

Before the  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

Freeport Post Office  
Freeport, Kansas

Docket No. A2012-87

PUBLIC REPRESENTATIVE COMMENTS  
SUPPORTING REMAND  
(February 7, 2012)

After careful review of the Postal Service's Final Determination, the materials in the Administrative Record, the arguments presented by Petitioner, and the Postal Service's comments, the Public Representative concludes that the Postal Service has not followed applicable procedures, that the decision to close the Freeport Post Office is arbitrary and capricious, and that the Postal Service's decision is unsupported by substantial evidence. The Postal Service did not post notices, proposals, or the final determination at the administrative Post Office. All notices, proposals, and the final determination state that replacement service would be provided by a rural carrier emanating from Argonia, Kansas, and that Argonia would be the administrative Post Office. In fact, the rural route that serves Freeport now emanates from Anthony, Kansas, and Anthony will be the administrative Post Office.<sup>1</sup>

The Argonia and Anthony Post Offices are almost the same distance from the Freeport Post Office (at least in travel time) but in opposite directions. See Google Map and directions, attached. Petitioner states that the change of the administrative Post Office is beneficial for her area. Petition at 1. Presumably, the advantage of Anthony

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<sup>1</sup> See Petition for Review Received from Carol A. Peterson Regarding the Freeport, KS Post Office 67049, November 29, 2011, at 1 (Petition); Administrative Record (AR), Item 47A, added December 12, 2011; United States Postal Service Comments Regarding Appeal, January 23, 2012, at 5-7 (Comments). *But see* Comments at 2-3 (rural route service will be administered by the Argonia Post Office).

over Argonia derives from Anthony's being in the same county (Harper) as Freeport, whereas Argonia is in Sumner County.<sup>2</sup> Also, the Anthony Post Office has longer operating hours,<sup>3</sup> and the record indicates that Freeport residents do not travel to Argonia on personal business. Of the questionnaire responses that identify where the respondent goes for shopping, banking, etc., not one lists Argonia.<sup>4</sup>

However, the Postal Service distributed 48 questionnaires, of which 14 were returned. AR, Item 23. There is no way to know whether nonrespondents would have indicated a preference for Argonia if they had been informed that Anthony would be the administrative Post Office. And, of course, the Postal Service could not consider the views of such customers.

The Postal Service states that it will continue to use the Freeport name and ZIP Code. Comments at 9. However, the record contains contradictory statements. "The proposed change in ZIP Code is necessary due to 911 addressing requirements." AR, Item 25 at 2, Concern 14; *id.*, Item 33 at 3, Concern 8; *id.*, Item 41 at 3, Concern 9; FD at 3, Concern 9.

The Postal Service states that Freeport is unincorporated. Comments at 8. However, the record contains contradictory statements. "Freeport is an incorporated community located in Harper County." AR, Item 33 at 5; *id.*, Item 41 at 6; FD at 5; see *also id.*, Item 16, Line 1. Freeport is, in fact, incorporated.<sup>5</sup>

The Postal Service states that the Freeport OIC is a noncareer employee. Comments at 10 and n.41. However, Petitioner, a former OIC at Freeport, has informed the Public Representative that the current OIC is a career employee from Anthony. This can be confirmed from the Post Office Survey Sheet, which states "no employees affected as OIC is a clerk at Anthony KS / rural carrier is intermediate at Argonia KS / no

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<sup>2</sup> See <http://www.harpercountyks.gov/>; <http://www.co.sumner.ks.us/>.

<sup>3</sup> Retail hours at Anthony are 8:30 to 5:00, M-F, and 8:30 to 11:00 on Saturday. The lobby is open 24/7. See <https://tools.usps.com/go/>. Retail hours at Argonia are 8:00 to 12:30 and 1:30 to 4:00, M-F, and 8:30 to 10:00 on Saturday. FD at 2. The lobby is closed on Sunday. See <https://tools.usps.com/go/>.

<sup>4</sup> See AR, Item 22. The questionnaire responses are not paginated, but the customer response letters are. The relevant questionnaire pages **precede** pages 2, 4, 6-8, 10-12, and 14 of Item 22. See *also* AR, Item 34, at 1.

<sup>5</sup> "To the southwest of Wichita is Freeport, the state's smallest incorporated city (population 8)." <http://www.websters-online-dictionary.org/definitions/Kansas>.

PMR". AR, Item 15. And the record indicates that there are no employees, career or noncareer, at the Freeport office. AR, Item 16, Line 11c; *id.*, Item 42, Line 11c; *id.*, Item 44.

Given the inconsistencies in the record, as well as the impossibility of knowing whether Freeport patrons object to the change of the administrative Post Office from Argonia to Anthony, the Commission should remand the Final Determination to close the Freeport Post Office.

Respectfully submitted,

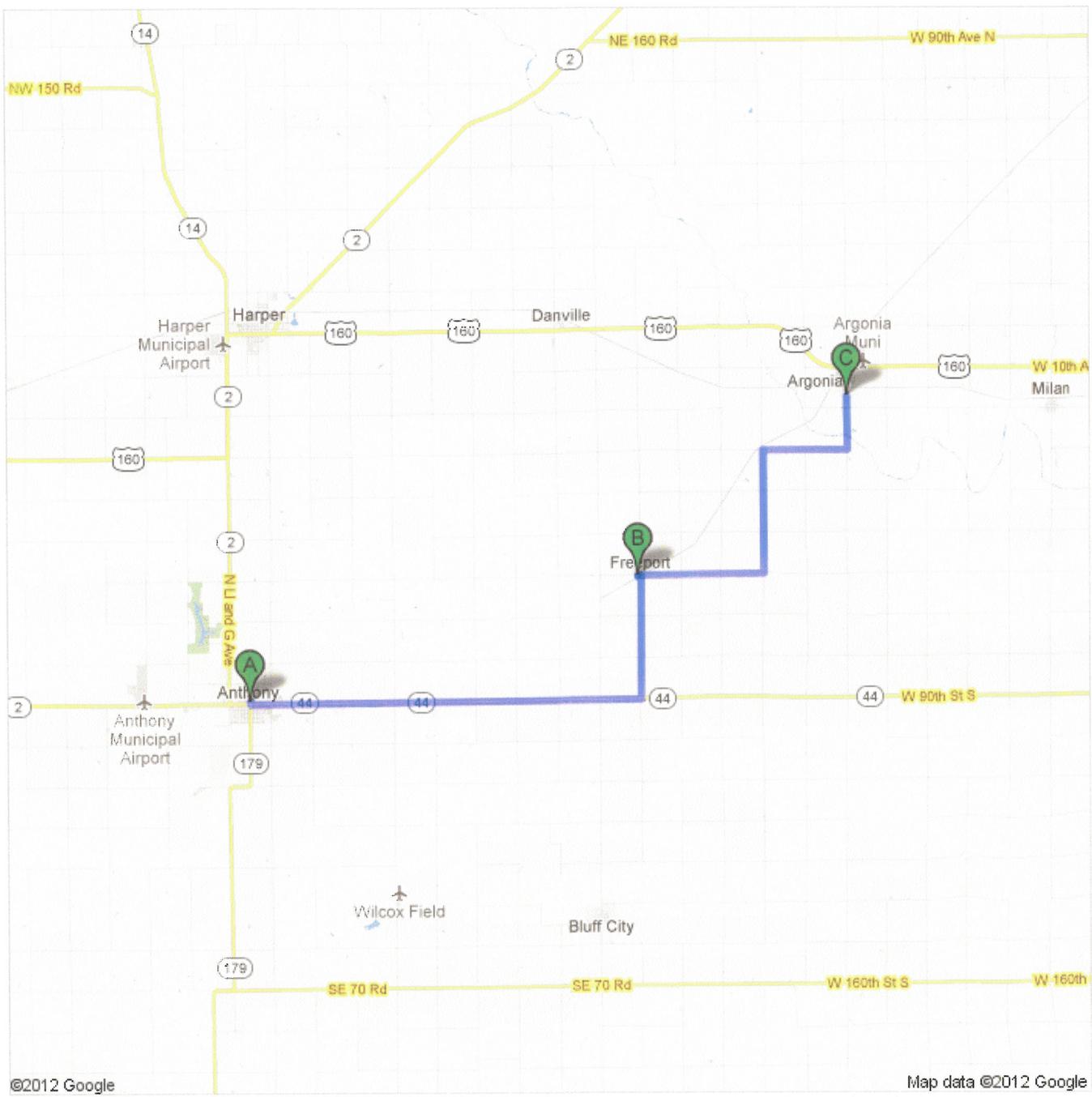
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**Directions to S Main St, Argonia, KS 67004**  
22.2 mi – about 49 mins

**Save trees. Go green!**  
 Download Google Maps on your phone at [google.com/gmm](http://google.com/gmm)

 121 W Steadman St, Anthony, KS 67003

1. Head **east** on **W Steadman St** toward **N Jennings Ave**

|  |              |
|--|--------------|
|  | go 141 ft    |
|  | total 141 ft |
2. Take the 1st right onto **N Jennings Ave**

|  |              |
|--|--------------|
|  | go 394 ft    |
|  | total 0.1 mi |
3. Turn left onto **KS-44 E/E Main St**  
Continue to follow **KS-44 E**  
About 11 mins

|  |              |
|--|--------------|
|  | go 9.5 mi    |
|  | total 9.6 mi |
4. Turn left onto **NE 100 Ave**  
About 13 mins

|  |               |
|--|---------------|
|  | go 3.0 mi     |
|  | total 12.7 mi |
5. Turn left

|  |               |
|--|---------------|
|  | go 0.1 mi     |
|  | total 12.8 mi |

**Total: 12.8 mi – about 24 mins**

 Main St, Freeport, KS 67049

total 0.0 mi

6. Head **east** on **1st St/Main St** toward **Grand Ave**  
Continue to follow **1st St**  
About 1 min

|  |              |
|--|--------------|
|  | go 0.4 mi    |
|  | total 0.4 mi |
7. Continue onto **NE 30 Rd**  
About 7 mins

|  |              |
|--|--------------|
|  | go 2.7 mi    |
|  | total 3.1 mi |
8. Turn left onto **NE 130 Ave/S Creek Rd**  
About 8 mins

|  |              |
|--|--------------|
|  | go 3.0 mi    |
|  | total 6.1 mi |
9. Turn right onto **W 30th St S**  
About 5 mins

|  |              |
|--|--------------|
|  | go 2.1 mi    |
|  | total 8.1 mi |
10. Turn left onto **S Argonia Rd**  
About 3 mins

|  |              |
|--|--------------|
|  | go 1.0 mi    |
|  | total 9.1 mi |
11. Continue onto **Main St**  
About 1 min

|  |              |
|--|--------------|
|  | go 0.3 mi    |
|  | total 9.4 mi |

**Total: 9.4 mi – about 24 mins**

 S Main St, Argonia, KS 67004

These directions are for planning purposes only. You may find that construction projects, traffic, weather, or other events may cause conditions to differ from the map results, and you should plan your route accordingly. You must obey all signs or notices regarding your route.

Map data ©2012 Google

Directions weren't right? Please find your route on [maps.google.com](http://maps.google.com) and click "Report a problem" at the bottom left.