



## **Procedural Overview of the Advisory Opinion Process**

The Postal Service announced a 10-year strategic plan on March 23, 2021. Prior to implementation, some parts of the plan require the Postal Service to request an advisory opinion from the Postal Regulatory Commission (Commission). The law requires the Postal Service to seek such an opinion for changes that generally affect service on a nationwide or substantially nationwide basis.

On March 23, the Postal Service filed a notice of pre-filing conference with the Commission for the portion of its plan that involves changing service standards for First Class Mail and certain Periodicals. This notice and a pre-filing conference are parts of the process the Postal Service must follow when submitting its plan to the Commission.

The main steps in the advisory opinion process are listed below.

- To seek important public input, the Commission requires the Postal Service to hold at least one pre-filing conference and make a good faith effort to address the concerns of interested persons. The Postal Service must give at least ten day's advance notice before the first scheduled pre-filing conference.
- The Commission will publish notice of the pre-filing conference in the Federal Register and appoint a Commission employee (Public Representative) to represent the interests of the general public.
- Following the conference, the Postal Service must file the formal request for an advisory opinion with the Commission at least 90 days before implementing any of the proposed changes. This formal request must certify that the Postal Service has made good faith efforts to address the concerns raised at the pre-filing conference and meet other content requirements.
- After the Postal Service files its request for an advisory opinion with the Commission, the Commission will set forth a procedural schedule and provide further information in a notice and order that will be published in the Federal Register.
- The Commission is required by law to consider the Postal Service's request for an advisory opinion. Before issuing its advisory opinion, the Commission must provide an opportunity for a formal, on-the-record hearing, with the Commissioners sitting

*en banc*. Due to the COVID-19 pandemic, the Commission is presently operating remotely and any hearing held in the near term would be virtual.

- By law, the Commission's final opinion is advisory in nature. The law does not give the Commission authority to veto service changes. As a result, the Postal Service is not required to implement or take any further action with regard to the Commission's opinion.
- Interested persons who do not want to formally participate in the proceedings may file comments with the Commission sharing their views.

The full regulations governing advisory opinions can be viewed at

<https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=edb00c9a43c75fb2b21bcf7c91a85c3d&mc=true&n=pt39.1.3020&r=PART&ty=HTML#se39.1.3020>

### **About the Postal Regulatory Commission**

The Commission is a separate and independent regulatory agency which consists of five presidentially-appointed and Senate-confirmed bipartisan Commissioners, joined by a staff of experts in law, economics, statistics, and accounting, among other disciplines.

The Board of Governors of the Postal Service, which consists of nine independent governors, the postmaster general, and the deputy postmaster general, is a separate body. The Board of Governors is in charge of Postal Service operations. The postmaster general reports to the independent governors, who are appointed by the president and confirmed by the Senate.