. The appeal has been assigned Docket No. A2011-90. See attached letter.

The information I received from the Postal Regulatory Commission states that the Postal Service shall take no action to close or consolidate a post office until 60 days after its written determination is made available to persons served by such post office.

The letter announcing the decision to close the Pimmit branch is dated September 14, 2011. The proposed closing date of November 10 is fewer than 60 days after September 14, 2011. Thus, it appears that a closing date of November 10 does not comply with the required notice period of 60 days.

Elaine Mittleman

Elaine Mittleman, Esq.  
Law Office of Elaine Mittleman  
2040 Arch Drive  
Falls Church, VA 22043  
(703) 734-0482  
[elainemittleman@msn.com](mailto:elainemittleman@msn.com)

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