

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

In the Matter of
Winchester Post Office
Winchester IL 62694
(City of Winchester, Petitioner)

Docket No. A2016 -

**APPEAL ON CLOSING AND
REQUEST FOR SUSPENSION OF CLOSING PENDING REVIEW**

NOW COMES the City of Winchester, Petitioner, by and through its attorney, John D. Coonrod, and in support of its Appeal states as follows:

Statement of Fact

1. The City of Winchester, Scott County, Illinois, is a Central Illinois municipality founded in 1825. It's municipal offices, located at 121 S. Hill St., Winchester, IL, are served by the Winchester Post Office.

2. The City of Winchester is the county seat of Scott County and home to all County offices and facilities, including the Scott County Courthouse, Scott County Health Department, Scott County Sheriff's Office, Scott County Highway Department, and Scott County Nursing Center.

3. There is also located within said City of Winchester the campus and administrative offices of Winchester School District #1, serving the bulk of students residing in that County.

4. The City of Winchester is further home to the primary office of Illinois Electric Cooperative and Illinet, providing residential, commercial

and industrial electrical service and fiber optic service throughout the Central Illinois area.

5. There is also located within the City of Winchester a major automobile dealership and numerous dining and service agencies, including multiple banks, insurance offices, a law office and title agency, grocery, pharmacy, hardware store, and salons, all servicing an area population of several thousand residents.

6. Those governmental agencies, and businesses, as well as that residential population are all served by and dependent upon the Winchester Post Office for daily communication with the rest of the area, region, state and nation.

7. The entire area economy is further dependent upon the continuing active presence of the Winchester Post Office facility as currently maintained by the United States Postal Service.

8. The suspension of service at said facility would create a substantial hardship upon said area likely leading to an economic decline area-wide.

9. The United States Postal Service is fully and readily capable of providing continued service to the City of Winchester.

10. On May 17, 2015, residents of the City of Winchester, as well as the administrative offices of the City of Winchester, received a letter from Michele Martens, Manager, Post Office Operations, informing them that

service for “PO Box customers, Rural and City Delivery and Retail Services” would temporarily suspended at Winchester Post Office, and referring them for such services to difference post office in Jacksonville, IL, 19 miles away. A copy of such letter is attached hereto as Addendum A.

Statement of Law and Argument

11. The Postal Service is required to “provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining.” 39 U.S.C. 101(B).

12. Congress has established a statutory procedure that the Postal Service must follow prior to closing or consolidating a post office.

13. Under the terms of 39 U.S.C. 404(d)(1), prior to any decision as to the necessity for closing or consolidating any post office, the Postal Service must provide adequate notice so that persons served by the office will have an opportunity to present their views. The law further requires the Postal Service to consider five enumerated factors in making a decision on whether to close a post office, the first of which is “the effect of such closing or consolidation on the community served by such post office.”

14. The post office is to fairly consider those concerns prior to making a decision to close that facility. *Id.*

15. A determination to close or consolidate any post office may be set aside by the Postal Regulatory Commission (hereafter, “Commission”) under the terms of 39 U.S.C.404(d) where the Commission finds the Postal

Service's determinations in support of closing or consolidation to be: (1) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law; (2) without observance of procedure required by the law; or (3) unsupported by substantial evidence on the record.

16. Recognizing that at this time no final determination of closure or consolidation has been reached by the Postal Services, the City of Winchester nonetheless notes the following:

a. To city residents, governmental agencies, and businesses, as well as that population area-wide that are served by and dependent upon the Winchester Post Office of Winchester, the distinction between a suspension and a closure is academic. As stated by the Postal Service in its letter to customers, the Winchester Post Office will cease to operate on the 21st of May.

b. In response to Chairman's Information Request No. 6, as part of the 2015 Annual Compliance Review before the Commission, the Postal Service stated that within the Great Lakes area, of the thirty-eight Post Office suspensions in effect at the start of the 2015 fiscal year, only two Post Offices re-opened during the year. A copy of the relevant portions of such response is attached hereto as Addendum B.

c. Such a ratio, 38:2, would strongly indicate that the Postal Service is using its suspension authority to avoid the explicit Congressional

instructions to hear and consider the concerns of patrons before closing post offices.

d. The Postal Service has had ample notice that the lease term for the Winchester Post Office was coming to an end, pursuant to the very terms of that lease. Our present situation is neither sudden, nor unexpected, nor an emergency.

e. Though the Postal Service's letter to residents stated that service at the Winchester Post Office would be suspended on May 21st, the owner of the building within which the Post Office sits gave a deadline to vacate of May 28th, as set out in Addendum C hereto.

f. Though the Postal Service's letter to residents stated that "negotiations with our landlord for a lease renewal were not successful," the landlord, as expressed orally to the Postal Service, remains open to and in fact greatly prefers continued negotiations and desires that the Post Office remain on his property during the pendency of such negotiations. See copy of correspondence between the Postal Service and Martin Witte, Managing Member of Country View Estates LLC, owner of the building, attached hereto as Addendum D, as well as affidavit of Martin Witte, as Managing Member of Country View Estates LLC, to be filed separately.

g. All of the above would seem to indicate that the Postal Service is using its suspension authority in our present case as a mean of

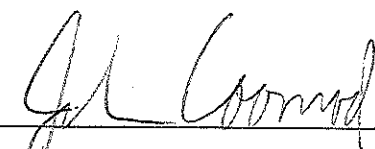
avoiding Congress' explicit instructions to hear and consider the concerns of patrons before closing post offices.

15. The Commission may also suspend the effectiveness of a determination of the Postal service to close a post office pending final disposition of the appeal. 39 U.S.C.404(d).

Wherefore, the City of Winchester, Scott County, Illinois, requests the Postal Review Commission to review the Postal Service's decision to suspend service at the Winchester Post Office, and asks further that it direct the Postal Service to suspend its efforts to close down operations and, in fact, maintain those services currently in effect at Winchester Post Office pending final disposition of this appeal.

Respectfully submitted,
The City of Winchester, Illinois

By:



Its attorney

John D. Coonrod
Coonrod Law Office
Attorney for the City of Winchester
P.O. Box 197
Winchester, IL 62694
Telephone: (217) 742-3455

ADDENDUM A



05/11/2016

Dear Postal Customer:

The USPS lease on the Winchester IL Main Post Office building at 55 S. Main Street expired in January 2016. Lease negotiations with our landlord for a lease renewal were not successful. The USPS is moving forward to acquire approval to locate alternate quarter's space within the community of Winchester.

Until a permanent location is established, effective May 21st 2016 temporary service for PO Box customers, Rural and City Delivery and Retail Services will be available at the JACKSONVILLE IL Post Office, 200 w Court St; Jacksonville IL 62650 located 19 miles away. Window service hours at JACKSONVILLE POST OFFICE are hours as 8:00 AM to 5:30 PM Monday through Friday and 8:30 AM to 11:30 PM on Saturday.

If you have any questions concerning the services available to you, please contact the WINCHESTER Postmaster.

Sincerely,

Michele Martens
Manager, Post Office Operations

Enclosure: Official Record

cc:
Postmaster Winchester PO
Postmaster Jacksonville PO
Post Office Review Coordinator

ADDENDUM B

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

ANNUAL COMPLIANCE REVIEW, 2015

Docket No. ACR2015

RESPONSES OF THE UNITED STATES POSTAL SERVICE TO
QUESTIONS 1-4, 8, 11, AND 13-16 OF
CHAIRMAN'S INFORMATION REQUEST NO. 6

The United States Postal Service hereby provides its responses to the above-listed questions of Chairman's Information Request No. 6, issued on January 22, 2016. Each question is stated verbatim and followed by the response. The responses to the other questions were filed on January 29, 2016.

Respectfully submitted,

UNITED STATES POSTAL SERVICE

By its attorneys:

Daniel J. Foucheaux, Jr.
Chief Counsel, Pricing & Product Support

Eric P. Koetting

475 L'Enfant Plaza, S.W.
Washington, D.C. 20260-1137
(202) 277-6333
February 3, 2016

**RESPONSES OF THE UNITED STATES POSTAL SERVICE
TO CHAIRMAN'S INFORMATION REQUEST NO. 6**

FY 2015 SUSPENSIONS -- REVISED					
Area	Office Type	Suspensions at Start of Fiscal Year	Suspensions During Fiscal Year	Re-opened during Fiscal Year	Suspensions at End of Fiscal Year
Capital Metro	Post Offices	21	3	2	22
	Stations/Branches	10	0	0	10
	Carrier Annexes	0	0	0	0
Eastern	Post Offices	128	39	10	157
	Stations/Branches	27	6	4	29
	Carrier Annexes	1	0	0	1
Great Lakes	Post Offices	38	16	2	52
	Stations/Branches	11	1	0	12
	Carrier Annexes	0	0	0	0
Northeast	Post Offices	34	4	2	36
	Stations/Branches	17	4	2	19
	Carrier Annexes	0	0	0	0
Pacific	Post Offices	10	1	1	10
	Stations/Branches	19	5	0	24
	Carrier Annexes	0	0	0	0
Southern	Post Offices	57	7	1	63
	Stations/Branches	14	2	1	15
	Carrier Annexes	0	0	0	0
Western	Post Offices	120	24	8	136
	Stations/Branches	11	1	0	12
	Carrier Annexes	0	0	0	0
NATIONAL	Post Offices	408	94	26	476
	Stations/Branches	109	19	7	121
	Carrier Annexes	1	0	0	1

- a. Not confirmed. If a suspension, either in effect at the beginning of the year or initiated during the course of the year, was reversed prior to the

ADDENDUM C

EVICTIION NOTICE

April 28, 2016

To: Whom it may concern

USPS has 30 days to vacate the property known as Winchester main post office 55 S. Main St. Winchester IL 62694-9998. Please restore premises to "broom clean" and contact me to schedule a meeting to agree on necessary items of restoration and the reasonable cost of restoration.

Sincerely



Martin Witte
Managing member
Country View Estates LLC
P.O. Box 41
Mooresville, IN 46158

ADDENDUM D

McIntire & Co., Contractors

From: "Marty Witte" <martinwitteproperties@yahoo.com>
Date: Monday, May 16, 2016 2:55 PM
To: "Woodbury Jacob D. - Greensboro NC" <jacob.d.woodbury@usps.gov>
Cc: "Marvin Bakalar" <mbakalar@gmail.com>; "Hickey Jr James A. - Windsor CT" <james.a.hickey@usps.gov>; "Marty Witte" <martinwitteproperties@yahoo.com>; <mccomp@frontier.com>
Subject: Re: Winchester, IL - Rent

The last email I received from you was March 25th and you stated CBRE would be in contact shortly to finalize the Winchester lease. I have called you four times since then and you have told me each time CBRE will be in contact shortly to finalize the lease. I receive a call on Friday from the Winchester town attorney stating that USPS is closing the post office in Winchester and moving? I have yet to receive mail on this. Is it a closure or a suspension? When we spoke on Friday you said that USPS is interested in staying if we can come to terms. But, I have not heard from you and you did not answer when I tried to call your office. This lease expired on Jan. 15 of this year, you have had plenty of time to finalize a new lease. I have received several phone calls from elected officials and concerned citizens. They have ask for your phone number and I have not given it to them. Look forward to getting this resolved. Thank you for your time

On Monday, May 16, 2016 3:30 PM, Marty Witte <martinwitteproperties@yahoo.com> wrote:

On Friday, March 25, 2016 1:23 PM, Martin Witte <martinwitteproperties@yahoo.com> wrote:

Sent from my Verizon Wireless 4G LTE DROID

On Mar 25, 2016 1:00 PM, "Woodbury, Jacob D - Greensboro, NC" <Jacob.D.Woodbury@usps.gov> wrote:

Mr. Witte,

Good afternoon. As a follow up to my below email, you should have received payment for back rent via EFT today. The attached letter is an official response to your letter dated February 16, 2016 regarding our holdover status and your request for rent. We look forward to finalizing the terms of our renewal and we'll be in touch through CBRE shortly.

Thank you again for your patience and business,

Jacob Woodbury

JACOB WOODBURY
 Leasing Team Leader, East
 United States Postal Service
 P.O. Box 27497
 Greensboro NC 27498-1103
 (336) 544-3833 Office
 (336) 402-0346 Mobile
jacob.d.woodbury@usps.gov

From: Woodbury, Jacob D - Greensboro, NC
Sent: Wednesday, March 23, 2016 8:59 AM
To: 'Marty Witte'
Subject: Winchester, IL - Rent

Mr. Witte,