

ORDER NO. 3163

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

Before Commissioners:

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

Westbrookville Post Office
Westbrookville, New York

Docket No. A2016-1

NOTICE AND ORDER ACCEPTING APPEAL AND
ESTABLISHING PROCEDURAL SCHEDULE

(Issued March 18, 2016)

Notice is hereby given that, on March 17, 2016, the Commission posted a Petition for Review of the Postal Service's determination to close the Westbrookville post office in Westbrookville, New York.¹ The Petition was filed by Marcelle Matthews on behalf of Marlene Roe (Petitioner).

The Commission hereby institutes a proceeding under 39 U.S.C. § 404(d)(5) and establishes Docket No. A2016-1 to consider Petitioner's appeal. Petitioner may further explain her position with supplemental information or facts. Petitioner may file a Participant Statement on PRC Form 61 or a brief with the Commission no later than April 18, 2016.

¹ See Notice of Appeal and Request for Review of Westbrookville, NY Post Office Closure, March 17, 2016 (Petition).

Categories of issues raised. Petitioner contends that the Postal Service's decision to close the Westbrookville post office was: (1) without observance of procedures required by law (see 39 U.S.C. § 404(d)(5)(B)); and (2) unsupported by substantial evidence on the record (see 39 U.S.C. § 404(d)(5)(C)). Petition at 2. Petitioner further requests that the Westbrookville post office remain open pending the review of the determination to close. *Id.* at 1.

After the Postal Service files the Administrative Record and the Commission reviews it, the Commission may find that there are more legal issues than those set forth above, or that the Postal Service's determination disposes of one or more of those issues. The deadline for the Postal Service to file the applicable Administrative Record with the Commission is March 28, 2016. See 39 C.F.R. § 3025.21. In addition, the due date for any Postal Service pleading in response to this Notice is March 28, 2016.

Availability; website posting. The Commission has posted the appeal and supporting material on its website at <http://www.prc.gov>. Additional filings in this case and participants' submissions will also be posted on the website, if provided in electronic format or amenable to conversion, and not subject to a valid protective order. Information on how to use the Commission's website is available online or by contacting the Commission's webmaster via telephone at 202-789-6873 or via electronic mail at prc-webmaster@prc.gov.

The appeal and all related documents are also available for public inspection in the Commission's docket section. Docket section hours are 8:00 a.m. to 4:30 p.m., Eastern Time, Monday through Friday, except on Federal government holidays. Docket section personnel may be contacted via electronic mail at prc-dockets@prc.gov or via telephone at 202-789-6846.

Filing of documents. All Postal Service filings in this case shall be made using the Internet (Filing Online) pursuant to Commission rules 9(a) and 10(a). See 39 C.F.R. §§ 3001.9(a) and 3001.10(a). Other participants may also use Filing Online. Instructions for obtaining an account to file documents online may be obtained on the

Commission's website, <http://www.prc.gov>, or by contacting the Commission's docket section at prc-dockets@prc.gov or via telephone at 202-789-6846.

The Commission reserves the right to redact personal information that may infringe on an individual's privacy rights from documents filed in this proceeding.

Participation by others. Persons other than Petitioner and the Postal Service wishing to be heard in this matter may submit comments. See 39 C.F.R. § 3025.14. Initial comments supporting a remand of this case are to be filed on or before April 18, 2016. This and other deadlines are set out in the attached Procedural Schedule. See 39 C.F.R. §§ 3025.41 through 3025.43.

Further procedures. By statute, the Commission is required to issue its decision within 120 days from the date it receives the appeal. See 39 U.S.C. § 404(d)(5). A Procedural Schedule has been developed to accommodate this statutory deadline. In the interest of expedition, the Commission may request the Postal Service or other participants to submit information or memoranda of law on any appropriate issue. **If any motions are filed by the Postal Service, responses are due 10 days after any such motion is filed.** See 39 C.F.R. § 3025.2(c).

It is ordered:

1. The Postal Service shall file the applicable Administrative Record regarding this appeal no later than March 28, 2016.
2. Any responsive pleading by the Postal Service to this Notice is due no later than March 28, 2016.
3. The Procedural Schedule listed below is hereby adopted.

4. Pursuant to 39 U.S.C. § 505, Tracy N. Ferguson is designated an officer of the Commission (Public Representative) to represent the interests of the general public.

By the Commission.

Stacy L. Ruble
Secretary

PROCEDURAL SCHEDULE

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|----------------|---------------------------------------------------------------------------------------------------------|
| March 17, 2016 | Filing of Appeal |
| March 28, 2016 | Deadline for the Postal Service to file the applicable Administrative Record in this appeal |
| March 28, 2016 | Deadline for the Postal Service to file any responsive pleading |
| April 18, 2016 | Deadline for Petitioner's Form 61 or initial brief in support of the petition (see 39 C.F.R. § 3025.41) |
| May 2, 2016 | Deadline for answering brief in support of the Postal Service (see 39 C.F.R. § 3025.42) |
| May 12, 2016 | Deadline for reply briefs in response to answering briefs (see 39 C.F.R. § 3025.43) |
| July 15, 2016 | Expiration of the Commission's 120-day decisional schedule (see 39 U.S.C. § 404(d)(5)) |