

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

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*In the Matter of:*

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

Docket No. A2011-90

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**COMMENTS OF UNITED STATES POSTAL SERVICE**  
(November 21, 2011)

By means of Order No. 882 (September 29, 2011), the Postal Regulatory Commission (Commission) docketed correspondence from a customer of Pimmit Branch in Falls Church, Virginia (Petitioner Mittleman), assigning PRC Docket No. A2011-90 as an appeal pursuant to 39 U.S.C. § 404(d).<sup>1</sup>

**I. The Commission Lacks Jurisdiction over the Controversy.**

As an initial matter, the Postal Service renews the arguments that the Commission lacks jurisdiction to hear Petitioner's appeal.<sup>2</sup> This appeal concerns a branch, and not a Post Office for purposes of 39 U.S.C. § 404(d). Section 404(d) does not apply to retail locations such as branches which are subordinate to a Post Office. In the Postal Service's view, Congress knowingly used "Post Office" in its technical sense, thereby excluding stations and branches from the scope of 39 U.S.C. § 404(d).

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<sup>1</sup> On September 27, 2011, the Commission received from Petitioner Mittleman a petition for review and application for suspension concerning the discontinuance of the Pimmit Branch, Falls Church, VA. See Petition for Review Received from Elaine J. Mittleman, PRC Docket No. A2011-90, September 27, 2011 (Petitioner Mittleman's initial letter of appeal). In addition, the Commission received another petition for review concerning the discontinuance of the Pimmit Branch, Falls Church, VA from Karl Ritchey. See Petition for Review Received from Karl Ritchey, PRC Docket No. A2011-90, October 26, 2011 (Petitioner Ritchey's initial letter of appeal).

<sup>2</sup> Initial Comments of the United States Postal Service, section 1 (pp. 2-7), PRC Docket No. RM2011-13, October 3, 2011.

## **II. Customers Will Not Lose Access to Postal Services Due to the Proximity of Nearby Retail Units.**

In addition to the Postal Service's position summarized above, the procedural requirements of 39 U.S.C. § 404(d) do not apply here because the discontinuance of Pimmit Branch does not qualify as a closure envisioned by 39 U.S.C. § 404(d). As the Commission recognized in Docket No. A2010-3, section 404(d) procedural requirements do not apply where postal customers do not lose access to postal services because of the location of alternate retail facilities in "close proximity" to the discontinued station. See Order No. 477, PRC Docket No. A2010-3 (June 22, 2010) at 7-8. In this case, affected customers will not lose access to postal services because they may obtain services from seven retail facilities located within about 2.0 miles of Pimmit Branch, including the Dunn Loring Branch retail facility, the Falls Church Finance Unit, and multiple expanded access options.<sup>3</sup> The multiple expanded access options include stamp consignment sites at a Whole Foods Market, a Giant supermarket, a CVS, a Staples store, and a Wells Fargo Bank.<sup>4</sup> Because of the close proximity of other postal facilities, the presence of nearby expanded access options, and the availability of postal services through the Postal Service's public website, the discontinuance of Pimmit Branch will not cause postal customers to lose access to postal services. Consequently, the Postal Service submits that section 404(d) procedures do not apply on this separate basis.

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<sup>3</sup> See United States Postal Service Notice of Filing and Application for Non-Public Treatment, PRC Docket No. A2011-90, October 12, 2011, Item No. 25, Final Determination to Close the Pimmit Branch, VA Office and Continue to Provide City Delivery Service (FD), at 4-9. In these comments, specific items in the administrative record, other than the FD, are referred to as "Item \_\_\_\_\_."

<sup>4</sup> See Exhibit 1 (enlarged printout from "Find Locations" on [www.usps.com](http://www.usps.com)). See *also* FD, at 9.

### **III. The Postal Service Gave Customers Advance Notice of Its Plans.**

Even assuming the section 404(d) requirements were applied in the context of the discontinuance of Pimmit Branch, the Postal Service satisfied the salient provisions of section 404(d)(5)(A) – (C). On January 7, 2010, the Postal Service distributed a letter to Post Office Box customers of the Pimmit Branch stating that discontinuance of the Pimmit Branch was under consideration. The letter included a questionnaire and invited comments on the potential change to the postal retail network.<sup>5</sup> The Postal Service also made the questionnaire available over the counter for retail customers at the Pimmit Branch.<sup>6</sup> 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. The Postal Service received 125 customer responses to the questionnaires.<sup>7</sup> 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 would discontinue operations effective close of business on November 10, 2011.<sup>8</sup> In addition, the Postal Service considered all of the pertinent criteria of section 404(d), including the effect on postal services, the community, and employees, and the economic savings arising from the discontinuance.<sup>9</sup>

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<sup>5</sup> See FD, at 5; Item No. 10, Questionnaire Instruction Letter to Postmaster; Item No. 11, Cover Letter and Questionnaire, at 1.

<sup>6</sup> FD, at 5; Item, No. 10, Questionnaire Instruction Letter to Postmaster.

<sup>7</sup> Item No. 13, Questionnaire Analysis, at 1.

<sup>8</sup> See Item No. 27, Customer Notification of Closure.

<sup>9</sup> See FD.

#### **IV. The Final Determination Shows Thoughtful Consideration of the Issues Raised by Petitioner.**

The FD indicates that the Pimmit Branch provided service to 303 Post Office Box customers 37.5 hours per week. Daily retail window transactions averaged 441. FD at 5. Office receipts for the last three years were: \$821,543.00 in FY2007, \$844,764.00 in FY2008, and \$687,149.00 in FY2009. The Pimmit Branch had no permit customers. FD at 5. Upon implementation of the FD, the Postal Service will continue to provide city delivery service. Post Office Box and retail services will be provided at the Falls Church Finance Unit, VA 20040, located 2 miles away.<sup>10</sup> Customers will have the option of Post Office Box delivery at the Falls Church Finance Station or receiving carrier delivery.<sup>11</sup> Below, the Postal Service briefly addresses the issues raised by Petitioners Mittleman and Ritchey.

Petitioner Mittleman, in her initial letter of appeal and other filings, expresses concern about the effect on postal services of Pimmit Branch's closing, noting the convenience of the Pimmit Branch and requesting its retention. Petitioner Mittleman raises the following issues: the convenience of the Pimmit Branch;<sup>12</sup> the knowledgeable and friendly employees in the Pimmit Branch; the feasibility of carrier pick up; having to travel to another Post Office for service,<sup>13</sup> and the traffic, parking, and access at West Broad Street; the

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<sup>10</sup> FD, at 5.

<sup>11</sup> Item No. 27, Customer Notification of Closure.

<sup>12</sup> Petitioner Ritchey also raises the issue of the convenience of the Pimmit Branch in his initial letter of appeal.

<sup>13</sup> Petitioner Ritchey also raises the issue of having to travel to another Post Office for service in his initial letter of appeal.

availability of blue collection boxes; and parking at the Falls Church Post Office.<sup>14</sup> These issues were thoughtfully considered by the Postal Service, as is evident in the administrative record.

Concerning the convenience of the Pimmit Branch, the Postal Service explained that the surrounding station and branches, Stamps on Consignment locations and city delivery routes should provide the customers of the Pimmit area sufficient alternatives for their delivery and retail needs. FD, at 5; Item No. 22, Proposal, at 2. In addition, the Postal Service explained that courteous and helpful service will be provided by personnel at the Falls Church Main Post Office and other post offices in the area. FD, at 6; Item No. 13, Questionnaire Analysis, at 2; Item No. 22, Proposal, at 3.

With respect to Petitioner's concern about the feasibility of carrier pickup, the Postal Service explained that carrier service is beneficial to many senior citizens, the handicapped, and working people since customers do not have to make a special trip to the Post Office for service. Free carrier pickup may be requested online and is available with Express Mail Overnight Guaranteed, Priority Mail and International Mail. FD, at 5-7; Item No. 13, Questionnaire Analysis, at 1; Item No. 22, Proposal, at 2-3, 5,

Concerning having to travel to another Post Office for service, and the traffic, parking and access at West Broad Street, the Postal Service explained that the Postal Service has developed a number of convenient options that can save customers a trip to the Post Office. For instance, customers can buy

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<sup>14</sup> See Letter from Elaine J. Mittleman to Shoshana Grove, Secretary, Postal Regulatory Commission, dated September 22, 2011, PRC Docket No. A2011-90, September 27, 2011.

stamps online at [www.usps.com](http://www.usps.com), by phone at 1-800-STAMPS24 or by mail. Stamp orders are delivered directly to customer mailing addresses. In addition, the Postal Service's Click-N-Ship online mailing service will calculate and print mailing labels with postage. Customers may also avail themselves of Delivery Confirmation or Signature Confirmation. Customers can also place their mail on hold, file a change-of-address order, or request redelivery of an item of which a notice was left by calling 1-800-ASK-USPS or visiting [www.usps.com](http://www.usps.com). FD, at 5-6; Item No. 13, Questionnaire Analysis, at 1; Item No. 22, Proposal, at 2-3.

Regarding the availability of blue collection boxes, the Postal Service explained that it intends to have a collection box in this area for the deposit of mail. FD, at 6-7; Item No. 13, Questionnaire Analysis, at 2; Item No. 22, Proposal, at 4.

As for parking at the Falls Church Post Office, the Postal Service explained that the planning for the new Falls Church Post Office took into consideration additional parking. Available parking spaces should not be an issue. The ingress and egress to the parking area is in compliance with all local ordinances and codes. FD, at 6; Item No. 13, Questionnaire Analysis, at 1-2; Item No 22, Proposal, at 3.

The Postal Service further considered the Petitioner's concerns regarding the effect of its decision to close the Pimmit Branch upon the Pimmit Branch community. FD, at 4; Item No. 13, Questionnaire Analysis, at 2-3; Item No. 22, Proposal, at 3-6. Petitioner Mittleman states that the FD fails to discuss the growth in the Tysons Corner region. The FD, however, does acknowledge the

existence of numerous businesses in the community. FD, at 8. Furthermore, in response to customers' concerns that the discontinuance of the Pimmit Branch would impose a hardship on them because they operate businesses in the area, the Postal Service offered to explore ways to retain customers' business. FD, at 8; Item No. 13, Questionnaire Analysis, at 3; Item No. 22, Proposal, at 4.

Postal officials also considered the economic savings that would result from the closing of the Pimmit Branch. The FD includes a breakdown of the costs that serve as a basis for the Postal Service's estimate of economic savings. FD at 9. The Postal Service estimates that continuing to provide city delivery service, and providing Post Office Box and retail services at the Falls Church Finance Unit, which is located 2 miles away, would cost the Postal Service substantially less than maintaining the Pimmit Branch and would still provide regular and effective service. The estimated annual savings associated with discontinuing the Pimmit Branch are \$117,743.00. FD at 9; Item No. 14, Discontinuance Checklist, at 4; Item No. 22, Proposal, at 6.

In Petitioner's initial letter of appeal, Petitioner questions whether discontinuing the Pimmit Branch will help alleviate the Postal Service's financial difficulties. While the savings realized by discontinuing the Pimmit Branch may seem insignificant to Petitioner Mittleman, the savings, when compounded with other initiatives, contribute to the overall sustainability of the Postal Service, which is an enterprise under severe financial strain. The Postal Service is looking at all opportunities to operate efficiently and provide effective and regular service. The Postal Service must do so under a rigorous price cap, which

compels the Postal Service to be more efficient, particularly in a climate of declining mail volumes. While the savings from any given initiative may seem small, these savings can make a difference when added together.

As reflected throughout the FD, the Postal Service carefully considered the effect of closing the Pimmit Branch on the provision of postal services and on the Pimmit Branch community, as well as the economic savings that would result, and other factors. After taking all factors into consideration, the Postal Service decided that the advantages outweigh the disadvantages. The Postal Service determined that continuing to provide city delivery service and providing Post Office Box and retail services at the Falls Church Finance Unit, located two miles away, is the most cost-effective solution for providing regular and effective service to the Pimmit Branch community. FD; Item No. 22, Proposal, at 6-7.

For the reasons set forth above, the appeal should be dismissed.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

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# **EXHIBIT 1**



Search USPS.com or Track Packages

Quick Tools

Ship a Package

Send Mail

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## Find Locations

\*Indicates a required field  
Enter only English in all fields

Location Types

\*City and State, or ZIP Code™

Within

Post Offices™ and Approved Postal Providers™

7520 Leesburg Pike Falls Church Virginia

20 miles

Search

Refine search

Search Results

1 - 10 of 125

Show 10 25 50

1 2 3 4 5 6 ... 13

DIST	LOCATION	HOURS
0.0 mi	PIMMIT 7520 LEESBURG PIKE FALLS CHURCH, VA 22043-9996  800-ASK-USPS® (800-275-8777)	Mon-Fri 8:30am - 2:00pm 3:00pm - 5:00pm Sat-Sun Closed
0.1 mi	WHOLE FOODS MARKET 7511 LEESBURG PIKE FALLS CHURCH, VA 22043-2105  800-ASK-USPS® (800-275-8777)	
1.0 mi	GIANT 1230 W BROAD ST FALLS CHURCH, VA 22046-2116  800-ASK-USPS® (800-275-8777)	
1.2 mi	DUNN LORING 2302 GALLOWS RD DUNN LORING, VA 22027-9998  800-ASK-USPS® (800-275-8777)	Mon-Fri 9:30am - 5:00pm Sat 8:30am - 12:00pm Sun Closed
1.2 mi	CVS 1150 W BROAD ST FALLS CHURCH, VA 22046-2114  800-ASK-USPS® (800-275-8777)	
1.2 mi	STAPLES 1104 W BROAD ST FALLS CHURCH, VA 22046-2114  800-ASK-USPS® (800-275-8777)	
1.7 mi	FALLS CHURCH FINANCE UNIT 800 W BROAD ST STE 100 FALLS CHURCH, VA 22046-3199  800-ASK-USPS® (800-275-8777)	Mon-Fri 9:00am - 5:00pm Sat 9:00am - 12:30pm Sun Closed
1.8 mi	WELLS FARGO BANK 1753 PINNACLE DR MCLEAN, VA 22102-3844  800-ASK-USPS® (800-275-8777)	
2.2 mi	STAPLES 8387 LEESBURG PIKE STE C VIENNA, VA 22182-2420  800-ASK-USPS® (800-275-8777)	
2.2 mi	CVS 134 W BROAD ST FALLS CHURCH, VA 22046-4201  800-ASK-USPS® (800-275-8777)	