

ORDER NO. 47

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

Before Commissioners:

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

Complaint of Michael Hammond

Docket No. C2008-1

NOTICE AND ORDER ON FILING OF COMPLAINT OF MICHAEL HAMMOND

(Issued December 4, 2007)

The Postal Regulatory Commission received a complaint filed under 39 U.S.C. § 3662<sup>1</sup> by Michael Hammond (Hammond).<sup>2</sup> In the Complaint, Hammond asserts that the United States Postal Service is arbitrarily and capriciously denying him carrier delivery service at his rural address in Dunbarton, New Hampshire and general delivery service at its post office located in Goffstown, New Hampshire. He alleges that the Goffstown post office is deliberately destroying or returning his mail to sender due to a dispute over the location of his mail receptacle. He claims the Goffstown post office requested that his mail receptacle be relocated to a specific site on his property, but that the new location would be inconvenient due to snow removal; the town deposits the snow from the road at the appointed location and, thus, the receptacle would be buried under 20 feet of snow, making it inaccessible during the winter. Correspondence

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<sup>1</sup> The Complaint referenced both the Postal Reorganization Act (PRA) and the Postal Accountability and Enhancement Act, which amended the PRA.

attached to the Complaint establishes that the Goffstown Postmaster informed Hammond that carrier delivery service to his house would cease on December 15, 2006, if the receptacle was not relocated by that date, and that the post office would “be forced to start holding [his] mail” until the receptacle was repositioned. See Letter of December 9, 2006 (attached to Complaint).

Hammond asserts that suspending carrier delivery service was arbitrary because his mail receptacle complies with the physical requirements; he emphasizes that the receptacle has been in the same location for 100 years. Hammond also argues that the Postal Service did not follow proper procedures when it suspended carrier delivery service to his property, and avers that he learned in February 2007 that the Goffstown Postmaster failed to hold his mail and destroyed over \$1,000 worth of it. Hammond requests that the Commission hold a hearing, render a public report, and require the Postal Service to deliver mail to his receptacle as currently located and to reimburse him for lost fees, subscriptions, checks, and other costs, such as attorney’s fees.

Under rule 84 of the Commission’s rules of practice (39 CFR § 3001.84), the Postal Service has 30 days to file an answer to a complaint. However, in this instance, the Commission invokes rule 85 (39 CFR § 3001.85) with respect to informal methods of resolution. Pursuant to this rule, the Commission appoints Kenneth Richardson, Acting Director of the Commission’s Office of the Consumer Advocate, to attempt to facilitate a negotiated settlement. The Commission suspends the date for submission of a formal answer until the outcome of informal approaches is clear. The Postal Service and Hammond will be notified of the date for filing an answer to the Complaint. The scheduling of any formal procedures, such as hearing dates, also will be postponed until it is evident that such procedures are necessary.

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<sup>2</sup> Complaint of Michael Hammond, November 2, 2007 (Complaint).

*It is ordered:*

1. The Commission will employ informal procedures pursuant to 39 CFR § 3001.85, in this case.
2. Kenneth Richardson, Acting Director of the Commission's Office of the Consumer Advocate, is appointed as settlement coordinator, and in this capacity shall encourage parties to reach settlement on this Complaint, as provided for under rule 85 of the Commission's Rules of Practice and Procedure. A report on the status of settlement shall be made by December 21, 2007.
3. The date for filing an answer to this Complaint is suspended until further notice.

By the Commission.

Steven W. Williams  
Secretary