

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

In the Matter of:

Venice Main Post Office
Venice, CA 90291
(Mark Rayavec and Venice
Stakeholders Association,
Petitioners)

Docket No. A2012-17

**UNITED STATES POSTAL SERVICE RESPONSE TO ORDER NO.
967(December 2, 2011)**

On November 16, 2011, the Commission issued Order No. 967, which adjusted the procedural schedule and directed the Postal Service to “file the Administrative Record” regarding the relocation of the Venice Main Post Office by November 28. On November 28, the Postal Service moved for an extension of time to respond to Order No. 967 until December 2, 2011.

The Postal Service maintains its position that it has no obligation to provide an administrative record in this proceeding because the Commission lacks jurisdiction to hear Petitioner’s appeal.¹ The Commission’s lack of jurisdiction arises from the fact that no discontinuance has occurred. Motion of

¹ It is the Postal Service’s position that the procedural requirements of 39 U.S.C. § 404(d) do not apply because the relocation of the Venice Main Post Office does not qualify as a closure as envisioned by 39 U.S.C. § 404(d). Motion of United States Postal Service to Dismiss Proceedings, PRC Docket No. A2012-17 (October 27, 2011).

United States Postal Service to Dismiss Proceedings, PRC Docket No. A2012-17 (October 27, 2011). The content of an administrative record, or whether an administrative record exists at all, has no bearing on whether the Commission has subject matter jurisdiction to hear an appeal of a relocation action. The Postal Service understands that the existence of subject matter jurisdiction depends upon the scope of Commission authority bestowed by Congress, and not on any activity conducted by the Postal Service.

Because this docket involves a relocation, and not a discontinuance of service, the Postal Service did not apply the same procedures as provided for discontinuance of Post Offices under 39 U.S.C. Part 241.3. As such, an administrative record of the type normally generated under Handbook PO-101 discontinuance actions does not exist. Nevertheless, in response to the Commission's Order, without waiving its position stated above and in its Motion,² the Postal Service has assembled documents responsive to Order No. 967 for the Commission's use in ruling on the Postal Service's pending Motion to Dismiss. These documents explain the basis for the relocation action regarding the Venice Main Post Office. Copies of the redacted documents, along with a privilege log explaining the basis for redactions, are attached to this pleading.

Respectfully submitted,

UNITED STATES POSTAL SERVICE
By its attorneys:

Anthony F. Alverno

² Motion of the United States Postal Service for an Extension of time to File the Administrative Record, PRC Docket No. A2012-17 (November 28, 2011).

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