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March 30, 2015

Postal Regulatory Commission
901 New York Avenue NW Suite 200
Washington, D.C. 20268

Dear Commissioners,

I am writing about the appeal on the community post office in Careywood, Idaho, Docket No. A2015-2. I ask that the Commission accept these comments under regulation 39 CFR 3025.14. I am an interested person as described in the regulations by virtue of my work on the “Save the Post Office” website, and Careywood petitioner Marrion Banks has authorized me to file comments as her representative.

The Postal Service has notified Careywood customers that the Careywood CPO will close on March 31, 2015. It began removing post office boxes from the post office on Friday, March 27, 2015. Given the urgency of the time frame, I urge that the Commission to give immediate consideration to petitioner Banks’ Emergency Request for Injunctive Relief and Application for Suspension of the closure. The post office should remain open while an appeal is heard.

As I am sure the Commission recognizes, this may turn out to be a very important case, and your decision could become a significant precedent for similar cases in the future. There are currently about 3,100 contract post offices. According to the Postal Service, any of these facilities can be closed without following the laws governing post office closings and with no opportunity for appeal. For decades, the Commission has held a contrary view and argued, rightly in my view, that CPOs and CPUs fall within the scope of the discontinuance statutes.

The following comments address the arguments made by the Postal Service in its Motion to Dismiss.¹ They borrow from an article I wrote yesterday on “Save the Post Office.”²

1. 39 U.S.C. §404(d) does apply to contract postal units and community post offices.

In all of its rulings on *Knob Fork* and its progeny during the 1980s and 1990s, the Commission was very clear that the Postal Service’s technical definition of “post office”

¹ United States Postal Service Motion to Dismiss Proceedings and Response in Opposition to

² “The USPS and PRC ponder the meaning of ‘post office’: The appeal on the Careywood Idaho CPO,” savethepostoffice.com, March 29, 2015.

was not relevant to the issue of whether or not CPOs are covered by 39 U.S.C. §404(d). Nothing has happened in the intervening years to change what “post office” means.

The Motion to Dismiss (p. 3), citing 39 C.F.R. § 241.3(a)(2)(i), states that “the regulations are explicit in distinguishing between Postal Service-operated retail facilities and CPUs, and they eliminate any confusion regarding whether a contractor-operated retail facility, including a community Post Office, is subject to section 404(d).”

The passage cited in the regulations defines how a “USPS-operated retail facility” is defined. The following passage — 241.3(a)(2)(ii) — proceeds to define “Contractor-operated retail facility.”

These are the technical definitions that the Postal Service used in its arguments in *Knob Fork* and its progeny. There is nothing new here that would undermine the Commission’s previous position on the scope of 404(d).

The Postal Service also points to its discontinuance guide, USPS Handbook PO-101, which states that a discontinuance occurs only from action directed toward a “Postal Service-operated retail facility.”

Just because the Postal Service asserts something in a handbook does make it law. Indeed, for decades, the Postal Service also asserted, in brief after brief before the Commission, that stations and branches were not “post offices” under 404(d). The Commission nonetheless continued to hear appeals on stations and branches and to insist that the Postal Service needed to follow the discontinuance regulations before closing one of them.

The Commission’s previous orders make it clear that the common sense definition of “post office” should apply to contract offices, regardless of the Postal Service’s technical definition. In this context, it is worth reviewing *Knob Fork* and its progeny in more detail.

Knob Fork

In the *Knob Fork, West Virginia* case (No. A83-30), the Postal Service wanted to close a community post office that operated in conjunction with a small store in a rural town in Wetzel County, West Virginia.

There had been a post office in Knob Fork since 1854. According to an old issue of *Postmasters Advocate*, in 1975 or 1976 the post office was consolidated with another one nearby and replaced with a community post office.³

Then in 1983, the Postal Service wanted to close the CPO, and an appeal was submitted to the Commission. The Postal Service responded with a motion to dismiss the appeal, arguing, as it has in *Careywood*, that the Knob Fork CPO was not a “post office” because it was not an independent post office run by a postmaster employed by the Postal Service.

³ *Postmasters Advocate*, National League of Postmasters (1976), p. 29.

At issue was the difference between the technical meaning of “post office” and the common meaning.

“In ordinary usage,” observed the Commission, “a ‘post office’ is a retail facility where patrons may purchase postal services, and dispatch and possibly receive mail.”⁴

The Postal Service argued that 404(b) could only refer to post offices understood in the technical or specialized sense, which “adds to the ordinary definition the requirement of a specific degree of managerial independence.” According to the Postal Service, only a post office with a postmaster was a post office — not stations, branches, or contract units (which sometimes overlapped in meaning).

The Commission looked to the legislative history for guidance on which definition Congress had in mind when it passed 404(b), the provision that later became 404(d). The history did not provide a definitive answer to the question of what “post office” means, but legislators did make comments that shed light on the issue.

Several legislators, including Senator Jennings Randolph of West Virginia, had expressed concerns about protecting small rural post offices. The Commission concluded that “it is not reasonable, given these concerns, to believe that the availability of the comment procedure [required for a post office closing] should turn on whether the only postal facility in the community is operated by a postal employee or a private contractor” (p. 5).

The Commission also noted that when the Postal Service wanted to convert a “post office” to a CPO, it always emphasized to the community — as it did to the Commission in fighting the appeal — that in the public's perception, the two types of facilities function in exactly the same manner and the same services are provided. If that's the case, asked the Commission, why should closing them not follow the same procedures?

As the Commission put it in the final order on *Knob Fork* (p. 7):

If we accept the Postal Service's consistent position that a community post office serves the public in much the same way as an independent post office, the more reasonable reading of section 404(b) is that it is to apply whenever the Postal Service proposes to close or consolidate a community's retail postal facility. The public generally describes these facilities as “post offices.” Congress was concerned about the effects on the community resulting from the Postal service's decisions on retail facilities.

The Postal Service also brought up the fact that contractors may terminate the facilities on notice, which is beyond the Postal Service's control. The Commission was not convinced by this argument either because the Postal Service could simply find another contractor. In any case, concluded the Commission, that issue had no bearing on the meaning of “post office” under 404(b).

Having reviewed and disputed the Postal Service's arguments, the Commission proceeded

⁴ PRC Order Remanding Final Determination, Knob Fork, West Virginia 26579 (No. A83-30), January 18, 1984, p. 3.

to set aside the determination to close Knob Fork.

The progeny

After the *Knob Fork* decision, there were several PRC orders in the 1980s and 1990s that cited the case and further explored the issues. In these cases, the appeals did not come from communities where the Postal Service wanted to close a CPO as in *Knob Fork*. Instead, they all involved places where the Postal Service wanted to close an independent post office, consolidate it with a post office in another town, and replace the closed office with a CPO.

Converting independent post offices into CPOs appears to have been a fairly common practice at the time. Of the 150 or so appeals filed from 1978 to 1995, about half involved consolidations and conversions to CPOs.⁵ There were probably many more conversions that never got appealed.

A search of the PRC's archive indicates that there were at least ten cases that cited *Knob Fork* as a precedent:

- *Reed, Oklahoma* 73563 (No. A83-13): Affirmed, March 15, 1983
- *Foraker, Indiana* 46525 (No. A84-5): Remanded, March 6, 1984
- *Ranchita, California* 92066 (No. A85-17): Remanded, June 12, 1985
- *Little Norway, California* 95721 (No. A85-20): Affirmed, October 28, 1985
- *Cataract, Wisconsin* 54620 (No. A93-19): Affirmed, January 21, 1994
- *Waka, Texas* 79093 (No. A94-1): Affirmed, February 4, 1994
- *Inavale, Nebraska* 68952 (No. 94-3): Affirmed, March 15, 1994
- *Benedict, Minnesota* 56436 (No. 94-8): Remanded, August 3, 1994
- *Green Mountain, Iowa* 50637 (No. A94-9): Affirmed, August 16, 1994
- *Strang, Nebraska* 68444 (No. A94-13): Remanded, October 28, 1994

One other case is worth noting: *North Egremont, Massachusetts* (No. A89-1). This case was dismissed on November 17, 1988, as moot following a new contract agreement between the Postal Service and the CPO contractor. (There is no file for this case in the PRC archive, but it is referenced in comments filed by the Postal Service on *East Elko, NV*.⁶)

In each of these appeals, one of the objections raised by the petitioners was that if their independent post office were converted into a CPO, the Postal Service could terminate the

⁵ Hearings before the Subcommittee on the Postal Service, Feb - June 1995, p. 109. The list can be found at <http://www.savethepostoffice.com/appeals-post-office-closings-prc-1978-1995>

⁶ Comments of United States Postal Service Regarding Jurisdiction Under (Current) Section 404(d), PRC Docket No. A2010-3 (April 19, 2010), p. 11.

contract at any time and leave them without a post office at all. The *Knob Fork* decision came up over and over again, and the Commission repeatedly affirmed its view that CPOs were in fact covered by 404(b).

In some cases, the PRC remanded the decision to convert the post office into a CPO for precisely this reason, sometimes along with other concerns as well. In other cases, the Postal Service's decision to convert the post office into a CPO was affirmed, but the Commission took the opportunity to note that if the Postal Service ever decided to close the CPO, the decision could be appealed to the PRC. In a few cases, the closing decision was affirmed, but one or two commissioners issued dissenting opinions because of the 404(b) issue.

In each of these orders, the Commission reasserted its view of what "post office" meant and expressed its concerns about CPOs. Each decision cited the previous cases, so one precedent built on another. A brief look at some of these cases shows just how clear the Commission was about its position on the matter.

In *Reed, OK* (the only one of the ten cases listed above where *Knob Fork* is not cited explicitly), the Commission affirmed the decision to close the CPO, but Commissioner Bright added a concurring opinion in which he stated the following:

Section 404(b) of the Act requires the Postal Service, and, on review, the PRC, to consider the effect on community along with several other criteria in the closing of any post office. The facility in question — an independent post office, a CPO, or a station or branch — must not hinder the affected community's citizens the opportunity to bring a complaint before this Commission.⁷

In *Cataract, WI*, the PRC looked ahead to the possibility that the Postal Service might one day decide to close the CPO:

The Commission has held that the same 39 U.S.C. § 404(b) procedures that apply before the Postal Service decides to close an independent post office such as the Cataract office will apply when the Postal Service proposes to close a community post office that is the only retail postal facility serving the community.⁸

In, *Waka* and *Inavale*, the Commission affirmed the decision to consolidate the post office and create a CPO, but Commissioners Schley and LeBlanc issued dissenting opinions in which they addressed the same concern. As they wrote in their dissent on *Inavale*:

A second, far more important concern expressed by some residents is that they have no assurances that in the future the Postal Service will not close the contract office. The Commission agrees with this concern, and views it as the fundamental issue in this

⁷ Commission Opinion Affirming Determination, *Reed, Oklahoma* 73563 (No. A83-13), March 15, 1983.

⁸ Commission Opinion Affirming Decision, *Cataract, Wisconsin* 54620 (No. A93-19), January 21, 1994, p. 6.

case. The Commission's long-standing interpretation of the law is that patrons have the right to appeal through the U.S. Postal Rate Commission the closing of a contract office. We are not talking about when a contract might be terminated because of a problem with the contractor, but rather when a contract for a community post office is terminated with no intention to find another contractor. Indeed, legislation was introduced in the 102nd Congress to clarify that portion of the law by requiring the Rate Commission to also consider appeals from the closing of contract offices.⁹

In *Benedict, MN*, the Commission went a step further and remanded the case back to the Postal Service. Among the reasons cited was the possibility that the CPO might be closed in the future:

The closure of CPOs and residents' interests and rights when a CPO is closed have been an area of concern at the Rate Commission since the *Knob Fork, WV* appeal in 1983 (PRC Op. A83- 30). The Rate Commission believes that the appeal rights provided by section 404(b) of the Reorganization Act extend to closures of community post offices. Where residents express concern about the future of the proposed CPO, the Rate Commission feels that residents should be informed that they could appeal a CPO closure to the Commission, just as they may appeal the closure of independent post offices....

Application of section 404(b) to a CPO does not mean the Postal Service could never close a CPO. It simply means that affected residents would be given notice and an opportunity to present their views prior to a final decision. The Postal Service's Legal Memorandum filed in this case indicates the Service would not solicit citizen comments, nor evaluate the 404(b) factors, when deciding whether to maintain CPO service at *Benedict, MN*. The Commission finds this ignores the clear purpose of the 404(b) legislation.¹⁰

These orders make it very clear that the Commission was well aware of all of the Postal Service's arguments — the same arguments it has presented in *Careywood* — and in each case, the Commission affirmed that a community post office was a “post office” under 404(d).

The public perception in this regard is crucial. The Commission has long recognized this fact, and we are reminded of it yet again by a comment made in petitioner Banks' Request for Injunctive Relief.

The petitioner says that the USPS vice president of delivery operations told her that “the USPS didn't have to follow their closure rules with regard to the *Careywood* Post Office because we were just a ‘contract postal unit’ not a real post office.” To which she adds, “Not a real post office?! Don't we send and receive mail at our post office? Don't we pay

⁹ Commission Opinion Affirming Decision, *Inavale, Nebraska 68952* (No. A94-3), March 15, 1994, Dissenting Opinion, p. 1.

¹⁰ Commission Opinion Remanding Decision, *Benedict, Minnesota 56436* (No. 94-8): August 3, 1994, p. 8.

the same postal rates as everyone else?!”¹¹

It is not surprising that Careywood customers would think that their post office is a post office. The sign on the front of the building, which looks like it has been there for a very long time, reads: “U.S. Post Office Station, Careywood, Ida. 83809.” There is also a newer sign, with the current USPS logo, that says “United States Post Office.”



If the Postal Service did not consider the Careywood CPO a “post office,” perhaps it should have had these signs removed.

In any case, there seems no reason why the Commission should reverse its long-standing position on what a “post office” means under 404(d).

2. The Careywood CPO is in fact the only retail source of postal services in the community, and it satisfies the “sole source” standard.

A recurring theme in *Knob Fork* and its progeny was that 404(d) must apply when the Postal Service proposes to close the only retail postal facility serving the community. Consequently, the notion of a “sole source” standard has emerged.

The Postal Service’s Motion to Dismiss argues that there are other post offices and alternative access locations where Careywood customers can do postal business, so it does not satisfy this “sole source” standard. The Postal Service cites *Alplaus, NY* as the main precedent on this issue.

¹¹ Petitioner’s Emergency Request for Injunctive Relief and Suspension of Closure Pending Commission Review of this Appeal, Docket No. 2015-2, March 27, 2015, p. 2.

Alplaus, NY

In *Alplaus*, as I am sure the Commissioners will recall, the determining issue was not whether or not 404(d) applied to CPOs per se. The issue, rather, was whether or not the Alplaus CPO was the “sole source” of postal services in the community.

In the case of Alplaus, there was another post office just one mile away, as well as several nearby alternatives like CVS, Walmart, Shoprite, and banks selling stamps on consignment.

The Commission’s ruling states that because the Alplaus CPO could not be considered the sole source of postal services for its residents, “the Commission’s rationale for accepting the appeal of the closing of the Knob Fork CPO does not apply in the case of the Alplaus CPO.”¹²

As a result, the Commission determined that there is “no need to revisit the Postal Service’s more general arguments concerning the definition of ‘post office’ or the scope of the Commission’s responsibilities under section 404(d).”

In developing its argument about the “sole source” issue, the Postal Service’s Motion to Dismiss on *Careywood* cites Commissioner Taub’s Concurring Opinion on *Alplaus*.

Commissioner Taub wrote that he had “misgivings concerning the continued viability of the *Knob Fork* decision in the post-Postal Accountability and Enhancement Act (PAEA) environment.” Observing that things have changed considerably since the Knob Fork decision in 1983 because consumers now have a broader range of choices, he suggested that “the viability of the Knob Fork decision needs to be reexamined.”¹³

Commissioner Taub pointed out that in the post-PAEA era alternate access options have grown significantly. In addition to traditional post offices, there are contract postal units, rural and highway carriers, village post offices, automated postal centers, approved shippers, the Internet, and retail establishments that sell stamps on consignment.

Commissioner Taub concluded his opinion as follows: “Given the pace and breadth of changes underway, I anticipate the Commission will have further opportunities for such a reexamination of *Knob Fork* to address more thoroughly the bases for, and viability of, that decision.”

The Postal Service argues that the *Careywood* appeal should be dismissed for the same reason that the Commission dismissed the Alplaus appeal, namely, section 404(d) does not apply under the *Knob Fork* “sole source” standard.

The Postal Service puts it this way: “Additionally, like in *Alplaus, NY*, the *Careywood, ID* CPU is not the ‘only retail postal facility serving the community.’ Here, the Athol Post

¹² PRC Order No.1293, Order Dismissing Appeal, Alplaus, New York (No. A2012-88), March 21, 2012, p. 6.

¹³ Concurring Opinion of Commissioner Taub, Alplaus, New York (No. A2012-88), March 21, 2012, p. 1.

Office is located within a seven minute drive from the Careywood, ID CPU.”

Alternatives to the Careywood CPO

The comparison of Alplaus and Careywood is indeed significant, but not in the way the Postal Service suggests.

As the Postal Service pointed out in its *Alplaus* brief, there were indeed many other retail facilities serving that community. There was another post office a mile away and 20 other alternate access options located within 5 miles of the Alplaus post office.¹⁴

According to USPS.com, within 10 miles of Alplaus, there are currently 15 post offices and 39 approved postal providers, as well as three self-serve kiosks.

Now consider Careywood. There are no other post offices within five miles, and there are only three within ten miles. There are no approved postal providers within 10 miles.

Within 20 miles of Careywood, there are 10 post offices. USPS.com also lists three approved postal providers within 20 miles, but two of them just sell stamps, and they are all actually further than 20 miles by car (USPS.com uses “as the crow flies” distances).

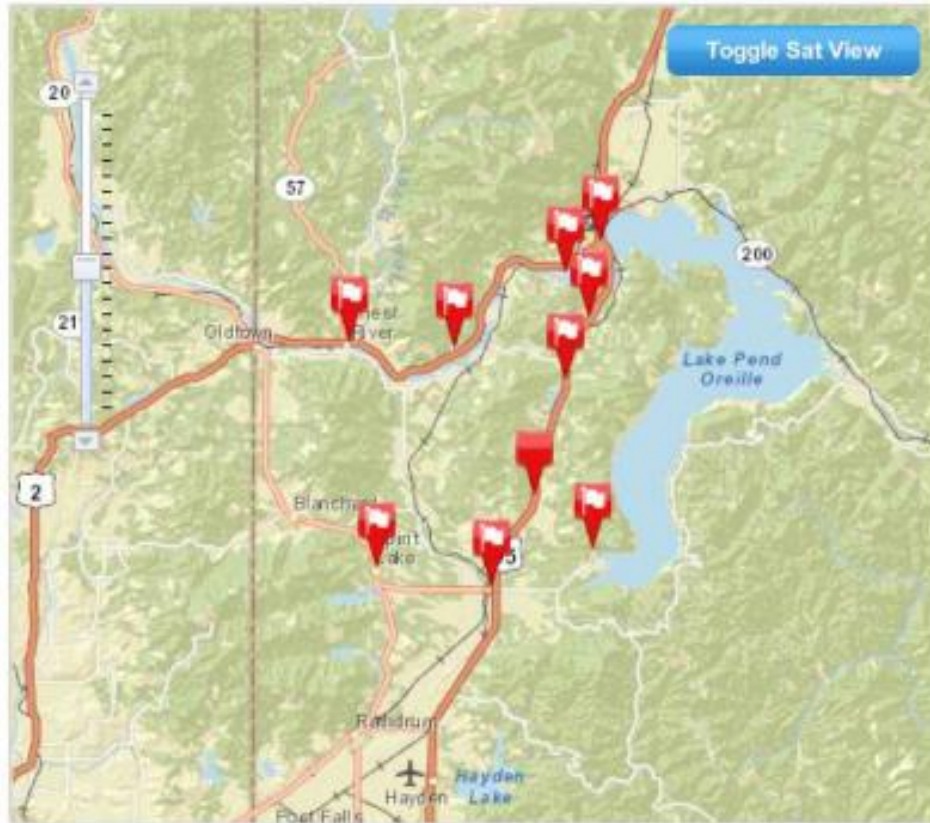
In other words, within 20 miles of Careywood, there are no approved postal providers, no contract postal units, no automated kiosks, no retailers selling stamps on consignment, no Village Post Offices, and no other alternate retail access points.

A list of the nearest alternatives is shown in a table appended to this letter. As the list shows, one would need to travel quite a long distance — more than 20 miles — to take advantage of all the post-PAEA alternatives mentioned by Commissioner Taub in his opinion on *Alplaus*. They simply do not exist in or even near Careywood.

In order to help make its case about the “sole source” standard, the Postal Service’s Motion to Dismiss attaches a couple of pages from the USPS Find Locations site showing places where one can do postal business near Careywood. Included is the following map:

¹⁴ United States Postal Service Motion to Dismiss Proceedings, No. A2012-88, December 14, 2011, p. 2.

**POST OFFICES & APPROVED PROVIDERS
WITHIN 20 MILES OF CAREYWOOD**



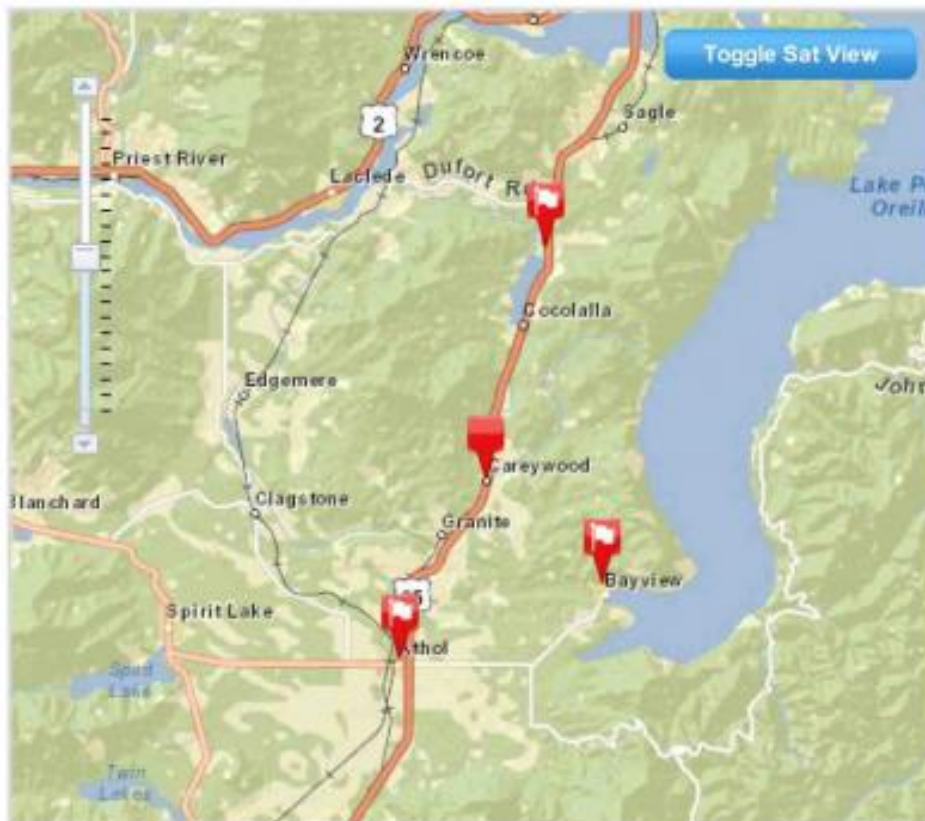
The map is intended to demonstrate that there are several nearby alternatives to the Careywood CPO. The map shows 14 other post offices and approved providers within 20 miles (as the crow flies), and it gives the impression that the area is well populated with alternatives.

This map, it should be noted, encompasses an area of 3,000 square miles, and the area within a 20-mile radius from Careywood covers over 1,200 square miles.

In the case of Alplaus, there were 40 post offices and more than 50 approved postal providers within 15 miles. USPS.com does not indicate how many post offices and approved providers there are within 20 miles of Alplaus because searches stop at 50 locations, but there are probably about 150 — ten times the number for Careywood.

Here is a map showing the only three alternative locations with ten miles of Careywood (they're all post offices).

POST OFFICES & APPROVED PROVIDERS
WITHIN 10 MILES OF CAREYWOOD



The post office that Careywood patrons have been directed to, and where over a hundred post office boxes are being transferred, is in Athol, which is 7 miles away. (The Bayview post office, which is actually the closest facility to Careywood in distance, is a longer drive than Athol because the route is a slow rural road, not a highway.)

Under some circumstances, the distance from the Careywood CPO to the Athol post office might be, as the Motion to Dismiss puts it, "within a 7-minute drive," but that would require an average speed of more than 60 mph, which would require ideal driving conditions — not always the case during Idaho winters or when there is extra traffic during the tourist season.

According to a local news report about the closing, driving to Athol is not just an inconvenience. As one patron said, "Especially in winter you don't want to go traveling down this road every day. It's too dangerous."¹⁵

It is also important to note that in considering the "sole source" standard is that it is about "the only retail postal facility serving the community." As the map illustrates, Athol is not

¹⁵ "Careywood, Idaho, residents fight for local post office," Scott Maben, The Spokesman-Review, March 19, 2015. <http://www.spokesman.com/stories/2015/mar/19/careywood-residents-fight-for-local-post-office/>

the same community as Careywood. They are not even in the same county. (Athol is in Kootenai County; Careywood is in Bonner County.)

Aside from other post offices in other communities, the Motion to Dismiss (p. 6) notes that “Careywood, ID CPU customers are eligible for service by carrier delivery, which provides them with both 24-hour access to their mail, and a wide range of retail services available from the carrier.”

Service by carrier delivery is not the same as access to a post office. The Postal Service cannot expect customers to wait by the side of the road for the carrier, especially in the middle of a harsh Idaho winter. In any case, service by carrier delivery was also available in the communities served by Knob Fork and the others discussed above, so nothing has changed in this regard.

The Careywood CPO is clearly the "only source" of postal services in the community, and the Postal Service's argument on this score has no merit. *Careywood* is not *Alplaus*.

The issue of distances to another post office or provider does illustrate one thing, though. The question of whether or not a post office closing is subject to 404(d) should not hinge simply on distances to another post office or approved provider. That may be a matter to consider when the Postal Service decides to close a facility and when the Commission reviews that decision. But it should not be a determining factor when considering the question of whether or not a type of post office falls within 404(d).

3. The Postal Service's argument that the procedures imposed by 404(d) "are not compatible with the requirements of contract management, negotiation, and implementation" is not persuasive.

The Motion to Dismiss argues that the PRC should not get involved with a CPO case because the Commission “would essentially become a party to contract negotiations, injecting more complexity into the contract negotiation process.” By injecting itself into the process, the Commission could “force the Postal Service to continue operating a contract even where sound business judgment supports termination” (p. 6-7).

The Motion to Dismiss goes on to state, “Because the participation of the CPU operator would be necessary to perform the analysis required by section 404, a CPU operator could prevent the Postal Service from satisfying section 404 by refusing to cooperate, or it could extort money from the Postal Service in exchange for cooperation.”

The Postal Service cites no previous instances in which anything like this has happened, and it is hard to imagine a contractor trying to extort money from the Postal Service based on the possibility that the case might eventually be heard by the PRC.

The Postal Service raised a similar (and more realistic) objection in *Knob Fork* when it noted that contractors may sometimes terminate facilities on their own. The Commission rejected this argument with the following observation:

That the operators of community post offices may cancel the contracts on notice does not show that Congress intended to exclude communities with only contractor-operated facilities from the procedural protections of section 404(b). The changing of contractors would not be an event requiring the section 404(b) procedure. Additionally, since the Postal Service must continue to provide service to every community in the nation [39 U.S.C. § 101(a)] and there are provisions to deal with unanticipated inability of post offices to remain functioning (DMM § 113.3), it does not appear that the contractor's ability to cancel has any bearing on the proper interpretation of section 404(b).¹⁶

In other words, if there were a problem with the negotiation of a contract, the Postal Service could temporarily suspend services while it looked for another contractor. Just because contract issues may arise, however, does not mean that Congress meant to exclude contract facilities from 404(b).

One can imagine a situation where the contractor was asking far too much money — as the Postal Service alleges in the Careywood case — but that should be an issue considered during the review of the appeal. It should not preclude the opportunity for an appeal to begin with, and it should not give the Postal Service the freedom to close a CPO without going through a proper discontinuance procedure.

The Postal Service's argument about keeping the Commission out of CPU contract negotiations could be equally applied to the contract negotiations on post office leases. The lessor, knowing that a post office closure could be appealed to the Commission, could conceivably "extort" the Postal Service into paying an unfairly high rent. On that basis, the Postal Service could argue that 404(d) does not apply to post offices in leased spaces.

The Commission would never accept such an argument, and it should not accept the Postal Service's argument about CPO contracts.

4. The Postal Service's operational issues are not sufficient reason for denying the Petition for Suspension and Emergency Request for Injunctive Relief.

The Postal Service argues that the relief requested by the Petitioner — keeping the post office open — is not practicable to implement at this late stage and would significantly frustrate postal operational plans.

The Postal Service says, basically, that it's too late to stop the closure. It has already made numerous arrangements to implement its decision, including notifying the contractor that the contract is terminated, arranging to move equipment, and scheduling various operational changes to coincide with the expiration of the Careywood. "Thus," states the Motion to Dismiss, "Postal Service operational plans for an efficient transition would be frustrated and costly if the Commission were to grant the requested relief."

¹⁶ *Knob Fork, WV*, p. 9-10.

As a matter of fact, the Postal Service did not even wait until March 31 to begin the process of closing the post office. The post office boxes were moved on March 27.

The Postal Service's arguments on this score are not convincing. The current contract operator would probably be more than happy to continue operations while the appeal is heard. Arrangements to move equipment can be postponed, as can other operational changes, whatever they may be (the Postal Service does not say what they are).

As for being "costly," the Postal Service provides no estimate of the costs. But how expensive could they be?

The Postal Service announced on Friday that it was postponing implementation of the 1.9 percent rate increase on First Class Mail while it works out the issues on the other classes of mail with the Commission. That delay will cost the Postal Service approximately \$1.8 million per day. Yet the Postal Service decided to delay the increase simply because it didn't want to burden customers with multiple implementation dates.

If the Postal Service can afford to give up that kind of revenue to help out its biggest customers, it should be able to keep Careywood's post office open while an appeal is heard.

In any event, whatever costs or problems postponing the closure may cause, they are of the Postal Service's own making. The Careywood appeal was filed on March 19. The Postal Service knew then that it might be a good idea to keep the office open while the appeal was heard, which is almost always what it does when a "regular" post office closing is appealed, even when no application for suspension is filed.

Conclusion

Careywood has had a successful CPO for over 40 years, and under the new, enthusiastic contract postmaster, it was poised for many more years of service to the community. Why would the Postal Service want to close such a post office?

That, of course, is one of the questions that would be considered if the appeal moves forward. The Postal Service would be required to produce an administrative record showing cost savings and revenues, and the Commission would be able to evaluate if the decision to close the post office was reasonable or if it was "arbitrary and capricious."

That is the purpose of an appeal to the PRC. I therefore respectfully urge the Commission to deny the Postal Service's Motion to Dismiss and grant the petitioner's Emergency Request for Injunctive Relief.

Sincerely,

[signed]

Steve Hutkins
Associate Professor, New York University
Editor, SavethePostOffice.com

Appendix

This list shows the three closest post offices and the nearest alternative access locations to the Careywood CPO. The locations come from the USPS.com "Find Locations" page; the distances and drive times come from Google Maps (since the USPS.com site uses "as the crow flies" distances).

Location	Distance	Drive Time
	(miles)	(minutes)
Traditional Post Offices		
BAYVIEW: 20157 E PERIMETER RD, BAYVIEW ID 83803	6.6	12
ATHOL: 5900 E HIGHWAY 54, ATHOL ID 83801	7	7
COCOLALLA: 31 COCOLALLA LOOP RD, COCOLALLA ID 83813	7.4	11
Self-Service Kiosks		
HAYDEN: 109 W HONEYSUCKLE AVE, HAYDEN ID 83835	21.4	22
COEUR D ALENE: 111 N 7TH ST, COEUR D ALENE ID 83814	27.4	33
POST FALLS: 405 N GREENSFERRY RD, POST FALLS ID 83854	31	35
Contract postal units		
CPU SUPER: 240 W HAYDEN AVE STE F, HAYDEN, ID 83835-7244	20.8	21
CPU FOOD FRESH: 202 E 5TH ST N, OLDTOWN, ID 83822-9558	35.5	43
Approved Postal Providers (stamp booklets only)		
STAPLES: 260 BONNER MALL WAY, PONDERAY, ID 83852-9748	20.4	22
WAL-MART: 476999 HIGHWAY 95, PONDERAY, ID 83852-9738	20.8	23
Approved Postal Providers (several services)		
KOOTENAI: 109 1ST ST, KOOTENAI, ID 83840	22.3	26
Village Post Offices		
COOLIN: 341 BAYVIEW DR, COOLIN, ID 83821-5011	56.9	80