

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

Before Commissioners:

Michael Kubayanda, Chairman;
Mark Acton, Vice Chairman;
Ann C. Fisher;
Ashley E. Poling; and
Robert G. Taub

Sherwood Post Office
Topeka, KS

Docket No. A2023-2

NOTICE AND ORDER ACCEPTING APPEAL
AND ESTABLISHING PROCEDURAL SCHEDULE

(Issued August 22, 2023)

I. INTRODUCTION

On August 18, 2023, Catherine Hackett-Brown (Petitioner) appealed the Postal Service's determination to close the Sherwood Post Office located in Topeka, KS 66614.¹

¹ Petition for Review Received from Catherine Hackett-Brown Regarding the Sherwood, KS Post Office, August 18, 2023 (Petition). As part of the Petition, the Petitioners submitted an initial Participant Statement, a copy of the Postal Service's public notice announcing the closing of the Sherwood Post Office, and three supporting documents under seal: (1) an email chain exchange with the Topeka, KS postmaster, (2) a grievance, and (3) a list of customer signatures. See *generally* Petition.

II. COMMISSION ACTION

In accordance with 39 U.S.C. § 404(d)(5), the Commission establishes Docket No. A2023-2 for consideration of the Petitioners' appeal of the Postal Service's determination to close the Sherwood Post Office.

The Commission has posted the public portions of the Petition, which consists of an initial Participant Statement and a copy of the Postal Service's public notice announcing the closing of the Sherwood Post Office, on its website at <http://www.prc.gov>. Additional filings in this proceeding will also be posted on the website under Docket No. A2023-2, unless materials are filed under seal. The Commission's rules on non-public materials (including access to documents filed under seal) appear in 39 CFR part 3011.

The Commission invites comments on the Postal Service's determination to close the Sherwood Post Office. The procedural schedule, which includes deadlines for submitting comments, appears in section III below.

Pursuant to 39 U.S.C. § 505, the Commission appoints Joseph K. Press to represent the interests of the general public (Public Representative) in this proceeding.

III. PROCEDURAL SCHEDULE

Pursuant to 39 C.F.R. § 3021.21, the Postal Service must file the administrative record pertaining to its determination to close the Sherwood Post Office by no later than August 28, 2023. In addition, the due date for any other Postal Service pleading in response to the Petition is August 28, 2023. **If any motions are filed by the Postal Service, responses are due no later than 10 days after any such motion is filed.**²

Petitioner may amplify her initial Participant Statement and/or file an initial brief with the Commission no later than September 18, 2023. See 39 C.F.R. §§ 3021.40-.41. Participant statements, initial comments, and initial briefs in support of the Petition from

² See *id.* § 3021.2(c). See 39 C.F.R. § 3010.108 for information on how filing deadlines are calculated.

interested persons other than the Petitioner are due no later than September 18, 2023.³ Reply comments and reply briefs in support of the Postal Service's determination to close are due no later than October 2, 2023. See 39 C.F.R. § 3021.42. Responses to reply comments and reply briefs in support of the Petition are due no later than October 12, 2023.⁴

Upon review of the administrative record filed by the Postal Service, the Commission may find that there are more legal issues than those set forth in the Petition or that the Postal Service's determination disposes of one or more of the issues raised in the Petition. The Commission may request that the Postal Service or other participants submit information or memoranda of law on any applicable issue to facilitate the Commission in conducting its review.

Pursuant to 39 U.S.C. § 404(d)(5), 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). The Commission establishes the following procedural schedule to accommodate this statutory deadline.

³ See 39 C.F.R. § 3021.14; *id.* § 3021.41. Participants other than the Petitioner may also use PRC Form 61, which is available on the Commission's website at https://www.prc.gov/sites/default/files/prc_form61.pdf.

⁴ See *id.* § 3021.43. The scope of any responses filed must be limited to the issues discussed in the reply comments and reply briefs. *Id.*

August 18, 2023	Appeal filed
August 28, 2023	Deadline for Postal Service to file relevant administrative record (see 39 C.F.R. § 3021.21)
August 28, 2023	Deadline for Postal Service to file any responsive pleading
September 18, 2023	Deadline for Participants to file Participant Statement and/or initial briefs, and others in support of Petition to file Participant Statement, initial comments, and/or initial briefs (see <i>id.</i> § 3021.14; <i>id.</i> § 3021.41)
October 2, 2023	Deadline for Postal Service or others in support of Postal Service determination to close to file reply comments and/or reply briefs (see <i>id.</i> § 3021.42)
October 12, 2023	Deadline for Participants or others in support of Petition to file responses to reply comments and/or reply briefs (see <i>id.</i> § 3021.43)
December 18, 2023	Deadline for Commission to issue its decision (see 39 U.S.C. § 404(d)(5))

Pursuant to 39 C.F.R. § 3010.120(a), the Postal Service must electronically file its documents in this proceeding using the Commission's Filing Online system on the Commission's website, which is available at <https://prc.arkcase.com/portal/home>. Other participants may submit filings electronically via the Filing Online system or by mail or other forms of physical delivery to the Commission's offices located at 901 New York Avenue, N.W., Suite 200, Washington, DC 20268.⁵ Instructions for how to create an account to electronically file documents online may be obtained on the Commission's website at https://www.prc.gov/sites/default/files/PRC%20eFiling%20User%20Guide_06092023.pdf, or by contacting the Commission's Docket section via email at dockets@prc.gov. The

⁵ See 39 C.F.R. § 3021.11. The Commission reserves the right to redact personal information that may infringe on an individual's privacy rights from documents filed in this proceeding.

Docket section can also be reached by phone by calling the Commission's docket clerk at 202-789-6847. Docket section hours are 8:00 a.m. to 4:30 p.m., Eastern Time, Monday through Friday, except on Federal holidays. Please be advised that the docket clerk can only answer procedural questions but may not provide legal advice or recommendations.

IV. ORDERING PARAGRAPHS

It is ordered:

1. The Commission establishes Docket No. A2023-2 for consideration of the Petition filed on August 18, 2023.
2. The Commission establishes the Procedural Schedule as set forth in the body of this Order.
3. Pursuant to 39 U.S.C. § 505, Joseph K. Press is designated as officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

By the Commission.

Erica A. Barker
Secretary