

Before The  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001

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*In the Matter of:* :  
Pimmit Branch :  
Falls Church, Virginia 22043 : Docket No. A2011-90  
(Elaine J. Mittleman, Petitioner):  
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**MOTION OF PETITIONER TO  
RESET THE EXPIRATION DATE OF THE  
COMMISSION’S 120-DAY DECISIONAL SCHEDULE**  
(January 16, 2012)

Petitioner Elaine Mittleman hereby respectfully submits this motion to reset the expiration date of the Commission’s 120-day decisional schedule, pursuant to 39 U.S.C. § 404(d)(5). She submits that the deadline for the Commission in this appeal should be January 25, 2012, rather than January 20, 2012.

A procedural schedule was established by Order No. 882, issued on September 29, 2011. The Order states at p. 1 that “on September 27, 2011, the Commission received a petition for review and application for suspension of the Postal Service’s determination to close the Pimmit branch in Falls Church, Virginia.” The Order states at p. 3 that “By statute, the Commission is required to issue its decision within 120 days from the date it receives the

appeal.

The Procedural Schedule set out at p. 5 of the Order shows September 27, 2011, as the date for the filing of the appeal. The expiration of the Commission's 120-day decisional schedule is shown in the Order as January 20, 2012.

Based on the calculations by Petitioner, it appears that the scheduled expiration date of January 20, 2012, is 115 days after September 27, 2011, the date the appeal was filed. It appears that the 120-day decisional deadline should be January 25, 2012, rather than January 20, 2012.

In studying the determination of the 120-day decisional schedule, Petitioner reviewed the schedules established in other appeals. This review indicates that the schedule in many appeals apparently has not permitted the entire 120 days before the established expiration date. There are numerous appeals in which the expiration date is set to permit fewer than 120 days for the appeal. It is not clear how the expiration dates have been calculated and why many expiration dates have been set at fewer than 120 days after the appeal was received by the Commission.

Following is a list of some of the appeals reviewed by Petitioner. This list shows the number of days permitted for the appeal before the expiration date, as calculated by Petitioner.

<u>Appeal</u>	<u>Filing Date</u>	<u>Expiration Date</u>	<u>Number of days for appeal</u>
A2010-6	8.25.10	12.17.10	114
A2011-9	2.23.11	6.20.11	117
A2011-29	7.26.11	11.15.11	112
A2011-44	8.11.11	12.05.11	116
A2011-47	8.15.11	12.05.11	112
A2011-55	8.26.11	12.16.11	112
A2011-56	8.26.11	12.21.11	117
A2011-57	8.29.11	12.19.11	112
A2011-78	9.21.11	1.11.12	112
A2011-79	9.21.11	1.11.12	112
A2011-88	9.23.11	1.12.12	111
A2011-103	9.30.11	1.18.12	110
A2012-50	11.03.11	2.15.12	104
A2012-55	11.04.11	2.22.12	110
A2012-68	11.14.11	2.29.12	107
A2012-70	11.15.11	3.05.12	111
A2012-105	12.28.11	4.13.12	107

This table shows that many appeals were permitted fewer than 120 days before the expiration date. The discrepancies in the determination of the

expiration date can be illustrated by several examples. In appeals A2011-44 and A2011-47, the expiration date is December 5, 2011. However, the filing date for A2011-44 was August 11, 2011, while the filing date for A2011-47 was August 15, 2011. Thus, these two appeals were filed four days apart, but have the same expiration date.

In appeals A2011-55 and A2011-56, the filing date is the same, August 26, 2011. However, the expiration date for A2011-55 is December 16, 2011, while the expiration date for A2011-56 is December 21, 2011. Even though these appeals were both filed on August 26, 2011, the appeal in A2011-56 had five more days until its expiration date than the appeal in A2011-55.

It is not clear what is the effect or potential harm of having fewer days for an appeal than is permitted by statute. However, it would seem that there should be a consistent practice in setting expiration dates to provide the 120-day time period mandated by statute. Further, it is not clear why the number of days for appeals has such a variance, with appeals being permitted as few as 104 days in the appeals reviewed by Petitioner.

In light of the circumstances of this appeal, it is necessary that the full 120-day period be allowed. Petitioner was advised on January 13, 2012, by a postal service employee that the Falls Church Main Post Office, located at 301 W. Broad Street, Falls Church, VA 22046, will be relocated to

Merrifield, Virginia, next week-end, presumably on January 21, 2012. The appeal deadline should be reset to January 25, 2012, to permit additional time to obtain and review information about the move of the Falls Church Main Post Office.

The move will affect the customers of the Pimmit Branch. The carriers will have to drive from Merrifield instead of Falls Church to deliver the mail. It is not clear how the changed route will affect the schedule of mail delivery and the ability of customers to receive assistance from the carriers. The carriers will likely face substantial Tysons Corner area traffic in the route from Merrifield to Pimmit Hills.

Moreover, the service may be affected because of the limitations of the facility located at 800 W. Broad Street. The large delivery trucks cannot use that facility. The carriers apparently have had to use smaller trucks or other methods to convey the mail from 301 W. Broad Street to 800 W. Broad Street. The move to Merrifield will presumably make it much more difficult for the carriers to convey the mail to 800 W. Broad Street, particularly because the larger trucks likely cannot be used.

In addition, the treatment of certified letters and notices for those letters will likely become more complicated. There have been difficulties in redeliveries because the carriers were at 301 W. Broad Street and the letters

were to be picked up at 800 W. Broad Street. It has been difficult for the carriers to communicate and transfer the letters to 800 W. Broad Street. This process will presumably become even more complicated if the carriers are located in Merrifield and the letters are to be picked up at 800 W. Broad. There have also been delays or complications in redelivering certified mail. The certified letters (attached hereto) sent to Petitioner from Manager, Post Office Operations, Merrifield, Virginia, are examples of the delays that can occur in delivering certified mail.

For the foregoing reasons, Petitioner requests that the expiration date for this appeal be reset to January 25, 2012, rather than January 20, 2012.

Respectfully submitted,

/s/ Elaine Mittleman  
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