

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

Before Commissioners:

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

Complaint of American Postal Workers
Union, AFL-CIO

Docket No. C2012-2

Mail Processing Network
Rationalization Service Changes, 2012

Docket No. N2012-1

ORDER DENYING CITY OF PASADENA MOTIONS FOR INTERVENTION

(Issued July 12, 2012)

On July 6, 2012, the City of Pasadena filed a petition to intervene in Docket No. C2012-2, along with a separate brief in support of the petition.¹ On July 10, 2012, the City of Pasadena filed a separate petition to intervene in Docket No. N2012-1, along with a motion for late intervention.² The City of Pasadena attached essentially the same material provided in its Docket No. C2012-2 Brief to the Docket No. N2012-1 Petition.

Docket No. C2012-2. On June 12, 2012, the American Postal Workers Union, AFL-CIO, filed a complaint with the Commission related to the closure of Postal Service

¹ Petition to Intervene by the City of Pasadena, July 6, 2012 (Docket No. C2012-2 Petition); Brief in Support of Petition by the City of Pasadena, July 6, 2012 (Docket No. C2012-2 Brief).

² Petition to Intervene by the City of Pasadena, July 10, 2012 (Docket No. N2012-1 Petition); Motion for Late Acceptance of Intervention of the City of Pasadena, July 10, 2012 (Docket No. N2012-1 Motion).

processing facilities.³ The Complaint, provisionally docketed as Docket No. C2012-2, is pending a Commission decision on whether or not to hear the Complaint. See 39 U.S.C. § 3662. On July 2, 2012, the Postal Service filed a motion to dismiss this Complaint.⁴

The Docket No. C2012-2 Brief filed by the City of Pasadena appears to contain material opposing the Postal Service's motion to dismiss. It will be treated as an amicus filing in consideration of that matter. However, until the Commission issues a decision on whether or not to hear the Complaint and establish a formal docket, notices or petitions to intervene are premature, *i.e.*, a formal proceeding has not been established in which to intervene. Therefore, the Docket No. C2012-2 Petition is denied without prejudice to refile if and when appropriate.

Docket No. N2012-1. The sole justification provided in the Docket No. N2012-1 Motion for late acceptance is that late intervention will not prejudice any party. The opportunity for filing notices of intervention in Docket No. N2012-1 closed on December 30, 2011, more than 6 months ago.⁵ The record closed on July 5, 2012, and briefs were due and filed on July 10, 2012.⁶ With the record closed and briefs filed, the time has passed for an intervenor to meaningfully further the development of the record in this docket. Late intervention is denied.

The Docket No. N2012-1 Petition indicates that the City of Pasadena's interest in this docket is the proposed closure of the Mack Robinson Processing and Distribution Center, a single Postal Service facility. The Commission's role in Docket No. N2012-1

³ Complaint of American Postal Workers Union, AFL-CIO Regarding Violations of 39 U.S.C. 3661 and 3691, June 12, 2012 (Complaint).

⁴ Motion of the United States Postal Service to Dismiss Complaint, July 2, 2012.

⁵ Order No. 1027, Notice and Order Concerning Request for an Advisory Opinion Regarding the Revision of Service Standards for First-Class Mail, Periodicals, Package Services, and Standard Mail, December 7, 2011.

⁶ Presiding Officer's Ruling No. N2012-1/5, Presiding Officer's Ruling Establishing Procedural Schedule, January 12, 2012; Presiding Officer's Ruling No. N2012-1/74, Presiding Officer's Ruling Incorporating Final Designations into the Record and Closing the Evidentiary Record, July 5, 2012.

is more general. The Commission is evaluating service standard changes which affect hundreds of Postal Service mail processing facilities. The Commission does not determine the operating status of individual mail processing facilities. That is within the Postal Service's purview.

The Commission maintains a public commenter file for each docket. The comments provided in the Docket No. N2012-1 Petition may appropriately be considered as public comments and will be included in the public commenter file in that docket.

It is ordered:

1. The Petition to Intervene by the City of Pasadena (Docket No. C2012-2), filed July 6, 2012, is denied without prejudice to refiling consistent with the body of this Order.
2. The Brief in Support of Petition by the City of Pasadena (Docket No. C2012-2), filed July 6, 2012, shall be treated as an amicus filing in opposition to the Postal Service's motion to dismiss.
3. The Petition to Intervene by the City of Pasadena and the accompanying Motion for Late Acceptance of Intervention of the City of Pasadena (Docket No. N2012-1), both filed July 10, 2012, are denied.
4. The Petition to Intervene by the City of Pasadena (Docket No. N2012-1), filed July 10, 2012, shall be placed in the Docket No. N2012-1 public commenter file.

By the Commission.

Shoshana M. Grove
Secretary