

FOR THE RECORD



**New York Metro Area Postal Union,
American Postal Workers Union, AFL-CIO**

Testimony

**Before The New York City Council
Committee on Governmental Operations**

Resolution 2166A

**TESTIMONY OF CLARICE TORRENCE
PRESIDENT
NEW YORK METRO AREA POSTAL UNION,
APWU, AFL-CIO**

**NEW YORK, NY
OCTOBER 20, 2009**

**New York Metro Area Postal Union
350 West 31st Street, 3rd floor,
New York, NY 10001
212-563-7553**

Chairperson Sears and members of the Committee: Thank you for convening this hearing and inviting me to testify on behalf of the hardworking postal workers that the New York Metro Area Postal Union represents.

This union represents the clerk, motor vehicle, and maintenance crafts in Manhattan and the Bronx, along with two large facilities in New Jersey. This means that on the list of New York Stations and Branches under review for possible closures our local represents postal workers at 14 of them. We have already seen what hardships the existing cutbacks in service have meant to our members. There are clerks from our union that now have to commute 125 miles each way to work because they have been exsessed from New York City to the far reaches of Suffolk County. Yes, they spend between six and seven hours a day commuting to and from work. With the proposed station closings before us, we will most assuredly see more of this or worse.

It is very tempting to use this opportunity to describe only how devastating these proposed station and branch closings will be to our members. But we understand that we have our jobs because we are employed to serve the public. We have to look at how these proposed station and branch closings will impact upon the people we serve.

The people who are most dependent upon the Postal Service are the elderly, the poor, the disabled, and small business owners. They do not have readily available alternatives. For these people, a trip to the post office that is located a block or two or three from where they are can be a difficulty. Closing their neighborhood post office because there is another one located just a mile away is not only shortsighted, it is cruel. For some, getting to the post office will now be an impossibility.

I can't tell you how many times I have mentioned this situation to postal managers and I get the same canned response. "Oh, they can go online or there will be an Automated Postal Center (APC) where their old station used to be." I know it is incomprehensible for postal managers to understand, but there are people who do not have computer access. There are people who find it very confusing to use an Automated Postal Center without assistance. And even if they could

figure it out, they don't have a credit or debit card to access it. Are these people not entitled to postal service?

In certain areas of this city, there are not bank branches on every corner. In many areas where poor people live, they rely on the neighborhood post office as their bank. They go there to buy money orders to pay their bills. Rather than closing the station or branch, why doesn't the Postal Service come up with some kind of plan to expand its service to these communities? If banks won't open branches in poor communities, how about the Postal Service developing something along the line of a credit union model for these customers. Rather than shutting down stations and branches, find ways to do more business there.

The members of the public who are most dependent upon the Postal Service have already had to put up with fewer collection boxes, shorter hours of operation, the elimination of vending machines and mobile units, and now are faced with the closing of their neighborhood post office and possible cutbacks in mail delivery from six days to five. To these people the USPS is the branch of the government that they know and rely on. They don't need cutbacks and closings. They need better service.

It is time to decide whether the Postal Service is here to serve all members of the public or here to be a money-making business that views retail operations as a costly expense that it would rather do away with as quickly as possible. If the answer is that the Postal Service is here to serve the public, then better answers have to be found than closing needed stations and branches.

Postmaster General Potter has stated that the closing of stations and branches nationally will bring about only minimal savings. Here in New York City each and every one of the 14 finance stations in Manhattan and the Bronx still being considered for closure by the Postal Service is bringing in more revenue than they cost to operate. In other words, all 14 are making money for the Postal Service. Why are they still on the list?

A short time ago, the union got a call from a local television station because of ongoing complaints that they were getting from people who were using the Fordham station here in the Bronx. Shorter hours, longer lines, the service at the station had fallen drastically. The union's Director of Industrial Relations, Frankie Sanchez, went to the station. He was interviewed in front of Fordham Station by the reporter and explained that the post office had reduced the number of employees assigned to the station resulting in longer lines and poorer service. He was factual. Bronx postal management was upset with the report and angry with Mr. Sanchez *for making them look bad*. The reason I relate this story at this time is that with the proposed closings in the Bronx, Fordham station will have more people going there, longer lines, and continued poor service. The intent is not to make Postal Service management look bad, it is to provide what is necessary for the public we are mandated to serve.

There is a process that Postal Management uses that is called a Function Four. These actions pulled window clerks out of virtually every station in the city, cutting back on service to the public drastically. There isn't a station in New York City where you would walk in and not find a line wrapped around the lobby. At the same time, the Postal Service spent \$50 million nationally putting employees in "Blue Rooms" where they were paid for 8 hours doing no physical work, instead of putting them to work to serve the public. This was done to justify eliminating positions, cutting back on service, while the public suffered. Now, if any of these 14 stations are closed, the pressure put on neighboring station to absorb the increase in volume will be overwhelming.

The Postal Service has faced a severe drop in mail volume because of the drastic economic downturn in business. But its financial crisis is more a result of mandates and restraints imposed upon it by Congress with the passage of the Postal Accountability and Enhancement Act of 2006, which this union opposed. It is time to correct shortcomings of that legislation without placing the entire burden on the people who most depend upon the Postal Service.

This is a time for everyone to come together to find solutions to the problems that the Postal Service is facing, but without losing sight of the mission that it has been entrusted with, to serve the needs of the American people. Postal closings are not the solution. They are part of the problem.

Testimony of Clarice Torrence Pg. 4

I applaud the City Council for considering this resolution, but I also add that it is incumbent upon all of us to do what we can to convince the Postal Service that nothing less than an immediate moratorium on postal closings is what is needed to protect the needs of the citizens who rely most upon the Postal Service in New York City.

I am happy to answer any questions that you may have.

10/20/09

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FOR THE RECORD

**Rep. Jerrold Nadler's Testimony
Before the NYC Council Committee on Governmental Operations
On Council Resolution 2166-A
Regarding Possible Station and Branch Closings by U.S. Postal Service
October 20, 2009**

Good morning and thank you for convening this hearing today. I am U.S. Representative Jerrold Nadler. I represent the 8th District of New York, which includes the West Side of Manhattan and parts of Brooklyn. There are three post offices on your list of potential closures located within my district, the West Village Post Office located at 527 Hudson Street, the Port Authority Station Post Office located at 76 Ninth Avenue and Port Authority Convenience Post Office located, 625 Eighth Avenue, Manhattan.

Everyone here understands, all too well, that we are in midst of a crisis facing our Postal Service. Every day, we hear new reports about prospective post offices closures, actual closures and profiteering landlords who are not renewing post office leases. Like the rest of us, the Postal Service is suffering the effects of a major recession. Decreased revenue, skyrocketing rents and competition from the internet and private carriers has led to cuts in services, convenience, and postal facilities in our neighborhoods.

But I am far from convinced that these cuts and closures are actually creating real relief from the Postal Service's massive budget woes. As far as I can tell, these many cuts and closures are akin to moving around furniture on the Titanic.

I am a co-sponsor of two important bills currently in the House of Representatives, each of which serves a different function toward solving the problem. The first is H.R. 22, the *United States Postal Service Financial Relief Act of 2009*, which recently passed the House with a 388 to 32 vote. The bill would allow the Postal Service to access the Postal Service Retiree Health Benefits Fund in order to pay for health insurance for its retirees. This would create an annual savings of \$3.5 billion in its operating budget. This legislation will go a great distance toward providing much needed savings to the Postal Service so that further budget cuts are prevented and neighborhood services can continue to exist.

The second bill is H.R. 658, the *Access to Postal Services Act*, legislation that would greatly improve the process governing how the Postal Service consolidates or closes its facilities, including its post offices in New York City. If passed, this legislation would require the Postal

Service to fully explain and justify planned closures, hold public hearings, and notify the public well in advance of taking any action. The legislation would then require a public assessment for a determination on a proposed closure.

Before any post office closure, the Postal Service must explain to us – the affected community members and their elected officials – the justification for closing a facility. It should provide specific information on rent, productivity and revenue in order to make the case for closure. If the Postal Service intends to cut postal jobs, then it needs to justify why it would lay workers off during this period of economic recession.

We must remember that cuts to postal services and facilities affect real people and real businesses, and unnecessary closures can pose tremendous inconveniences – particularly for seniors and for those with disabilities – and can reduce productivity for businesses. Closing post offices should never be born of cold, impersonal bottom-line calculations, but should always take into the account the needs of real people. There is no excuse for the Postal Service to give short shrift to customers and cut services that every person and business depends on. I am calling on the Postal Service to work harder to make sure that the postal needs of people and businesses in our communities are met. That is the bottom line – the Postal Service must continue to provide services that fulfill the needs of consumers.

Thank you.



October 19, 2009

FOR THE RECORD

Mr. Gary Altman, Legislative Counsel
The Council of the City of New York
Office of the Speaker
City Hall
New York, NY 10007

RE: Resolution No. 2168

Dear Mr. Altman:

Thank you for your invitation to participate in the hearing being held on Tuesday, October 20, by the Committee on Governmental Operations.

Although we will not be participating in the hearing, we do appreciate your support and interest in the U.S. Postal Service. Furthermore, we would like to provide you with updated information regarding the various postal matters outlined in your letter of invitation.

H.R. 22 passed the House by an overwhelming majority of 388-32 on September 15. The measure was then absorbed into a Continuing Resolution which the Senate passed on September 30. On October 1, the President signed Public Law 111-68 which included a provision reducing the scheduled \$5.4 billion retiree health benefit payment due on September 30, from \$5.4 billion to \$1.4 billion. Payment of the \$4 billion difference is deferred until 2017 when it will be amortized over 40 years.

The Postal Service strongly supported the bill because it ensures the Postal Service will not default on its retiree health benefit obligation in fiscal year (FY) 2009, and it ensures that the Postal Service will maintain sufficient cash to operate in FY2010. We appreciate your support for a restructuring of the retiree health benefit obligation mandated by current law.

Conversely, the Postal Service cannot support H.R. 658, the *Access to Postal Services Act*, for the following reasons:

- H.R. 658 would amend Title 39 and require the Postal Service to follow extensive procedures prior to closing any postal retail facility. Currently, these procedures apply only to the closing of a Post Office.
- H.R. 658 would also adjust the criteria for the Postal Service to consider in making a decision on whether to close a facility, and would prohibit the Postal Service from considering the potential economic savings from closing a facility.

- The Postal Service anticipates a multi-billion dollar loss at the end of FY2009, and does not anticipate financial conditions to improve drastically in FY2010. In these challenging times, the Postal Service needs greater flexibility to make management decisions to sustain the business, including decisions regarding management of postal facilities. Taking away current flexibility would limit our financial stability and damage our ability to serve customers effectively.
- As our economy changes, the expectations of customers continue to evolve as they seek greater speed and convenience, and utilize the Internet and other technologies. The Postal Service is committed to continuously improving the quality and functionality of its retail network, with a focus on customer needs.
- Accordingly, the Postal Service offers a variety of alternate channels through which customers can access core postal services, conduct transactions, and obtain product information—either at home, while out shopping, or via the Internet. These alternate channels include *usps.com*, Automated Postal Centers, postal facilities located in grocery stores and other retailers, stamps sold by other retailers directly, Stamps by Mail, and postage meters.
- These innovations allow customers to access postal products as they need them, in a convenient fashion that meets their modern lifestyles.
- These alternate channels can be introduced and rolled out quickly to where customers can access them.
- With limited resources, taking away the Postal Service's flexibility to make adjustments to retail facilities would prevent us from moving resources as needed to serve the needs of customers through the most convenient and appropriate access channels.

While the Postal Service does not endorse or in any way support the Council's proposed resolution, we would like to take this opportunity to provide you with the correct numbers relating to stations and branches under consideration for closing, both nationally and within the city of New York:

Res. No. 2166 incorrectly states that:

"...the USPS will likely be forced to close 700 locations throughout the nation, including as many as 53 locations in New York City: and ...two boroughs that would be most adversely affected are Manhattan and Queens with a potential of 25 and 11 closings, respectively;..."

The Postal Service is currently only studying 371 stations and branches nationally, of which only 14 are within New York City, broken down as follows:

- 7 in Bronx
- 5 in Manhattan
- 2 in Queens

The Postal Service remains committed to providing affordable, universal service to every American. Nationwide, the Postal Service serves 150 million addresses six days a week—going to every address, not just those in densely populated areas. The ability of the Postal Service to generate sufficient cash flows is substantially dependent on being able to execute strategies to increase efficiency, reduce costs, and generate revenue. To continue its record of success, the Postal Service needs long-term structural changes, such as the ability to provide five-day delivery, the ability to continue new revenue initiatives, and the ability to secure workforce rule changes. We are a vibrant example of a government corporation, but we need additional freedoms to operate and to allow us to continue to provide service and products to the American people for the next 100 years.

In closing, again, we would like to thank you for your invitation to participate in the hearing. We would be most appreciative if you could please include this correspondence as part of the hearing record. Thank you once again for your continued interest and support of the Postal Service.

Sincerely,


Ken Currier
Manager, Government Relations



**New York Metro Area Postal Union,
American Postal Workers Union, AFL-CIO**

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I am happy to answer any questions that you may have.

10/20/09

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

Before Commissioners:

Ruth Y. Goldway, Chairman;
Tony L. Hammond, Vice Chairman;
Mark Acton;
Dan G. Blair; and
Nanci E. Langley

Hacker Valley Post Office
Hacker Valley, WV 26222
(Retha Casto, Petitioner)

Docket No. A2009-1

ORDER ON APPEAL OF HACKER VALLEY, WEST VIRGINIA
POST OFFICE CLOSING

(Issued October 19, 2009)

I. INTRODUCTION AND SUMMARY

On June 30, 2009, Retha Casto (Petitioner) petitioned the Commission seeking review of the Postal Service's actions regarding the Hacker Valley post office. The Commission gave notice of this appeal in Order No. 238, issued July 6, 2009.¹ The Postal Service subsequently moved to dismiss this proceeding, arguing the Commission lacks jurisdiction to consider an appeal under 39 U.S.C. 404(b).² After

¹ Notice and Order Accepting Appeal and Establishing Procedural Schedule, July 6, 2009.

² United States Postal Service Motion to Dismiss Proceeding, July 15, 2009 (Motion to Dismiss).

considering the record, the Commission has concluded that this appeal should not be dismissed.

This case involves two questions: (1) whether the Postal Service has by its actions closed the Hacker Valley post office; and (2) if that office is closed, did the Postal Service follow the appropriate procedures before closing the Hacker Valley post office. The Commission finds that the Hacker Valley post office has been closed, at least temporarily, and that proper procedures to close that facility have not yet been completed.

II. BACKGROUND

The Commission addresses this case in the context of a Postal Service facing extraordinary financial challenges. Last year, the Postal Service faced serious cash flow problems and operating losses likely to be in the neighborhood of \$7 billion necessitating last minute Congressional action to allow a one-time deferral of \$4 billion of payments.

The Postal Service properly is exploring all avenues to reduce or eliminate unjustified expenses. As part of that effort, it has requested an advisory opinion from the Commission on the sufficiency of its process for closing stations and branches in urban and suburban areas. That request, Docket No. N2009-1, is currently pending. In that case, the Postal Service has taken the position that the protections of 39 U.S.C. 404(d) apply only to citizens served by retail facilities it has designated as "Post Offices" for its internal administrative purposes, and do not apply to stations and branches. The essential issue before the Commission in this case is whether the Postal Service acted to deny those protections to citizens receiving service from a "Post Office," specifically, the post office serving Hacker Valley, WV.

III. PROCEDURAL HISTORY

The Hacker Valley post office is an EAS Grade 11 office with 3 Highway Contract Routes, 72 post office boxes, and an additional 193 customers with Hacker Valley addresses. The nearest post office to Hacker Valley is also an EAS Grade 11 office, located 11 miles away in Diana, West Virginia. *Id.* at 2.

The Postal Service acknowledges that on July 20, 2006, it was informed by letter that the lessor of the facility housing the Hacker Valley post office did not intend to renew the Postal Service's lease.³ The record further contains a letter from the Postal Service that references a phone conversation which took place on February 24, 2009 between the Postal Service and the lessor.⁴ The letter states that during that conversation the lessor reiterated her request for the Postal Service to vacate the facility at the end of the current lease. *Id.*, Attachment 3. On March 16, 2009, the Postal Service provided the lessor with a notice of termination stating that the lease would expire July 2, 2009. *Id.*, Attachment 2.

On May 22, 2009, the Postal Service sent a "Dear Postal Customer" letter to the community notifying it that operations at the Hacker Valley post office would be suspended. Motion to Dismiss, Attachment 1. The letter announced a community meeting to explain how postal services would be impacted. The Community meeting was held on June 8, 2009 in the parking lot of the senior citizens' building. Representatives in attendance for the Postal Service included Teresa Price, Retail Specialist and Post Office Review Coordinator, and Theresa Mullins, Manager of Post Office Operations.

³ Response of the United States Postal Service to Commission Information Request No. 1, August 14, 2009 (Postal Service Response to CIR No. 1).

⁴ Response of Retha Casto, Petitioner, and the Northern Webster County Improvement Council *ad hoc* Hacker Valley Post Office Preservation Committee, to USPS Response to Commission's Information Request No.1, September 8, 2009 (Petitioner's Response to CIR No. 1).

On June 23, 2009, the Postal Service sent a letter to the lessor regarding an apparent offer made by the lessor to extend the lease. Petitioner's Response to CIR No. 1, Attachment 3. The letter states that the Postal Service received a fax on June 22, 2009 offering to extend the lease of the facility through September 30, 2009. The June 23, 2009 letter references the February 24, 2009 telephone conversation between the Postal Service and the lessor, and declines the offer. *Id.*

On June 30, 2009, services provided at the Hacker Valley post office were suspended and a petition seeking the Postal Regulatory Commission's review of the Postal Service's actions was received by the Commission.⁵

IV. CONTROLLING STATUTORY PROVISIONS

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). Congress specified that no post office may be closed solely for operating at a deficit, *id.*, and established a statutory procedure that the Postal Service must follow prior to closing or consolidating a post office.

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".

These statutory provisions establish as national policy that citizens should have the opportunity to convey their concerns to the Postal Service before their local post office is closed, and most important, that the Postal Service will fairly consider those concerns prior to making a decision to close that facility.

⁵ The appeal letter was postmarked June 20, 2009 (Participant Statement). By operation of 39 U.S.C. 404(d)(6), the appeal is timely.

V. PARTICIPANT PLEADINGS

Petitioner contends that the Hacker Valley post office should not be closed, but should instead be relocated to another facility in the community. Petitioner states there “should be at least one [post office] left in [the] northern part of Webster County.” She argues that the Postal Service failed to seek alternative sites to relocate the Hacker Valley post office in the community.⁶ Petitioner suggests that the Postal Service could utilize a nearby building which is currently being renovated. *Id.* She contends that the community should have had a voice in the closing process and that it did not. Petitioner requests that the Postal Service be directed to consider the people who will be impacted by the closure of the Hacker Valley post office instead of the money. *Id.* at 2.

Attached to the Participant Statement is a local newspaper article entitled “Citizens Gather to Address Concerns About Suspension of Hacker Valley Post Office” dated June 10, 2009.

On July 15, 2009, the Postal Service filed a motion to dismiss this proceeding in response to the Commission’s order that the Postal Service file the administrative record for this appeal. The Postal Service explains that since the Postal Service has not initiated a discontinuance study or issued a final determination to close the Hacker Valley post office, it does not have an administrative record. Motion to Dismiss at 1. The Postal Service argues that Petitioner lacks standing to bring this action under 39 U.S.C. 404(d)(5) because no final determination to close the office has been made. *Id.* at 3. The Postal Service adds that Petitioner likely misconstrued the May 22, 2009 notice of suspension as a final determination to close the Hacker Valley post office. *Id.* at 3-4.

The Postal Service attaches three documents regarding the suspension to its Motion to Dismiss. Attachment 1 is the May 22, 2009 “Dear Postal Customer” letter to the community describing the impending suspension and identifying nearby locations

⁶ Participant Statement, PRC Form 61, at 1.

where postal retail services could be obtained. This letter also notifies the public of a community meeting at which the Postal Service would explain its plans, and solicits community comments concerning possible alternate means of providing postal and other services. Attachment 2 is a Notice of Post Office Emergency Suspension that indicates the justification for the suspension. Attachment 3 is a Property Detail Report describing the physical characteristics of the facility and lease details.

Thirty-nine individuals submitted comments in support of the petition. Additionally, pleadings in opposition to the Motion to Dismiss were filed by the Public Representative and the National Association of Postmasters of the United States.

VI. COMMISSION ANALYSIS

The Commission has jurisdiction to hear appeals of post office closings pursuant to 39 U.S.C. 404(d). The Postal Service contends that Petitioner lacks standing to bring this case and that the Commission does not have jurisdiction to hear this case because no formal determination has been made to close the Hacker Valley post office. *Id.* at 3. Petitioner and patrons served by the Hacker Valley post office are convinced and have reason to believe that the Hacker Valley post office has been closed. The National Association of Postmasters of the United States agrees and argues that the proper procedures for closing were not followed.⁷ The Public Representative points out that from the perspective of residents served by the Hacker Valley post office, the distinction between an indefinite suspension and a permanent discontinuance is academic.⁸

The Commission agrees with the Postal Service that there has not been a formal, final official determination by the Postal Service to close or consolidate the Hacker Valley post office. Nevertheless, the actions of the Postal Service have left the citizens of Hacker Valley without a post office. Several additional conclusions also are

⁷ Response of the National Association of Postmasters of the United States Regarding United States Postal Service Response to Commission Information Request No. 1, September 8, 2009.

⁸ Response of the Public Representative in Opposition to United States Postal Service Motion to Dismiss Proceeding, July 22, 2009.

pertinent. First, the Postal Service should refrain from improper use of the Emergency Suspension process. Second, such suspensions are prejudicial to a fair closing process. Third, if and when the Postal Service makes a determination to close the Hacker Valley post office, its patrons will have another opportunity to appeal to the Commission.

The record indicates that the Postal Service was notified that its lease on the building housing the Hacker Valley post office would not be renewed almost two years before the lease expired. The record further indicates that the lessor reiterated this information to the Postal Service in a February 2009 telephone conversation, slightly more than four months before the lease expired. In mid-March 2009, the Postal Service wrote the lessor confirming that it would vacate by July 2, 2009. These facts undermine any claim that the suspension of service to the Hacker Valley community reflected emergency action.

Postal Service Handbook PO-101, section 213.2, provides instances when an emergency suspension may be necessary:

The cancellation of a lease or rental agreement when no suitable alternate quarters are available in the community, a fire or other natural disaster, severe health or safety hazards,

The lease in Hacker Valley was not cancelled, and the Postal Service had almost two years' notice to explore whether suitable alternative quarters could be obtained before the lease expired.

In response to questions from the Commission, the Postal Service reported that in the past five years it has suspended 97 post offices because their leases expired. Of those, only two have been reopened. The communities previously served by the remaining 95 post offices have not had their local retail facility restored. Twenty-five of

those offices were eventually formally closed, while the remainder reside in a form of limbo.⁹

This history strongly suggests 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. In the factual situation present in this docket, the Postal Service has acknowledged it had ample notice that its lease would not be renewed.

The Postal Service reports it now has decided to initiate the process of determining whether or not to formally close the Hacker Valley post office.¹⁰ In due course, a notice that the Postal Service is considering whether to close the Hacker Valley post office, and inviting comments, will be displayed in the post office of some other community which has been given responsibility for providing delivery to Hacker Valley addresses. There is some question of whether Hacker Valley residents will be able to see such a notice conveniently.¹¹ Many residents may already have been forced to change addresses or business patterns as a result of the "suspension." It seems evident that the postal services received by the citizens of Hacker Valley have been disrupted, and that responses to an eventual notice that the post office may be formally closed will be significantly different than if the Postal Service had adhered to the spirit of 39 U.S.C. 404(d) and sought comments before closing that facility.

VII. POTENTIAL REMEDIES

In addition to directing the Postal Service to obtain and consider the views of users prior to closing or consolidating post offices, Congress provided for this Commission to hear timely appeals of Postal Service decisions to close or consolidate.

⁹ Postal Service Response to CIR No. 1, Questions 6, 7, 8 and 9. The Postal Service reports that it has begun the process for formally closing 5 of these 70 remaining post offices.

¹⁰ Response of United States Postal Service to Commission Information Request No. 2, September 29, 2009.

¹¹ Comments filed by a resident indicate the nearest post office is an hour's drive away.

39 U.S.C. 404(e). By statute, the Postal Service may not close a facility while the process, including any appeal, is ongoing. In this way, Congress preserves service while the statutory process is followed.

By utilizing its suspension authority to terminate service in the Hacker Valley community, the Postal Service has ignored the Congressional intent to preserve service while the process for evaluating whether or not to close a post office is ongoing.

The law grants the Postal Service the specific authority to determine the need for post offices, and so long as it follows the process enumerated in 39 U.S.C. 404(d), to close facilities as it deems necessary. While this Commission may remand a decision to close for failure to adhere to the statutory process, it may not modify a decision to close a post office and require that the post office remain open. 39 U.S.C. 404(d)(5).

It is possible that once the Postal Service develops and evaluates a full administrative record, it will decide not to close the Hacker Valley post office. In that event, it will have to obtain a new post office site, and the citizens of Hacker Valley will have suffered needless disruption. Alternatively, the Postal Service may determine to formalize the closure that took place on June 30, 2009. After such a decision, the matter could again be brought to this Commission for review;¹² however, the fact remains that no retail facility currently operates in Hacker Valley.

Petitioner requests that the Postal Service be directed to restore a retail facility to Hacker Valley. *Id.* The Commission has the discretion to suspend the effectiveness of a determination of the Postal Service to close a post office until the final disposition of the appeal. However, in the current circumstances, such an order would be essentially meaningless, as the Postal Service will almost certainly conclude the 120-day process for determining whether or not to formally close the Hacker Valley post office before it could plan and complete the steps necessary to return service to the community.

The Postal Service is in the best position to evaluate whether one or a combination of options might be employed to provide an alternative retail presence

within Hacker Valley while the discontinuance study is ongoing. Therefore, the Postal Service is to consider what action can be taken to provide the citizens of Hacker Valley with a level of continuity of service consistent with the stated expectations of 39 U.S.C. 101(b) and 404(d).

On the basis of the narrow record developed in this appeal, the Commission cannot find that the Postal Service is intentionally circumventing the policies of 39 U.S.C. 404(d). However, the Commission recognizes that such a practice may be ongoing, and it will initiate action to develop a more complete record on the subject so that it can fulfill its responsibility under the Postal Accountability and Enhancement Act, section 701, to submit reports to the President and Congress recommending legislation necessary to improve the effectiveness of the postal laws of the United States.

It is ordered:

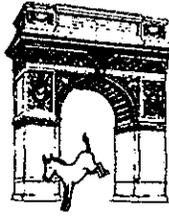
1. The United States Postal Service Motion to Dismiss Proceeding, filed July 15, 2009, is denied.
2. The record in this appeal will be incorporated into any subsequent appeal of a final Postal Service decision to close or consolidate the Hacker Valley, West Virginia post office.
3. The Postal Service is to consider what action can be taken to provide the citizens of Hacker Valley with a level of continuity of service consistent with the stated expectations of 39 U.S.C. 101(b) and 404(d).

¹² If the decision is to close the Hacker Valley post office and a new appeal is filed, materials in the current record will be incorporated into the record for that subsequent appeal.

4. Except to the extent granted or otherwise disposed of herein, all motions, exceptions, and other outstanding requests filed in Docket No. A2009-1 hereby are denied.

By the Commission.

Shoshana M. Grove
Secretary



Village Independent Democrats

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New York, NY 10014

Phone: (212) 741-2994
www.villagedemocrats.org

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October 20, 2009

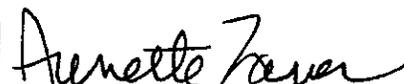
Re: Resolution No. 2166-2009

Resolution calling upon the United States House of Representatives to pass H.R. 658, the Access to Postal Services Act, which would stop the unnecessary closure of neighborhood Post Offices.

I am here today representing the Village Independent Democrats (VID), to testify in favor of Resolution No. 2166-2009, in relation to the projected closing of the West Village Post Office, at 527 Hudson Street, in Manhattan.

VID is truly concerned that this Post Office is a very important component of the neighborhood; Village residents include many elderly and many disabled individuals who depend on a local postal service facility. Closing this Post Office would present a serious disadvantage to such citizens; it would potentially necessitate using public transportation to get to the closest Post Office, making such a trip, both time consuming and costly. Many Village residents find it difficult to navigate or simply cannot easily afford city transportation. At the very least, it is shameful that now we are only notified of potential closings through mailings and/or newspaper notices, whereas passage of H.R. 658 would insure citizens the ability to participate in such decisions at public hearings.

The USPS attempted to close this Post Office two years ago, in October, 2007. With the concerted help of our elected representatives (federal, state and city), the USPS decision was reversed, and the Post Office at 527 Hudson Street was re-opened. VID is hopeful that passage of Resolution No. 2166-2009 will be a step toward such a decision.


Annette Zaner, Ph.D.

Corresponding Secretary

THE HONORABLE CHARLES B. RANGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
October 20, 2009

RECOGNIZING NEW YORK CITY COUNCIL RESOLUTION NO.2166
IN SUPPORT OF H.R. 22 and 658

Mr. Rangel: Madame Speaker, I rise today in support of The Council of the City of New York's Resolution No. 2166, calling upon the U.S. House to pass H.R. 658 — the Access to Postal Services Act. Thanks to our work in Congress, H.R. 22 — The US Postal Service Financial Relief Act, has passed the House and similar legislation has cleared the Senate. This great legislation assists the U.S. Postal Service with financial expenses and stops the unnecessary closure of neighborhood post offices, increasing community input as the Postal Service reorganizes its branches throughout the city of New York.

If we do not follow-up with the speedy passage of H.R. 658, the Postal Service will be forced to close over 700 locations throughout the United States, including 53 locations in New York City alone. In addition to the borough of Queens, Manhattan will be adversely affected with the closure of 25 locations, which includes my Harlem community.

In my own district, the Tejada Post Office was almost a victim to these closures. The well-regarded institution was named after a member of the 3rd Battalion, 5th Marine Regiment who was killed during combat operations in Baghdad, Iraq on April 11, 2003. He died at the tender age of 26. But thanks to the help of people like District Leader Maria Luna, City Councilman Robert Jackson and Assemblyman Denny Farrell and Adriano Espaillat, as well as Councilmember-Elect Ydanis Rodriguez, Community Board 12, and the Northern Manhattan Improvement Corporation, a grassroots coalition came together and demanded that it remain open.

We ought to work to make sure that nothing of the sort happens in communities across this great nation. Both these bills will assist people in staying connected with the world, while not hoisting greater financial burdens on New Yorkers or other Americans who rely on these nearby post offices. Senior citizens and low-income Americans would be most vulnerable to these shut-downs, and as Americans, we ought to look after the most vulnerable in our society. May the Congress work as quickly as it can to alleviate this problem and ensure that these post offices remain open.

POSTMASTER
NEW YORK DISTRICT



August 25, 2009

Dear Postal Customer:

Thank you for responding to our questionnaire for the proposed consolidation of the West Village Post Office. The Postal Service appreciates receiving the views of those of you who submitted comments to the survey that was conducted from July 31 through August 14. Your comments will be considered carefully as the matter is reviewed further in my office and at higher levels within the Postal Service.

When a final decision is made, a Public Notice will be posted in the lobby of the West Village Post Office. Anyone disagreeing with the decision will have the right to appeal to the Postal Rate Commission in Washington, DC.

Sincerely,

Lorraine G. Castellano

Lorraine G. Castellano

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 2166A

in favor in opposition

Date: Oct 20, 2009

(PLEASE PRINT)
Name: Ellen Peterson - Lewis

Address: 622 Greenwich St # 3D

I represent: [REDACTED] NY 10014

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 2166-A

in favor in opposition

Date: 10-20-09

(PLEASE PRINT)
Name: ANNETTE ZANER, Ph.D.

Address: 79 BANK ST. NY, NY 10014

I represent: VILLAGE INDEPENDENT DEMOCRATS

Address: 26 PERRY ST. N.Y. NY 10014

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10/20/09

(PLEASE PRINT)
Name: CLARICE TORRENCE

Address: 163-35 130 AVE 3A12E JAMAICA 11434

I represent: NEW YORK METRO POSTAL UNION

Address: 350 W 31 ST. NY NY 10001

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 10-20-09

(PLEASE PRINT)
Name: CLARENCE A. WALL JR

Address: 2184 STRAUSS ST.

I represent: NEW YORK METRO POSTAL UNION

Address: 350 W 31ST St. N.Y. N.Y 10001

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 2166

in favor in opposition

Date: _____

(PLEASE PRINT)
Name: Socrates Solano (FOR CONGRESSMAN)
CHARLES RANGEL

Address: 163 W 125 St. #737 NY

I represent: Rep. Charles B. Rangel

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 2166-A
 in favor in opposition

Date: 10/20/09

(PLEASE PRINT)

Name: REV: ALONZO JORDAN

Address: 116-21 FRANCIS LEWIS BLVD

I represent: NAACP - QUEENS CHAPTER

Address: LINDEN BLVD QUEENS N.Y.

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Jim Musumeci

Address: 1050 Furber Street Brooklyn NY 11259

I represent: Brooklyn American Postal Workers Union

Address: P.O. Box 184 Brooklyn NY 11208

Please complete this card and return to the Sergeant-at-Arms