

## Postal Regulatory Commission

Washington, D.C. 20268-0001

### NOTICE OF FILING UNDER 39 U.S.C. § 404(d)

TO THE UNITED STATES POSTAL SERVICE:

Please take notice that the Commission received four petitions for review of the Postal Service's determination to close the Spring Dale post office located in Spring Dale, West Virginia. The first petition for review received November 14, 2011, was filed by Paul E. McClung. The second petition for review received November 16, 2011, was filed by Angie Brown. The third petition for review received November 18, 2011, was filed by Gary Walker. The fourth petition for review received November 22, 2011, was filed by Betty Puckett. The earliest postmark date is November 1, 2011.

This notice is advisory only and is being furnished so that the Postal Service may begin assembling the administrative record in advance of any formal appeal proceedings held upon the alleged (closing/consolidation) for transmittal pursuant to 39 CFR § 3001.113(a) (requiring the filing of the record within 15 days of the filing with the Commission of a petition for review).



Shoshana M. Grove  
Secretary

Date: November 23, 2011

Attachment

P.O. Box 75  
Spring Dale, WV 25986  
October 31, 2011

A2012-08

Postal Regulatory Commission  
901 New York Avenue, NW  
Suite 200  
Washington, DC 20268-0001

Postal Regulatory Commission  
Office of the Chief Admin. Officer

NOV 7 2011

Dear Sir or Madam:

Re: Appeal of USPS Decision to Close the Spring Dale, WV, Post Office (25986)

On October 21, 2011, the Spring Dale, WV, Post Office, as ordered, posted a **“Final Determination to Close the Spring Dale, WV Post Office and Extend Service by Highway Contract Route Service”** (Document Number 1382525 - 25986).

As a holder of P.O. Box 75 in the Spring Dale Post Office and someone who has been served as an individual for more than 40 years, as well as a business customer (in significant capacity) for 25 years, I hereby exercise my right to appeal this closure.

It is abundantly clear that, with blatant disregard to Title 39 USC 404 (b)(2), the United States Postal Service (USPS) is ignoring and abusing the rights of the public in general and the customers of the Spring Dale Post Office in particular.

There is no clause within Title 39 or elsewhere that provides or implies any exemption from considering *“(i) the effect of such closing or consolidation on the community served by the post office.”* It follows that there can be no sole governing criteria that has precedent over the required consideration of public rights. These rights thus cannot be ignored relative to the number of customers, retirement of a postmaster, distance to nearest post office, window transaction times, daily retail transactions, declining workload, or similar criteria. There is a preponderance of evidence that the USPS is openly practicing exclusion from many of the requirements set forth by law and policy.

The sheer ratio of closures to non-closures, combined with the reasons given for non-closures, demonstrate beyond doubt that our public meetings, proposal questionnaires, and other forms of public input were nothing more than the USPS “satisfying” legal requirements in an unethical rubber-stamped, calloused manner which violates the intent of the law and policies.

The Spring Dale Post Office has been inadequately considered in these and other respects. Its customers and citizens in the surrounding area are united in a highly coordinated effort to comply with

all requests imposed upon them, and they have responded with significant, intelligent concerns relative to a need for this post office to not be discontinued.

The USPS has relied on the official record, but it is not accurately representative of our opinions and concerns. The actual content of the many letters and documents we submitted are not adequately worded in the official record and suffer from errors in interpretation. As can be determined in a letter and attachment provided to the USPS by attorney Charles Johnson, there are irregularities in the entire proposal phase, including but not limited to serious errors relevant to the public meeting. (Mr. Johnson's three-page letter dated July 14, 2011, and his six-page attachment are included herein and made a part of this appeal.) A brief review of the official record reveals USPS replies that are nothing more than prefab form letters. In some cases these replies are contradictory, and in other cases they conflict with public information.

In my particular case, I provided a series of reasons that the USPS cannot compete with UPS. The irrelevant response I received was an "advertisement" as to why I should continue using USPS. (I had made it clear that no other post office was an option for my business.) The fact that a carrier route will certainly fail me in regard to business use was never realistically addressed by the USPS. (See official record and my actual letter.)

There are plentiful pat and unrealistic replies from the USPS (see official record) concerning lack of dependable service along a carrier route. We are all assured that as per 39 USC 101(b), "*The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.*"

The USPS has received and ignored ample evidence that, for Spring Dale, this will simply not be true. It is common knowledge in this particular area that effective and regular service along carrier routes is problematic. The USPS admits this. For example, in a reply dated 8/25/2011 to William Flanagan in reference to mailbox vandalism, Post Office Operations Manager William Akers is quoted as follows: "*This is a problem that is experienced in many communities. Customers may install a heavier gauge metal box or brick veneer a mailbox to make it resistant to vandalism.*" This unprofessional reply is an admission of ineffective service (via ineffective protection); is inconsistent with other responses of similar concerns; is impractical; is impossible for some; and will often fail. The failure of carrier routes in winter is so prevalent that a standard form letter is available so postmasters can remind customers to "clear a path" to their mailboxes. It reads in part, "*If your carrier finds your mailbox inaccessible due to snow and ice, you may be required to obtain a post office box or install a mail receptacle at the curb of your residence in order to receive home delivery.*" In a response I made during the proposal phase, I explained that this practice was abused at a mailbox I attempted to use for business purposes. It is ironic that the letter proposes to force use of a more distant post office box, though the original post office box is taken away because of post office discontinuance/consolidation!

I have discovered that some post offices in the Eastern Region Appalachian District are expected to complete window transaction survey forms (as per Handbook PO-101-222h) while others are not.

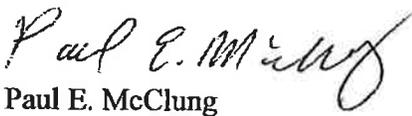
There is no trend relating to EAS level, deficit, or other determinable circumstances. It appears that exemption from this survey requirement is ultimately arbitrary. We objected to this form because it can be shown to be oversimplified and unrealistic for Spring Dale. I have observed the actual window transactions process and found it much more intensive than the worksheet indicates. There is also lack of consideration for time spent by the O.I.C. relative to the UPS packages that are delivered to Spring Dale.

The aforementioned letter from Mr. Charles Johnson, our attorney, explained and detailed several errors and violations made in regard to various aspects of Spring Dale's discontinuance procedures. The letter of response to our attorney from Mr. Paul Bradshaw, Post Office Review Coordinator, in Charleston, WV, contains several erroneous comments. One case in point is Mr. Bradshaw's statement that during the discontinuance, "*We rely on Handbook PO-101 as it provides our managers with information and guidance on conducting discontinuance studies.*" In that letter, he confirmed that "*the postal representatives have the responsibility of relaying information, explaining the process, and gathering the concerns of the community for input in the official record.*" In contradiction to that statement he continues (in his letter) to clearly demonstrate disregard of the strict conformity of law as set forth in Title 39 and in Handbook PO-101. His letter indicates that *customer input is gathered in various ways, and USPS is able to receive other methods of input from those not able to attend the meeting.* Not only is this an invalid supposition, but additionally it ignores the fact other methods were, in reality, also defective. His statement indicating the "*form of due process is not required*" is an egregious misinterpretation of law, policy, and due process.

Contrary to Mr. Bradshaw's reply, the USPS does not have the legal latitude to determine that a weakness or failure relative to any part of the discontinuance study can be supplemented, avoided, or corrected by adherence to any other code or separate requirements. The USPS has admitted to actions that are without observation of procedure required by law.

In closing, I respectfully request that the appeal review committee examine and consider the letter (and attachment) as submitted by attorney Charles Johnson on July 14, 2011. I also request that the review committee carefully compare the original material, as presented by the citizens, to the inadequate abbreviated interpretation as presented in the official record.

Sincerely,

  
Paul E. McClung

cc: Mr. Justin Taylor, Attorney at Law

Attachments



Charles M. Johnson  
Member  
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cmjohnson@fibtaw.com

July 14, 2011

Mr. Paul Bradshaw  
Post Office Review Coordinator  
Appalachian District  
P.O. Box 59992  
Charleston, WV 25350

Re: Closure of the Springdale, WV 25986 Post Office

Dear Mr. Bradshaw:

On behalf of the Concerned Citizens for the Springdale Post Office ("CCSDPO") and the citizens of the region surrounding Springdale, I hereby request that the USPS reconsider the proposed decision to close the Springdale, WV 25986 Post Office and to provide for proper procedures and studies as to the impact of the closure on the Springdale community for the following reasons:

1. The recent public hearing which was conducted at the Springdale Post Office on April 6, 2011 failed to meet minimum requirements for due process and the procedures required by law for closure of a Post Office pursuant to 39 USC §404 (b) (1):

(b)(1) The Postal Service, prior to making a determination under subsection (a)(3) of this section as to the necessity for the closing or consolidation of any post office, shall provide adequate notice of its intention to close or consolidate such post office at least 60 days prior to the proposed date of such closing or consolidation to persons served by such post office to ensure that such persons will have an opportunity to present their views.

Specifically, despite the requests of the CCSDPO, the public meeting was not scheduled at a time convenient for many business people, and the public meeting was therefore not representative of the concerns and impact of the Springdale community since many business people and individuals that work a considerable distance from Springdale were precluded from attending the public hearing. As a result, the notice of the public hearing was deficient. Other public hearings for closures of other local post offices were conducted on or after 6:00 p.m. in order to enable those that work to attend the public hearing;

Mr. Paul Bradshaw

Page 2

July 14, 2011

2. Due process also requires not only a fair opportunity to be heard, but an open and impartial process to enable the United States Postal Service a fair and full hearing of the criteria to be considered in closure of a post office. CCSDPO submits that the public meeting which occurred was conducted in such a manner that debate was limited and those running the meeting evidenced a lack of open-mindedness and willingness to consider all relevant factors prior to making a decision regarding the closure of the Springdale Post Office. Instead, input was cut-off as to those in attendance and it was made clear that closure was a foregone conclusion;

3. Springdale is dependent upon its post office for mail service which serves as vital link for residents and businesses. It is clear the policies of USPS do not permit closure of all rural post offices solely for economic reasons. Some facilities, such as the Springdale Post Office, serve a vital and necessary link and are intended to be subsidized if they are operating at a deficit, to serve the needs of those in the local communities must be considered;

The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.

39 USC § 101(b)(1).

The USPS has announced it must subsidize some small post offices in rural areas in order to meet the mission of the Post Office, enabling more profitable post offices to subsidize less profitable areas in rural areas to maintain the vital mission post offices like the Springdale Post Office serve;

4. While CCSDPO recognizes the need for the USPS to evaluate the closure of local post offices, we believe that due process and careful consideration must be followed in order to assure sound decisions are made consistent with the mission of the USPS and the needs of our communities. CCSDPO has provided a petition with over 94 signatures and considerable information to address the closure of the Springdale Post Office;

5. Significantly, 39 USC § 404 (b) (1) requires a careful study of the impact of the closure:

- (2) The Postal Service, in making a determination whether or not to close or consolidate a post office –
  - (A) shall consider –
    - (i) the effect of such closing or consolidation on the community served by such post office;
    - (ii) the effect of such closing or consolidation on employees of the Postal Service employed at such office;

Mr. Paul Bradshaw  
Page 3  
July 14, 2011

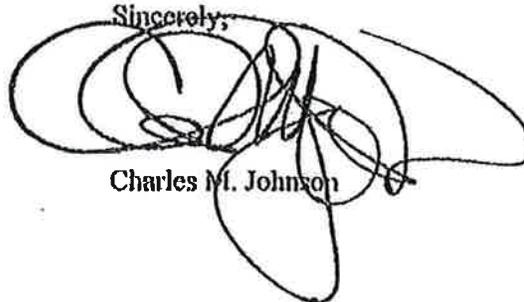
(iii) whether such closing or consolidation is consistent with the policy of the Government, as stated in section 101(b) of this title, that the Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining;  
(iv) the economic savings to the Postal Service resulting from such closing or consolidation; and  
(v) such other factors as the Postal Service determines are Necessary...

Data used in the proposal was hastily gathered and the procedure to do so was flawed and incomplete. There were numerous inaccuracies in the proposal as a result. CCSDPO requests that the study be conducted anew with someone with considerable experience outside the area conducting a more thorough study so that once a decision is to be made regarding closure of the Springdale Post Office, sufficient data is available to address the relevant criteria for closure and the required citizen input is also obtained in a newly re-scheduled meeting;

I have attached further comments and concerns from the concerned Citizens for the Springdale Post Office for your review.

Please reconsider the recent actions taken as a part of the consideration process for closure of the Springdale Post Office. CCSDPO requests that the closure process be abandoned or a new study be conducted, that after gathering all appropriate data that a new public hearing be convened after 6:00 p.m. to allow local businesses and people that work an opportunity to air their concerns regarding the closure of the Springdale Post Office. Failure to do so will inevitably result in a denial of due process and a flawed decision. CCSDPO would be happy to meet with you, provide any further information you might need, and to propose a plan to conduct a further study and public hearing consistent with the requirements of the law and the needs of the local community. CCSDPO also requests that you advise CCSDPO of its rights to further due process regarding this decision.

Sincerely,

A handwritten signature in black ink, appearing to be "Charles M. Johnson", written over a large, circular scribble.

Charles M. Johnson

cc: Paul McClung, CCSDPO

Enclosure

Mr. Charles M. Johnson, Attorney at Law:

As previously discussed, we are providing you this six page document to offer our opinions relating to procedural discontinuance irregularities for the Spring Dale, WV post office.

There are two primary and distinct reasons that “The Concerned Citizens for the Spring Dale Post Office” (hereinafter referred to as CCSDPO) has been formed to contest the proposed discontinuance of our post office.

1. There is abundant evidence that warrants the need for a rural post office in the community of Spring Dale, WV. These reasons have been made known to the United States Postal Service (USPS) in detail by numerous replies to a pre-proposal questionnaire. (An attempt to participate in a public meeting for this purpose was futile.)
2. There is evidence that the USPS is more interested in going through the statutory motions required by law and policies to reach a predetermined conclusion than in recognizing their true motive is financial, and that the rights of the people are being abused and violated. The legitimate input and rights of the people, as provided by open meeting laws and the sunshine laws, are being responded to in a manner that will drastically interfere with the lives of customers and the health of their community.

As set forth in part 221h of USPS Hand Book PO-101, a letter dated January 31, 2011, from Teresa Price, Post Office Review Coordinator, directed Mrs. Patti Burwell, OIC for the Spring Dale, WV, post office (zip 25986) to complete a Windows Transaction Survey, Survey of Incoming Mail, and Survey of Dispatched Mail for a two-week period.

This unexpected event occurred suddenly and in unison with the intent of the USPS to close approximately 2,000 post offices nationwide, and 31 in this district for economic reasons (a deficit). Therefore, the actual motive for closure blatantly violates the intent of Title 39: Postal Service, part 241.3 – (Discontinuance of Post Offices). Part 243.1 sets forth a strict protocol to be followed so as to protect the rights of the public. In particular and relevant to small post offices is 39 USC 101 - Sec. 101, Postal Policy which is quoted as follows:

*(a) The United States Postal Service shall be operated as a basic and fundamental service provided to the people by the Government of the United States, authorized by the Constitution, created by Act of Congress, and supported by the people.*

*The Postal Service shall have as its basic function the obligation to provide postal services to bind the Nation together through the personal, educational, literary, and business correspondence of the people.*

*It shall provide prompt, reliable, and efficient services to patrons in all areas and shall render postal services to all communities.*

*The costs of establishing and maintaining the Postal Service shall not be apportioned to impair the overall value of such service to the people. (b) The Postal Service shall provide a maximum*

degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining.

No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.

The significance of 39 USC 101 – sec 101 is underscored in the “Post Office and Retail Postal Facility Closures: Overview and Issues for Congress” by Kevin R. Kosar and dated August 7, 2009. In a bulleted list under “Issues and Possible Options for Congress” Mr. Kosar states, “Inherent to the current postal law is the assumption that some portions of the United States provide profitable markets for postal services, while others do not, and that the former should subsidize the latter. Thus, current law forbids the USPS from closing “small post offices solely for operating at a deficit,” and it requires the USPS to “provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining (39 U.S.C. 101(b)). The law does not forbid closures of large facilities located in suburban and metropolitan places. The USPS’s present facility closure proposal may steer clear of the law’s prohibitions. However, the USPS’s selection of facilities in metropolitan areas for closures may raise equity concerns in affected areas, especially if these urban areas already are subsidizing more rural places. The USPS and Congress may wish to devise some means to address possible complaints about equity.”

Another issue unsupported by Title 39 is relating the proposal to close with the retirement of the postmaster on 5/31/2009. She was replaced by a pleasant and competent OIC who worked with her at Spring Dale for 21 years. It seems clear that information on policies as provided in Handbook PO-101, part 212.4 and part 213.1 (Postmaster Vacancy) is being misused in a thinly veiled attempt to proceed with unjustifiable proposal investigations and the ultimate closure of many post offices, including the Spring Dale post office. The intent of 213.1 is unmistakable in that such abuse is to be avoided and is quoted as follows: “A Postmaster vacancy may lead to a decision to conduct a study for evaluating a post office workload and the needs for the community. However, the fact that an office is vacant does not, in and of itself, constitute justification to discontinue a post office.”

Part 242 (Justification for Discontinuance) consists of four examples to be considered as justification for discontinuance. Only item “c” (Postmaster Vacancy) is relevant and is in conflict with 212.4 and 213.1. This is further confirmed by a note at the end of these examples which reads in part, “In and of itself, any of the various conditions discussed in part 212 do not generally constitute justification for discontinuance...”

A significant result of the aforementioned surveys was a determination that windows transactions had decreased and therefore the OIC workload has declined. This is leveraged from the Postmaster Vacancy policy.

This is an unsubstantiated implication indicating Spring Dale has a unique loss of business, but in reality, this P.O. is unfairly singled out. It is well established in the media that the decline is

general and is nationwide. Furthermore, substantiating evidence for the Spring Dale post office is not provided to show graphically (or otherwise) our comparative actual rate and amount of decline as related to the state or national average. Additionally, there is no historical declination trend data provided for this location. There is evidence that the formula used to determine windows transaction data is unrealistic, and for a rural post office errs toward values favoring discontinuance. These issues render the second paragraph of the questionnaire she completed misleading, irrelevant, and inadequate.

With disregard to these facts, the United Postal Service moved forward with the discontinuance study (Pre-proposal Investigation).

A representative of Kevin Clark, (Manager, Post Office Operations) contacted the OIC at the Spring Dale post office by phone on or about March 23, 2011 concerning a date and time for a Community Meeting as required by Title 39. Later that day, certain postal customers, including local business owners, objected to the date, time, and place for the meeting. It was requested that the meeting be moved to a date, time, and place which enabled attendance after 5:00 p.m. The OIC immediately asked to have these aspects of the meeting changed, but was refused by Mr. Clark's office.

This is not in compliance with Handbook PO-101, part 262, "Selecting Date and Location" which is quoted in part as follows:

*"Discuss the time and location of the community meeting with the postmaster or OIC. Be sure to schedule the meeting at a time that encourages customer participation, such as during an evening or weekend. Potential community locations include a community center, church meeting room, city hall, school, or the Post Office. Designate a set time for the meeting, but be flexible enough to extend the meeting if necessary to answer customer questions."*

No changes in the meeting schedule were permitted at Spring Dale; however, a list of meeting times and locations, as made available to us by the office of Congressman Nick Joe Rahall, indicates meetings were held at 6:00 p.m. (after closing) for the Eccles, Amigo, Raleigh, Lanark, Glen White, Rhodell, Napier, Asbury, Eckman, Wayside, Elkhorn, JenkinJones, Hensley, Cass, Lahmansville, Norton, and Auburn post offices, all in WV.

The meeting was convened by Kevin Clark without consideration to date, time, and place. As indicated in the bulleted list below, there was significant abuse of the Sunshine Laws and Open Meeting as defined in §6-9A-1. (Declaration of legislative policy) of the WV Code.

- Repeated requests to audio record the meeting were denied by Mr. Clark. Though no attempt to record was repeated, we were again warned during meeting to not record. Mr. Clark apparently failed to realize that Handbook PO-101 does not permit him to record

our meeting, but nothing should prevent the public from making a audio recording, provided it is discreet and does not interfere with the meeting.

- Mr. Clark's opening remarks included demeaning comments concerning UPS, Fed EX etc. that were not appropriate and one customer who uses UPS and USPS services took exception to them.
- When Mr. Clark made his introductory statements, and several times thereafter, he was clear that the intent to close was based on profit. Even when the customers pointed that fact out to him, he never at any time denied it, and he was argumentative with several as to the profit based reason (deficient) to close this post office.
- Three customers informed Mr. Clark that the essence of the meeting was lost because his "secretary" was taking inadequate notes. Upon our questioning her (during the meeting) we noticed she seriously missed the impact and intent of many statements made by the people. We informed him and her that she was not using shorthand or any other method to adequately record important aspects of the meeting. In one case he rudely responded that our concern was duly noted. There can be no doubt that the official record does not portray or accurately express the in-depth concerns of the customers.
- We were informed that a summary of our comments and questionnaire results were to be made, and they were to be used by those who would make the closure decision. As mentioned herein, documentation of the meeting is not adequate for this. Additionally, we understand this data is to be compiled by Paul Bradshaw, who, with all due respect, had only two weeks' experience (as of April 11, 2011) in this regard. We understand Kevin Clark had only ten months' experience directly relative to detailed discontinuance procedures. (Those who make the final decisions will do so with incomplete, inaccurate data as a result of errors and lack of experience.)
- Before some people were finished with a comment, others were allowed to interrupt.
- The weather was nice; therefore, the meeting could have been held outside as suggested by us. People were "packed" into two rooms and those in the back room could not hear or speak, so as to appropriately respond or interact.
- Several people left because of overcrowding before having an opportunity to get involved or sign the roster.
- Mr. Clark appeared rude and unfair in regards to the OIC. She asked to speak several times, but was denied until nearly everyone left, and then he permitted others to interrupt her.
- On Thursday, April 28, Delegate David Perry attended a public meeting in Beckley, WV, pertaining to post office discontinuances. He indicated that during the meeting, Kelly Dyke spoke on behalf of Congressman Rahall's office and related her opinions commonly shared by us and other post offices in which Kevin Clark held meetings. She stated that generally Mr. Clark was overbearing, put the customers through indignant treatment, and read a seven point "conclusive" message to customers implying a dogmatic set of reasons to justify closures.

**§6-9A-1. Declaration of legislative policy.**

The Legislature hereby finds and declares that public agencies in this state exist for the singular purpose of representing citizens of this state in governmental affairs, and it is, therefore, in the best interests of the people of this state for the proceedings of public agencies be conducted openly, with only a few clearly defined exceptions. The Legislature hereby further finds and declares that the citizens of this state do not yield their sovereignty to the governmental agencies that serve them. The people in delegating authority do not give their public servants the right to decide what is good for them to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments of government created by them.

The West Virginia Supreme Court of Appeals has stated the goals of the Sunshine Law are promoting people awareness, public participation, and official accountability. *McOmas v. Board of Education of Fayette County*, 197 W.VA 188 (1996) at 196; also in the *McOmas* case the court ruled that *they should be given an expansive reading of the Open Meeting Act to achieve its far reaching goals, and that a narrow reading would frustrate the legislative intent and negate the purposes of the statute.*

Handbook PO-101, part 261 reinforces the intent of §6-9A-1. Declaration of legislative policy as follows:

*26 Conducting a Community Meeting*

*261 General*

*The community meeting is an excellent opportunity to explain service alternatives, to answer customer questions about the proposed alternatives, and to help customers complete their questionnaires. At the meeting, provide the customers with reasons for the proposed change in service. State the advantages and disadvantages for them and for the Postal Service (i.e., tell customers how their address will be affected and whether box fees will increase if they choose that service at a neighboring Post Office). Make it clear that no final decision has been made. Do not argue or raise your voice with customers. Always tell them the truth. If the answer to a customer's question is not apparent, obtain the customer's name and address and respond in writing after the meeting. Make notes of customer concerns and responses for inclusion in the official record. However, do not tape the meeting because this inhibits open discussion. Immediately terminate the meeting if it gets out of control.*

Clearly, the rights of the people are guaranteed in regard to attending and participating in a public meeting, and clearly those rights were prevented.

On March 18, 2011, 110 postal Service Questionnaires were received by the OIC to be placed in the 96 customer P.O. Boxes. The most significant source of confusion relative to these questionnaires is question #3 as follows: *"If you previously received carrier delivery, there will be no change of address to you delivery service – proceed to question 4. If you previously received Post Office box service or general delivery service, complete this section. How do you think carrier route delivery service compares to your previous service?"* The four choices were Better, Just as Good, No Opinion, and Worse. The question concluded with, *"If yes, explain:"* This question is obviously confusing, and several asked for clarification. This is excessively out of conformity with open meeting laws and the intent of PO-101, part 252.1. After the questionnaires were mailed back to the USPS, many customers informed the citizens group

(CCSDPO) that they later realized they had answered inaccurately. There are 17 replies noted in the official record as having "No Opinion" whereas, in reality, most if not all, would have indicated being "Unfavorable to Proposal." In all probability the official records should reflect 91 people out of 92 responses wish to keep the Spring Dale post office open. It is significant that out of 37 questionnaires completed by customers in the Nassau, MN example, 21 expressed no opinion (See PO-101, Exhibits 531 and 532.1). This raises into question that a persistent defect exists in the manner of seeking customer opinions as to an opinion in regard to alternate delivery methods. The inclusion within the PO-101 handbook of samples (Nassau and Popejoy) in regard to USPS responses further underscores the probability that the entire discontinuance is a predetermined means to justify a foregoing conclusion of discontinuance. The responses of these USPS examples closely resemble those for Spring Dale.

The public records additionally contain defects including, but not limited to, the following:

1. Total post office boxes at time of the survey was 96, not 88. This error is visible in several aspects of the proposal process. The total count of people who routinely use the Spring Dale post office greatly exceeds 96. These people received no questionnaire and are incorrectly absent from the total customer count.
2. The Community Meeting Roster indicates 57 people present. This is incorrect because several left due to overcrowding and before signing the roster.
3. The calculations indicating the amount of deficient reduction by adding carrier delivery is flawed in that 46 boxes will not be enough, and any expectation the remaining customers will open boxes in another post office is unrealistic. The "status quo" reduction in expense cannot correctly include the \$11,111 for fringe benefits. The suggestion that the lease (\$11,319) be renegotiated has been ignored. Additionally, the accuracy of the entire "form calculation" is questionable.
4. The Rainelle, WV post office should be considered an affected post office, but there is no proposal available for public review there.
5. The expectation that the Additional Comment Form will be completed is unrealistic. The customers seldom notice the posted proposal, and when they do, they consider their completion of the original questionnaire final and adequate. It would be a serious error to conclude that a limited number of additional comments implies acceptance to the responses of concerns as provided by the USPS. To the contrary, the vast majority of customers questioned by the citizens group are very dissatisfied with the responses to their concerns. The responses are considered irrelevant and merely a bureaucratic conformity to title 39 of the code.

Sincerely,



Paul McClung, Member CCSDPO

Received

A 2012-68

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NOV 16 2011

November 9, 2011

RECEIVED

To the Office of PAGR  
Postal Rate Commission;

This is my appeal of a decision to close the Spring Dale, WV, post office. The zip code is 25986 and the document number is 1382525-25986.

2011 NOV 16 P 2:47

POSTAL REGULATORY  
COMMISSION  
OFFICE OF THE SECRETARY

This letter of appeal by me as a postal customer at the Spring Dale, WV post office will probably be considered by some as irrelevant, emotional, or sarcastic. These and other reasons to disregard or ignore the information and material I am providing here would be symptomatic of a sterile legal process that never applies the spirit of the law.

I could perhaps gain more respect and serious consideration by making detailed reference to statute law or to a study submitted to the Postal Regulatory Commission, dated August 2011 and titled "Studies of Social and Commercial Benefits of Postal Services: ECONOMIC EFFECTS OF POST OFFICES". It is indeed pleasing to see that this study does bring into serious question the reality of lost jobs within a zip code, impact on business and other factors. I could quote from your 'Findings, Significance, and Limitations' on page nine as follows: "All models produced a similar negative magnitude of impact from a post office closure of roughly six jobs lost in the ZIP code, with modest variation across the models in standard errors and statistical significance. The alternative models led to similar point estimates, with significance levels slightly above and slightly below traditional minimum standards of significance. As we added control variables to our GLS model, we did not see much added strength of the model or of the significance of our difference-in-differences variable's coefficient. "

The problem is that the study is inconclusive at best and is consistent with the futile USPS dependence on methods to show, without reinforcing data, various reasons a post office should close. The reasons used by USPS for closing the Spring Dale P.O. are even more flawed. The closure process advances blindly with no consideration of the many suggestions made by the customers. We asked that consideration be made to change the EAS level and also decrease the lease costs dramatically by moving the P.O. into a nice building formally used as a post office. We asked for the results of a long term follow-up study of other rural communities that lost their P.O.'s decades ago. We received none because there is none. Again, historical supporting evidence for replacing a P.O. with mail boxes is nonexistent.

These and other ideas have been completely ignored. As always, big brother knows best. We have seen this fail in the past, and this country is about to see it fail again. In 2001, Fayette County, WV faced the closure of its community schools. As will be the case here, the communities were forced to raise large amounts of money to defeat school consolidation in court (and set precedent). We had been informed by the government that small community schools were interfering with a good education. Most of our state's schools have consolidated and now we are seeing bad results from them 10 years later. Reading levels have continuously fallen from an all time high in 1992, and now math levels are dropping; however, the small community schools we saved are thriving and often scoring above state average on proficiency tests. I am attempting to show that decisions to close post offices are often identical to closing schools. It looks good to those who live in the box, but actually is quite harmful. In Spring Dale,

we submitted evidence to the USPS that the effect of P.O. closure in our unique community could, in reality, be fatal to some seniors, and distressful to others. This community has always used the community P.O. as a lifeline. Visits to the post office are noticed, and a failure to show up results in a phone call or visit to the person in question. We have many elderly customers. Last winter one of them fell on ice and was barely able to get in her car. The only place she knew to go to was the post office for help. Customers at this post office will notice others in the lobby or parking lot that need immediate assistance in some form. The USPS considers mailboxes or an alternative P.O. 4.1 miles away as a solution that provides regular and reliable service. This is not true. This is a reversal in direction for many and it becomes 8.2 miles. Some of these people come here because their post office closed long ago. It is not justifiable or appropriate to do this to them again. These matters may seem trivial to those who have never enjoyed rural life, but rural life requires rural accommodations.

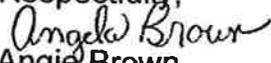
I have attached an article by Carol Miller titled, "Closing a Rural P.O. Can Be a K.O. Punch". He first wrote that article after the post office he used closed in 1995. He has witnessed the impact of it and now warns all of us that both the community and the entire country will suffer. He stated that twenty-five years ago, the federal plan was to close 12,000 small post offices. Appealing to patriotism, an article reminded Congress that "there is a flag that bravely flies out front. Its presence constitutes red-white-and-blue proof that the town still exists."

He quotes one of our Senators here in West Virginia, "When the post office is closed, the flag comes down. When the human side of government closes its doors, we're all in trouble." He endorses my opinion on the similarity of school closures and post office closures when he says, "Post office closure paired with school closure and consolidation are extinguishing frontier and rural communities. They are daily reminders that we are being cut out of the mainstream. These are reversals of the nation's earliest commitments to mail service and accessible public education. Rural America is not dying. It is being killed by bad policy decisions".

He warns us that The United States has gone from proudly providing Rural Free Delivery (RFD) to the privatized Highway Contract Route (HCR) cluster box system. At our boxes [or mail boxes], depending on the season, we wade through water, mud, and snow, and try not to slip on the ice to get our mail. The boxes are not accessible to people with mobility disabilities, meaning they cannot retrieve their own mail. They must either have someone else get their mail or buy a post office box and travel to the closest real post office.

As he says, "Nothing brings home to a community how absolutely unimportant they are to the federal government more than losing a post office. First you lose the post office, then you lose the zip code and, the final blow, for postal purposes you lose the very name of your town."

I ask that you read the article, as included, and consider his opinions, and that, for reasons of necessity and compassion, our post office remains available for those who depend on it.

Respectfully,  
  
Angie Brown

**RECEIVED**  
**ALVAREZ CONTRACTORS, INC.**

P.O. Box 81, Route 20, Patterson Mt. Road  
 Spring Dale, West Virginia 25986  
 Phone (304) 484-7754 Fax (304) 484-7062 Email: gwaci@frontier.com

POSTAL REGULATORY  
 COMMISSION  
 OFFICE OF THE SECRETARY

Postal Regulatory Commission  
 Office of the Chief Admin. Officer

NOV 18 2011

November 14, 2011

**Appeal of Final Determination to Close the Spring Dale, WV Post Office and Extend Service by Highway Contract Route Service. Docket Number 1382525-25986.**

My company, Alvarez Contractors, is a customer of the Spring Dale, Post Office (P.O. Box 81). Though many reasons to not interrupt service at this post office have been adequately and competently addressed by others, I wish to appeal the closure based on the following two reasons:

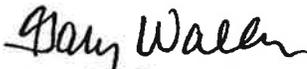
1. As I carefully and fully demonstrated in my letter during the proposal phase, the closure of this post office is harmful to all businesses in the area. The unrealistic replies received from the USPS by those of us who are self employed are nothing more than form letters. It remains an ignored but absolute fact that the nature of my business cannot be satisfied by having a mailbox on a carrier route.  
 Packages are different weights and sizes, and they ship to varying zip codes. That makes it impossible for the mail carrier to handle them. I cannot afford to stand by the road waiting for the carrier when the carrier's arrival time will vary depending on many circumstances.  
 The carrier cannot provide special services, including certified mail, delivery confirmation, return receipts, registered mail, etc. I often need to visit the Spring Dale post office to determine which mailers are suitable for my packages. I am very busy every day. I can make a trip to the Spring Dale in much less time than that required for a round trip to the Meadow Bridge post office.
2. As an estimator for Alvarez Contractors over a period of 27 years, I have encountered many estimates as to costs, payroll, maintenance, and other expenses that have been prepared with a bias or simply as a means to justify an end. I quickly see an absence of creditability and lack of itemization by USPS in regard to values the public is expected to accept as fact. Being disingenuous is a common ploy used to overwhelm or unduly influence defenseless people. We have previously brought this to the attention of the USPS in writing. We attempted to do so in a public meeting but were ignored. I list estimating issues as follows:
  - a) Windows Transaction Data: This information is recorded over a two week period, and then arbitrary constants are applied to calculate values that are to reinforce the pre-decided decision of USPS to close this office. The actual time the O.I.C. at this particular post office is busy is significantly underestimated.

- b) Declining Workload: This relates to "a" above and additionally suffers from the fact that the previous postmaster who retired in 2009 had built the revenue at this post office to a value much higher than it was several years ago. Therefore, the workload and sales increased, not decreased, in recent years.
- c) O.I.C. Salary: Contrary to the data presented in the USPS documents, the O.I.C. does not receive fringe benefits. We have asked that steps be taken to adjust this post office from a level 11 to an EP rating. For our post office this appears to be within limits related to PS-150 or other criteria.
- d) "Less" Cost of Replacement Services: The alleged annual \$3600 offset cost of a carrier has been minimized to suggest only a slight cost increase due to closure of the post office. An added expense of \$3600 per year reduces to \$300 per month or about \$15 per day. Those of us familiar with estimating, knowledge of the route, the additional number of mailboxes to be in use, and other circumstances, have no doubt that an alleged cost of approximately \$15 per day is nothing less than deception. Furthermore, an increase in mailboxes will, in this case, result in the carrier not been able to return to the Meadow Bridge post office in time to let outgoing mail be dispatched the same day.
- e) Annual Lease Costs: We have informed management for USPS verbally and by letter that most, if not all, of the lease expense (\$11,319 per year) can be stopped. In Spring Dale, there is an excellent building that formally was a post office. It is located on the main route and is less than ¼ mile from the existing post office. Serious consideration has been made to make this building available at very minimal expense to USPS.

A combination of the cost cutting measures we have offered may cure the deficient here or surely reduce it to an insignificant level.

It is the obligation and responsibility of the officers within USPS to be open-minded and cooperative. Openly ignoring suggestions and data from an entire community in a cold, clinical manner is arbitrary and capricious. The decision to close should therefore be remanded with a recommendation that the USPS dismiss this case in favor of the customers.

Sincerely,



Gary Walker, Vice President  
Alvarez Contractors, Inc.

A2012-68

Postal Regulatory Commission  
Office of the Chief of Admin. Officer

November 15, 2011

NOV 21 2011

Appeal of United States Parcel Service Decision to Close the Spring Dale, WV Post Office.  
Docket Number 1382525-25986

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2011 NOV 22 P 1:59

The United States Parcel Service (USPS) has decided to close this post office without the examination or consideration of future impact on, not only this post office and dependent communities, but also the impact on the effected Meadow Bridge and Rainelle post offices.

Our post office is located on route 20 which is a main route and is only 2/10 mile north from the intersection of route 29. It is on a safe straight stretch of road, and there has never been an accident caused by traffic entering or leaving our parking lot. However, the Meadow Bridge post office entrance is in a curve and there is an occasional accident there. Within the last week, a school bus hit a car at that entrance. Regardless of the installation of mailboxes, our seniors will be forced to use the Meadow Bridge post office and will be exposed to increased traffic volume and a higher incidence of accidents there, in addition to crossing Spring Dale hill on slick roads during the winter.

Spring Dale has already become a needed post office for the communities of Bellwood, Dawson, Grassy Meadows and other locations where post offices have already closed. The future closings of other nearby post offices will increase the need for the Spring Dale post office to stay open. Several who live in the Dawson area now travel 6 miles to the Spring Dale post office, but all people in that area will soon travel 15 miles to Crawley (30 mile loop) when the targeted Smoot post offices closes. Some of the residents in Spring Dale seldom travel, and for them, 4.1 miles becomes an unwanted 8.2 miles. The Spring Dale post office is modern with handicap access, and has a large parking lot

Another important consideration is future growth of the Rainelle and Meadow Bridge post office as more and more post offices close. Both of these will be effected by the closure of Spring Dale, but the Rainelle Post office was never notified in that regard. The Meadow Bridge post office is already very busy and the additional volume caused by future closures of post offices in addition to ours at Spring Dale would likely result in the hiring of at least one additional employee there. That cancels the benefit of lowering USPS employee expense by closing Spring Dale. As previously mentioned, the Smoot post office is already targeted for closure, and the customers there will follow the historical trend of Dawson and Grassy Meadows in coming to our Spring Dale post office. The volume will increase at the Meadow Bridge post office when Meadow Creek closes, and with the anticipated closures of Sandstone and Green Sulphur. Please reject the closure of the Spring Dale post office because of these reasons.

Betty Puckett P.O. Box 66

*Betty Puckett*