

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Ruth Y. Goldway, Chairman;
Nanci E. Langley, Vice Chairman;
Mark Acton; and
Robert G. Taub

Slayden Post Office
Slayden, Tennessee

Docket No. A2012-54

ORDER AFFIRMING DETERMINATION

(Issued February 17, 2012)

I. INTRODUCTION

On December 15, 2011, the Postal Service advised the Commission that it “will delay the closing or consolidation of any Post Office until May 15, 2012”.¹ The Postal Service further indicated that it “will proceed with the discontinuance process for any Post Office in which a Final Determination was already posted as of December 12, 2011, including all pending appeals.” *Id.* It stated that the only “Post Offices” subject to closing prior to May 16, 2012 are those that were not in operation on, and for which a Final Determination was posted as of, December 12, 2011. *Id.* It affirmed that it “will not close or consolidate any other Post Office prior to May 16, 2012.” *Id.* at 2. Lastly,

¹ United States Postal Service Notice of Status of the Moratorium on Post Office Discontinuance Actions, December 15, 2011, at 1 (Notice).

the Postal Service requested the Commission “to continue adjudicating appeals as provided in the 120-day decisional schedule for each proceeding.” *Id.*

The Postal Service’s Notice outlines the parameters of its newly announced discontinuance policy. Pursuant to the Postal Service’s request, the Commission will fulfill its appellate responsibilities under 39 U.S.C. § 404(d)(5).

On November 4, 2011, Roger Harrison, Jerry Trotter, Debbie Smith, Mary Smathers, and Diane Harrison (Petitioners) jointly filed a petition with the Commission seeking review of the Postal Service’s Final Determination to close the Slayden, Tennessee post office (Slayden post office).² Included with the Petition was a customer petition signed by 126 residents of Slayden asking the Postal Service to reconsider the closing of the Slayden post office.

The Final Determination to close the Slayden, Tennessee post office is affirmed.³

II. PROCEDURAL HISTORY

On November 22, 2011, the Commission established Docket No. A2012-54 to consider the appeal, designated a Public Representative, and directed the Postal Service to file its Administrative Record and any responsive pleadings.⁴

² Petition for Review received from Roger Harrison, Jerry Trotter, Debbie Smith, Mary Smathers, and Diane Harrison regarding the Slayden, Tennessee Post Office 37165, November 4, 2011 (Petition).

³ The Commission is divided equally, 2-2, on the outcome of this appeal. In the absence of a majority, the Final Determination stands.

⁴ Order No. 988, Notice and Order Accepting Appeal and Establishing Procedural Schedule, November 22, 2011.

On November 21, 2011, the Postal Service filed the Administrative Record with the Commission and on December 21, 2011, the Postal Service filed the Corrected Administrative Record with the Commission.⁵ The Postal Service also filed comments requesting that the Commission affirm its Final Determination.⁶

Petitioner Diane Harrison filed a participant statement supporting the Petition.⁷ On January 17, 2012, the Public Representative filed comments.⁸

III. BACKGROUND

The Slayden post office provides retail postal services and service to 68 post office box customers. Final Determination at 2. No delivery customers are served through this office. *Id.* The Slayden post office, an EAS-11 level facility, provides retail service from 7:30 a.m. to 12:00 p.m. and 1:00 p.m. to 4:00 p.m., Monday through Friday, and 8:00 a.m. to 12:00 p.m. on Saturday. *Id.* at 2. Lobby access hours are 7:30 a.m. to 4:00 p.m. Monday through Friday and 8:00 a.m. to 12:00 p.m. on Saturday. *Id.*

The postmaster position became vacant on May 21, 2010 when the Slayden postmaster was promoted. *Id.* A non-career postmaster relief (PMR) was installed as officer-in-charge (OIC) to operate the office. *Id.* at 2, 6. Retail transactions average 15 transactions daily (16 minutes of retail workload). *Id.* at 2. The Final Determination,

⁵ The administrative record (Administrative Record) is attached to the United States Postal Service Notice of Filing of Administrative Record, November 21, 2011, and a corrected administrative record (Corrected Administrative Record) is attached to the United States Postal Service Notice of Filing Corrected Administrative Record—Errata, December 21, 2011. Included in the Corrected Administrative Record are Item Nos. 1-25, 47, and 49, all of which had been omitted from the Administrative Record as originally filed. The Corrected Administrative Record includes, as Item No. 47, the Final Determination to Close the Slayden, TN Post Office and Continue to Provide Service by Rural Route Service (Final Determination).

⁶ United States Postal Service Comments Regarding Appeal, December 29, 2011 (Postal Service Comments).

⁷ Participant Statement received from Diane Harrison, December 7, 2011 (Participant Statement).

⁸ Public Representative Reply Comments, January 17, 2012 (PR Reply Comments). By motion dated January 17, 2012, the Public Representative requested the Public Representative Comments be accepted for late filing. The motion is granted.

presents office receipts for the last 3 years of \$21,824 in FY 2008; \$25,191 in FY 2009; and \$25,578 in FY 2010.⁹ *Id.*; Corrected Administrative Record, Item No. 47 at 2.

There are no permit or postage meter customers. *Id.* By closing this office, the Postal Service anticipates savings of \$46,185 annually. *Id.* at 7.

After the closure, retail services will be provided by the Cumberland Furnace post office located approximately 11 miles away.¹⁰ Delivery service will be provided by rural route service through the Cumberland Furnace post office. *Id.* at 2. The Cumberland Furnace post office is an EAS-16 level office, with retail hours of 7:30 a.m. to 4:00 p.m., Monday through Friday, and 7:00 a.m. to 11:00 a.m. on Saturday. *Id.* Four post office boxes are available. *Id.* In addition, retail services will also be available at the Vanleer post office located approximately 5 miles away.¹¹ The Vanleer post office is an EAS-13 level office, with retail hours of 7:30 a.m. to 11:00 a.m. and 12:00 p.m. to 3:30 p.m. Monday through Friday and 7:00 a.m. to 11:00 a.m. on Saturday. Fifty-one post office boxes are available at the Vanleer post office. *Id.* The Postal Service states that it will continue to use the Slayden name and ZIP Code. Postal Service Comments at 7-8.

IV. PARTICIPANT PLEADINGS

Petitioners. Petitioners oppose the closure of the Slayden post office. Petitioners object to the community's loss of its city address and ZIP Code. Petition at 3. In addition, Petitioners argue that the replacement services proposed by the Postal Service will be inadequate. Participant Statement at 1-3. In addition, Petitioners challenge the Postal Service's projection of economic savings and alleges that the

⁹ The Public Representative notes a discrepancy between this increasing revenue trend and the decreasing revenue trend shown on Administrative Record, Item No. 18 (Post Office Closing or Consolidation Proposal Fact Sheet). PR Reply Comments at 7. However, in its comments, the Postal Service relies upon the Final Determination's increasing revenue trend as the correct trend. Postal Service Comments at 2.

¹⁰ *Id.* at 2. MapQuest estimates the driving distance between the Slayden and Cumberland Furnace post offices to be approximately 11.9 miles (16 minutes driving time).

¹¹ *Id.* MapQuest estimates the driving distance between the Slayden and Vanleer post offices to be approximately 3.3 miles (6 minutes driving time).

Slayden post office is being closed solely to save money. Participant Statement at 4; Petition at 1. Petitioner Harrison presents two alternative plans for operating the Slayden post office. Participant Statement at 5-6.

Postal Service. The Postal Service argues that the Commission should affirm its determination to close the Slayden post office. Postal Service Comments at 1. The Postal Service believes the appeal raises three main issues: (1) the impact on postal services, (2) the impact on the Slayden community, and (3) the calculation of the economic savings expected to result from discontinuing the Slayden post office. The Postal Service asserts that it has given these and other statutory issues serious consideration and concludes that the determination to discontinue the Slayden post office should be affirmed. *Id.*

The Postal Service explains that its decision to close the Slayden post office was based on several factors:

- the postmaster vacancy;
- a minimal workload and low office revenue;
- close proximity of other post offices;
- the variety of other delivery and retail options;
- no projected population, residential, commercial or business growth in the area;
- minimal impact on the community; and
- expected financial savings.

Id. at 4. The Postal Service contends that it will continue to provide regular and effective postal services to the Slayden community when the Final Determination is implemented. *Id.*

The Postal Service also asserts that it has followed all statutorily required procedures and has addressed the concerns raised by Petitioners regarding the effect on postal services, effect on the Slayden community, economic savings, and effect on postal employees. *Id.* at 11.

Public Representative. The Public Representative takes the position that the Postal Service has not completely addressed customers' concerns regarding the change in the community's ZIP Code. PR Reply Comments at 7-8. The Public Representative also questions the Postal Service's claims regarding the availability of alternative postal service options in the community. *Id.* at 5. Finally, the Public Representative questions whether the Postal Service has correctly calculated the projected economic savings from closing the Slayden post office. *Id.* at 2-3.

V. COMMISSION ANALYSIS

The Commission's authority to review post office closings is provided by 39 U.S.C. § 404(d)(5). That section requires the Commission to review the Postal Service's determination to close or consolidate a post office on the basis of the record that was before the Postal Service. The Commission is empowered by section 404(d)(5) to set aside any determination, findings, and conclusions that it finds to be (a) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law; (b) without observance of procedure required by law; or (c) unsupported by substantial evidence in the record. Should the Commission set aside any such determination, findings, or conclusions, it may remand the entire matter to the Postal Service for further consideration. Section 404(d)(5) does not, however, authorize the Commission to modify the Postal Service's determination by substituting its judgment for that of the Postal Service.

A. Notice to Customers

Section 404(d)(1) requires that, prior to making a determination to close any post office, the Postal Service must provide notice of its intent to close. Notice must be given 60 days before the proposed closure date to ensure that patrons have an opportunity to present their views regarding the closing. The Postal Service may not take any action to close a post office until 60 days after its determination is made available to persons served by that post office. 39 U.S.C. § 404(d)(4). A decision to close a post office may

be appealed within 30 days after the determination is made available to persons served by the post office. *Id.* § 404(d)(5).

The record indicates the Postal Service took the following steps in providing notice of its intent to close. On February 15, 2011, the Postal Service distributed questionnaires to customers regarding the possible change in service at the Slayden post office. Final Determination at 2. A total of 88 questionnaires were distributed to delivery customers. *Id.* Other questionnaires were made available at the retail counter. *Id.* A total of 47 questionnaires were returned. *Id.* On March 15, 2011, the Postal Service held a community meeting at Slayden Community Center to address customer concerns. *Id.* Forty-seven customers attended. *Id.*

The Postal Service posted the proposal to close the Slayden post office with an invitation for comments at the Slayden, Cumberland Furnace, and Vanleer post offices from May 6, 2011 through July 7, 2011. *Id.* The Final Determination was posted at the same three post offices from September 26, 2011 through October 28, 2011. Administrative Record, Item No. 49.

The Postal Service has satisfied the notice requirements of 39 U.S.C. § 404(d).

B. Other Statutory Considerations

In making a determination on whether or not to close a post office, the Postal Service must consider the following factors: the effect on the community; the effect on postal employees; whether a maximum degree of effective and regular postal service will be provided; and the economic savings to the Postal Service. 39 U.S.C. § 404(d)(2)(A). The Postal Service must also comply with the provisions of 39 U.S.C. § 101(b), which prohibits closing any small post office solely for operating at a deficit.

Effect on the community. Slayden, Tennessee is an incorporated community¹² located in Dickson County, Tennessee. Administrative Record, Item No. 16. The community is administered politically by the City of Slayden. *Id.* Police protection is provided by the Dickson County Sheriff's Department. *Id.* Fire protection is provided by the Vanleer Volunteer Fire Department. *Id.* The community is comprised of farmers, retirees, self-employed persons and those who commute to work in nearby communities. *Id.* Residents may travel to nearby communities for other supplies and services. See *generally* Administrative Record, Item No. 22 (returned customer questionnaires and Postal Service response letters).

As a general matter, the Postal Service solicits input from the community by distributing questionnaires to customers and holding a community meeting. The Postal Service met with members of the Slayden community and solicited input from the community with questionnaires. In response to the Postal Service's proposal to close the Slayden post office, customers raised concerns regarding the effect of the closure on the community. Their concerns and the Postal Service's responses are summarized in the Final Determination. Final Determination at 3-4.

On appeal, Petitioners argue that the city address of Slayden and its ZIP Code will, in fact, be changed to the address of the unincorporated area of Cumberland Furnace. Petition at 3. The Postal Service responds by reiterating the statement in the Final Determination that the community identity will be preserved, in part, by the continued use of the Slayden name and ZIP Code in addresses. Postal Service Comments at 8. The Public Representative takes the position that the Postal Service's responses do not completely address the community concerns regarding a change in ZIP Code. PR Reply Brief at 7-8.

¹² Slayden, Tennessee was incorrectly identified as an unincorporated community in the Postal Service's proposal to close the Slayden post office. Administrative Record, Item No. 33. However, that error was corrected and the Final Determination correctly identifies Slayden, Tennessee as an incorporated community. Final Determination at 6.

The record includes conflicting statements about the retention of the community name and ZIP Code. The assertion in the Postal Service Comments that community identity will be preserved by continued use of the post office name and ZIP Code relies upon a statement to that effect in the Final Determination. Final Determination at 2-3, Concern No. 3. However, the Final Determination also states that customers who choose to utilize carrier service will be assigned a 911 address which will use the Cumberland Furnace ZIP Code, but that the community name, Slayden, will continue to be used in the last line of the customer's address. *Id.* at 3, Concern No. 8. What remains unclear from both the Final Determination and the Postal Service Comments is which community name and ZIP Code would be used by Slayden post office customers who opt to use post office boxes in either the Cumberland Furnace post office or the Vanleer post office.

While the uncertainty that remains regarding the community name and ZIP Code that will now be used for customers of the Slayden post office should have been resolved by this time, a remand is not required to resolve remaining questions. The Postal Service has historically been sensitive to the effect on a community's identity of the loss of its post office. This case appears to be no exception. While carrier route customers will lose their ZIP Code in the interest of regular and effective service, those customers will retain the community name. *Id.* The Postal Service, however, is obligated to clarify the address and ZIP Code implications for those Slayden post office customers who elect to rent post office boxes at either the Cumberland Furnace or Vanleer post office.

The Postal Service has adequately considered the effect of the post office closing on the community as required by 39 U.S.C. § 404(d)(2)(A)(i).

Effect on employees. The Postal Service states that the Slayden postmaster was promoted on May 21, 2010 and that a PMR-OIC has operated the Slayden post office since then. Final Determination at 2, 6. It asserts that after the Final Determination is implemented, the non-career OIC may be separated and that no other Postal Service employee will be adversely affected. *Id.*

The Postal Service has considered the possible effects of the post office closing on the OIC and has satisfied its obligation to consider the effect of the closing on employees at the Slayden post office as required by 39 U.S.C. § 404(d)(2)(A)(ii).

Effective and regular service. The Postal Service contends that it has considered the effect the closing will have on postal services provided to Slayden customers. Postal Service Comments at 4. It asserts that customers of the closed Slayden post office may obtain retail services at the Cumberland Furnace post office located 11 miles away. Final Determination at 2. Delivery service will be provided by rural route service through the Cumberland Furnace post office. *Id.* Retail service is also available at the Vanleer post office which is 5 miles away. The Slayden post office box customers may obtain Post Office Box service at the Cumberland Furnace post office, which has 4 boxes available or at the Vanleer post office which has 51 boxes available. *Id.*

For customers choosing not to travel to the Cumberland Furnace or Vanleer post offices, the Postal Service explains that retail services will be available from the carrier. Postal Service Comments at 5. The Postal Service adds that it is not necessary to meet the carrier for service since most transactions do not require meeting the carrier at the mailbox. *Id.* The Postal Service also explains that the security concerns of customers about roadside mailboxes can be addressed by placing a lock on the mailbox. *Id.* at 6. With respect to the security issues raised in the petition, the Postal Service notes no report of mail theft or vandalism in the area. *Id.* The Postal Service also states customers may place a lock on their mailbox. *Id.* In response to the argument by Petitioner Harrison that it would be an economic hardship for some customers to erect a roadside mailbox, the Postal Service states those customers have the option of receiving post office box service at either Cumberland Furnace or Vanleer post office. *Id.*

The Public Representative contends the Slayden community's lack of transportation, limited financial resources and limited service alternatives in the community contradict the Postal Service's statements that a variety of delivery and retail options are available to Slayden post office customers. PR Reply Comments at 5.

The Public Representative also states that the Postal Service has failed to consider Petitioners arguments that many residents of Slayden do not have means of transportation to travel to either the Cumberland Furnace or Vanleer post office. *Id.* Review of the Postal Service statements regarding a “variety of delivery and retail options” cited by the Public Representative reveals that the Postal Service was referring to services provided by rural carriers, not retail options available at other locations in Slayden which patrons would be required to access on foot. See Postal Service Comments at 4 n.17 (citations to Final Determination at 2, 3, 4, 6).

Finally, the record suggests a possible issue regarding the adequacy of the number of post office boxes that would be available to customers at the Cumberland Furnace and Vanleer post offices. However, the possibility of a shortfall does not appear to have been a significant factor in this case. The Slayden post office provides service to 68 post office box or general delivery customers. Final Determination at 2. Only 4 post office boxes are available at the Cumberland Furnace post office and 51 post office boxes at the Vanleer post office. *Id.* The potential shortfall in the number of post office boxes is not addressed directly in the record. Nor is there any indication that the Postal Service intends to install cluster box units (CBUs) to address customer needs. See Administrative Record, Item No. 17 at 2 (Paragraph 3, showing no centralized boxes). Nevertheless, the Postal Service has made provision for the addition of 49 rural route boxes. *Id.* (Paragraph 1). Assuming 49 of the existing 68 post office box customers receive rural route service, only 19 post office boxes would be needed to ensure the continuation of service to all current Slayden post office box customers. The number of available post office boxes at the Cumberland Furnace and Vanleer post offices would be sufficient to meet this need. Neither Petitioners, nor the Public Representative, allege that the number of available post office boxes at the Cumberland Furnace and Vanleer post offices are inadequate.

The Postal Service has considered the issues raised by customers concerning effective and regular service as required by 39 U.S.C. § 404(d)(2)(A)(iii).

Economic savings. The Postal Service estimates total annual savings of \$46,185. Final Determination at 7. It derives this figure by summing the following costs: postmaster salary and benefits (\$43,305) and annual lease costs (\$2,880) minus the cost of replacement service (\$0). *Id.*

Petitioner Harrison questions the Postal Service's calculation of economic savings because the Postal Service failed to provide a projected cost of rural route service. Participant Statement at 4. In addition, Petitioner Harrison presents two alternative plans for operation of the Slayden post office. *Id.* at 5-6. The Public Representative challenges the calculations of the postmaster salary and benefits used by the Postal Service to calculate economic savings. PR Reply Comments at 2-5. The Public Representative argues that the recent workload at the Slayton post office demonstrates this post office should have a part-time, not a full-time, postmaster. *Id.*

Petitioner Harrison is correct that the Final Determination fails to reduce projected annual savings by the annual cost of replacement service. Final Determination at 7. However, the Postal Service did calculate the annual cost of such service to be approximately \$5,380. Administrative Record, Item No. 17 at 2. That amount should have been used to reduce projected savings. When that adjustment is made, the Postal Service's \$46,185 estimate of annual savings is reduced by \$5,380 to a net amount of \$40,805.

With respect to Petitioner Harrison's two alternative plans for operation of the Slayden post office, the Postal Service states it has determined carrier service, coupled with service at nearby post offices is a reasonable solution that will yield economic savings and argues that it is not required to evaluate alternative proposals. Postal Service Comments at 8-9.

The Public Representative contends the Postal Service appears to have miscalculated the workload and savings amounts by using a full-time postmaster at EAS-11 level while the actual postmaster salary from the last evaluation was EAS-E. PR Reply Comments at 2-5. Based upon this recalculation of the postmaster's salary, the Public Representative contends that a postmaster 6-hour service level should have

been included in the economic savings rather than a full-time postmaster salary and benefits. *Id.* at 2.

The record in this case shows that the postmaster position was evaluated as an EAS-E position. Administrative Record, Item No. 9 at 1. The Postal Service advocates a “forward looking” economic savings calculation. Postal Service Comments at 9. Under that methodology, it would appear that the salary and benefits for the postmaster should have been those of an EAS-E position as advocated by the Public Representative. Using the Postal Service’s handbook for post office discontinuances, the minimum salary (\$21,172) and fringe benefits (\$7,095) for an EAS-E postmaster would total \$28,267.¹³ Substitution of this salary and these fringe benefits used in the Final Determination would produce a further reduction in annual economic benefits to \$25,767.

The Slayden post office postmaster was promoted on May 21, 2010. Final Determination at 2. The post office has since been staffed by a non-career OIC who, upon discontinuance of the post office, may be separated from the Postal Service. The postmaster position and the corresponding salary will be eliminated. See, e.g., Docket No. A2011-67 United States Postal Service Comments Regarding Appeal, October 24, 2011, at 13; and Docket No. A2011-68, United States Postal Service Comments Regarding Appeal, November 2, 2011, at 10. Furthermore, notwithstanding that the Slayden post office has been staffed by an OIC for over almost two years, even assuming the use of the presumably lower OIC salary, and that some ongoing expense of the Slayden post office may be incurred, the Postal Service would have satisfied the requirements of section 404(d)(2)(A)(iv).

The Postal Service has satisfied the requirement that it consider economic savings as required by 39 U.S.C. § 404(d)(2)(A)(iv).

¹³ These salary and fringe benefits can be found on Exhibit 222f (p.5) of the 2004 edition of the handbook, as revised. Handbook PO-101, Post Office Discontinuance Guide, August 2004, updated with *Postal Bulletin* revisions through August 2, 2007. A more recent version of the handbook was adopted during 2011. Even if the salary and fringe benefits for an EAS-E postmaster have risen, they would still be below the salary and fringe benefit level for an EAS-11 postmaster.

Section 101(b). Section 101(b) prohibits closing any small post office solely for operating at a deficit. Petitioners allege that the Postal Service is closing the Slayden post office solely for economic reasons. Petition at 1. The Postal Service argues that a variety of factors were considered in the discontinuance study, not solely an operating deficit. Postal Service Comments at 9.

To be sure, economics plays a role in the Postal Service's decision. However, the Commission is not prepared to conclude that the Postal Service's determination violates section 101(b). In addition to considering workload at the Slayden post office (revenues declining and averaging only 15 retail transactions per day), the Postal Service took into account other factors such as the postmaster vacancy, the minimal impact on the community, and expected financial savings. In addition, it considered the alternate delivery and retail options available to customers. Final Determination at 8.

The Postal Service did not violate the prohibition in section 101(b) on closing the Slayden post office solely for operating at a deficit.

VI. CONCLUSION

The Postal Service has adequately considered all requirements of 39 U.S.C. § 404(d). Accordingly, the Postal Service's determination to close the Slayden, Tennessee post office is affirmed.¹⁴

It is ordered:

The Postal Service's determination to close the Slayden, Tennessee post office is affirmed.

By the Commission.

Ruth Ann Abrams
Acting Secretary

¹⁴ See footnote 3, *supra*.

DISSENTING OPINION OF CHAIRMAN GOLDWAY

The Administrative Record is inaccurate with regard to economic savings. As such, the Postal Service has not adequately considered economic savings as required by 39 U.S.C. § 404(d)(2)(A)(iv).

The Postal Service argues that savings should be calculated based on a full-time postmaster's salary. Yet the Slayden post office has been operated by a non-career officer-in-charge (OIC) since the former postmaster was promoted on May 21, 2010. On the one hand, the Postal Service argues that the effect on employees of this closing will be minimal because only an OIC will be eliminated; yet on the other hand, it argues that the savings should be calculated using a full-time postmaster position.

The Postal Service already claims billions of dollars in savings from reducing labor costs. I believe the savings from substituting OICs in postmaster positions throughout the nation have already been included in those billions. There are inherent and blatant contradictions in the Administrative Record that must be corrected on remand.

Moreover, the economic analysis identified in the Final Determination does not account for the costs of replacement rural delivery service for the 68 customers currently provided post office boxes. While the cost of replacement service is found elsewhere in the Administrative Record, the economic calculations nonetheless are deficient.

It is not the statutory responsibility of the Commission to correct the Administrative Record for the Postal Service and certainly not to make its own surmise about what and/or whether there would be savings if accurate data were in the Administrative Record. Therefore, the decision to close should be remanded to the Postal Service to correct the Administrative Record and present a more considered evaluation of potential savings.

In post office closing appeal dockets, the Postal Service commonly asserts that a community's identity derives from the interest and vitality of its residents and their continued use of its name. The Postal Service also frequently states that it attempts to preserve community identity through continued use of the community's name and ZIP Code. Slayden customers have expressed concern about the community's loss of its city address and ZIP Code.

The Commission has often expressed a concern -- and I have consistently expressed the concern -- that the maintenance of adequate service requires providing an adequate number of post boxes in the receiving facility. In this case, the Slayden post office has 68 post office box customers. The administrative replacement office has only 4 post office boxes available. While another post office, Vanleer, has 51 boxes available, there are questions about the ability of customers who obtain post office boxes in Vanleer to retain the Slayden community name and ZIP Code in their mailing address.

As my colleagues note, the Administrative Record remains unclear as to whether Slayden post office customers who opt to use post office boxes in substitute post offices would be able to retain their community name and ZIP Code in their mailing addresses. The Postal Service's Comments add nothing to clarify and provide assurance on this point. Thus, the record does not reflect that the Postal Service has adequately considered the effect of such closing on the community as required by 39 U.S.C. § 404(d)(2)(A)(i).

The Administrative Record describes a continuing increase in revenue over the last three years, indicating potential for growth from area businesses. This increase in revenue affirms the Petitioner's argument that the Postal Service did not adequately consider the impact on the community, and contradicts the Postal Service's list of reasons to consider closing the post office which includes a statement that there is declining revenue. Interest in the use of the mail in a community and the potential for

growth should be considered as part of both the economic impact and the impact on the community. For this reason also, the Postal Service did not adequately consider the impact of the closure on the community as required by 39 U.S.C. § 404(d)(2)(A)(i).

The Commission has recently issued its Advisory Opinion in Docket No. N2011-1, pointing to the fact that the Postal Service's post office closing plans do not optimize the network. In the case of Slayden, the failure to undertake actual retail network optimization is exhibited by the Postal Service selecting for closure a post office with strong revenue. Based on growing revenue, Slayden appears to be a candidate for inclusion in an optimal retail network.

Moreover, the Postal Service recently announced a moratorium on post office closings. It is confusing and perhaps unfair to require some citizens whose post offices have received a discontinuance notice as of December 12, 2011 to gather evidence and pursue an appeal to the Commission, while others whose post offices were in the review process, but had not yet received a discontinuance notice by December 12, 2011, have the respite of a 5-month moratorium and the opportunity to have further consideration of alternatives by the Postal Service.

The citizens of Slayden, Tennessee and their concerns regarding the loss of a neighborhood post office should be afforded the same opportunity to be heard and considered as the citizens of the approximately 3,700 post offices fully covered by the moratorium.

Ruth Y. Goldway

DISSENTING OPINION OF VICE CHAIRMAN LANGLEY

The Postal Service did not adequately consider the economic savings as required by 39 U.S.C. § 404(d)(2)(A)(iv). The Postal Service should take into consideration that a non-career postmaster relief (PMR) has been in charge of this facility since May 2010, not an EAS-11 postmaster, and reflect the PMR's salary and benefits in its cost savings analysis. As a government entity, the Postal Service should ensure that its cost/benefit analysis accurately identifies capturable cost savings and does not overstate savings.

The Postal Service did not adequately consider the effects on the community and whether the closing is consistent with the Postal Service's provision of "a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post office are not self-sustaining" as required by 39 U.S.C. § 404(d)(2)(A)(i) and (iii). The Administrative Record indicates there would be a shortage of post office boxes should all the Slayden post office box holders rent at either the Cumberland Furnance or Vanleer post office.

In addition, the Final Determination does not include any cost for the replacement delivery service. Final Determination at 2. Given that the Administrative Record indicates that there are not enough post office boxes for the current post office box holders at the Slayden post office, the Postal Service should have included in the Final Determination a reasonable estimate of the annual cost of replacement service, and not \$0. Final Determination at 7.

I find that the Administrative Record evidence does not support the Postal Service's decision to discontinue operations at the Slayden post office and should be remanded.

Nanci E. Langley