

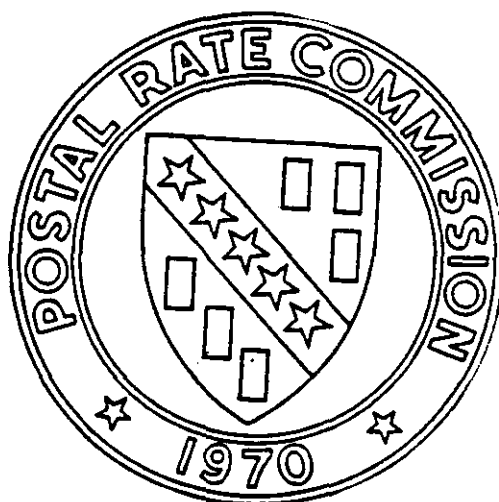
UNITED STATES OF AMERICA  
POSTAL RATE COMMISSION  
WASHINGTON, D.C. 20268-0001

Before

Chairman Steiger, Vice-Chairman Folsom,  
Commissioners Crutcher, Duffy and Guiton

In the Matter of:  
Ranchita, California 92066  
(Robert McInerney, Petitioner)

Docket No. A85-17



COMMISSION OPINION REMANDING DETERMINATION  
FOR FURTHER CONSIDERATION  
39 U.S.C. § 404(b)(5)

Washington, D.C. 20268-0001  
(June 12, 1985)

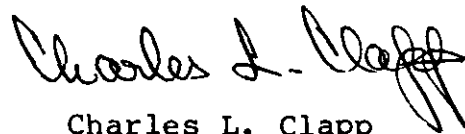
On March 25, 1985, the Commission received an appeal letter from Robert McInerney concerning the Postal Service's decision to close the Community Post Office (CPO) at Ranchita, California. In Order No. 607, the Commission established Docket No. A85-17 for the consideration of the appeal. The Petitioner filed a Participant Statement on April 16, 1985. The Postal Service has filed a motion to terminate this docket (April 8, 1985) and a response to the Participant Statement (May 17, 1985). The Postal Service argues the Ranchita CPO was not a "post office" within the meaning of the applicable statute [39 U.S.C. § 404(b)].

The factual situation and the Postal Service's legal arguments in this case are precisely the same as the Commission rejected in Docket Nos. A83-30, Knob Fork, West Virginia and A84-5, Foraker, Indiana. The Postal Service's discussion of the benefits of administrative flexibility are not persuasive in light of the statute's clear intent of requiring the opportunity for public participation in a decision to close a community's only retail postal facility. PRC Op. A83-30, pp. 8-10. Therefore, for the reasons explained in the Knob Fork decision which are incorporated by reference, we are remanding the Postal Service's decision to close the Ranchita CPO for proceedings consistent with 39 U.S.C. § 404(b).

Accordingly, the Postal Service's determination to close the community post office at Ranchita, California, is set aside as having been made without observance of the procedure required by law.

By the Commission.

[S E A L]



Charles L. Clapp  
Secretary