

**POSTAL REGULATORY COMMISSION****39 CFR Ch. III****Semiannual Regulatory Agenda**

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** Recent legislation alters the postal ratemaking process and tasks the Postal Regulatory Commission to develop regulations to implement this process. To guide this process, the Commission invites comments from the public on its publication in the spring 2008 Unified Agenda of Federal Regulatory and Deregulatory Actions.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system at <http://www.prc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, General Counsel, 202-789-6820 and [stephen.sharfman@prc.gov](mailto:stephen.sharfman@prc.gov).

**SUPPLEMENTARY INFORMATION:** In accordance with section 4 of Executive Order 12866 "Regulatory Planning and Review," the Commission is publishing its spring 2008 agenda as part of the spring 2008 Unified Agenda of Federal Regulatory and Deregulatory Actions, which is coordinated by the Office of Management and Budget. The purpose of publishing this agenda is to give notice of the Commission's regulatory activity and to allow the public an opportunity to participate in the rulemaking process.

By the Commission.

**NAME: Steven W. Williams,**  
*Secretary.*

The 4 Regulatory Agendas

**Postal Rate Commission - PreRule**

Title	Regulation Identifier Number
Accounting Practices and Principles	<a href="#">3211-AA04</a>

**Postal Rate Commission - Long-term Action**

Title	Regulation Identifier Number
Prohibition on Unfair Competition	<a href="#">3211-AA01</a>

**Postal Rate Commission - Completed Action**

Title	Regulation Identifier Number
System of Rate Regulation for Market Dominant Products	<a href="#">3211-AA02</a>
Competitive Products	<a href="#">3211-AA03</a>

**Postal Rate Commission ( PRC )**

RIN: 3211-AA04

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**Title:** Accounting Practices and Principles

**Abstract:** Section 401 of the Postal Accountability and Enhancement Act required the Secretary of the Treasury to develop recommendations for accounting practices and principles that will govern the operation of the Postal Service's Competitive Products Funds and the determination of an assumed income tax to be imposed on competitive products' income. That report was provided to the Commission on December 19, 2007. Upon receipt of that report, 39 U.S.C. section 2011(h) requires the Commission to give the public the opportunity to comment on that report and tasks it with the responsibility to develop regulations to establish the accounting practices and principles to govern the operation of the Competitive Products Fund and rules for determining the assumed Federal Income Tax on competitive products' income. This regulation will fulfill the Commission's statutory responsibility with respect to those tasks.

**Priority:** Economically Significant

**Agenda Stage of Rulemaking:** PreRule

**Major:** Undetermined

**Unfunded Mandates:** No

**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 39 USC 2011(h)(2)

**Legal Deadline:** Pursuant to section 2011(h)(2)(B)(ii), the final regulations are to be issued within 12 months of the date Treasury submitted its recommendations or such later date as agreed to by the Commission and the Postal Service. Treasury submitted its report on December 19, 2007.

Action	Source	Date
Other	Statutory	12/18/2008

**Timetable:**

Action	Date	FR Cite
NPRM	00/00/0000	
ANPRM	02/01/2008	73 FR 6081
ANPRM Comment Period End	04/01/2008	
ANPRM Comment Period End	05/01/2008	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Federal

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** www.prc.gov

**Public Comment URL:** www.prc.gov

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**Postal Rate Commission ( PRC )**

**RIN:** 3211-AA01

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**Title:** Prohibition on Unfair Competition

**Abstract:** Under the Postal Accountability and Enhancement Act, the Postal Service may not establish regulations that effectively create unfair competitive advantages to the Postal Service or any entity funded by the Postal Service. The legislation directs the Commission to establish regulations to ensure that these requirements are not violated. This regulation addresses how the Commission will carry out this congressional mandate.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** PL 109-435, sec 403; 39 USC 3622

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
ANPRM	00/00/0000	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Postal Rate Commission ( PRC )**
**RIN: 3211-AA02**
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**Title:** System of Rate Regulation for Market Dominant Products

**Abstract:** On February 5, 2007, the Commission published an advance notice of proposed rulemaking to begin a proceeding to implement a modern system for regulating rates and classes for market dominant products as required by the Postal Accountability and Enhancement Act. This system of regulations will address the standards for compliance with the objectives, factors, and requirements discussed in the PAEA.

**Priority:** Economically Significant

**Agenda Stage of Rulemaking:** Completed Action

**Major:** Yes

**Unfunded Mandates:** No

**CFR Citation:** 39 CFR 3010 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** PL 109-435, sec 201; 39 USC 3622

**Legal Deadline:** Congress has given the Commission 18 months from the date of enactment of PL 109-435 to issue rules establishing a modern system of rate regulation.

Action	Source	Date
Other	Statutory	06/20/2008

**Regulatory Plan:**

**Statement of Need:** A modern system of regulating rates and classes for market dominant products is required by the Postal Accountability and Enhancement Act. Congress tasked the Postal Regulatory Commission with the job of implementing that system. This system of regulations is the Commission's implementation of that congressional directive.

**Legal Basis:** The Postal Accountability and Enhancement Act section 201 states that "the Postal Regulatory Commission shall . . . by regulation establish (and may from time to time thereafter by regulation revise) a modern system for regulating rates and classes for market-dominant products."

**Alternatives:** There are no alternative methods of complying with the requirements of Postal Accountability and Enhancement Act section 201 other than by issuing regulations.

**Costs and Benefits:** The streamlined modern system of rate regulation for market dominant products is expected to reduce litigation costs for the Postal Service and its stakeholders. It is also expected to give the Postal Service more pricing flexibility and less volatility in ratemaking than under prior law.

**Risks:** There are no known risks to this regulatory action.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/05/2007	72 FR 5230
ANPRM Comment Period End	04/06/2007	
ANPRM Comment Period End	05/07/2007	
ANPRM	05/25/2007	72 FR 29284
ANPRM Comment Period End	06/18/2007	
ANPRM Comment Period End	07/03/2007	
NPRM	09/04/2007	72 FR 50744
Comment Period End	09/24/2007	
Other	10/09/2007	
Final Action	11/09/2007	72 FR 63662

**Regulatory Flexibility Analysis Required:** No  
**Federalism:** No

**Government Levels Affected:** No

**Energy Affected:** No

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**Postal Rate Commission ( PRC )**

**RIN:** 3211-AA03

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**Title:** Competitive Products

**Abstract:** On February 5, 2007, the Commission published an advance notice of proposed rulemaking to begin a proceeding to ensure that competitive products contribute their fair share to the Postal Service's finances as required by the Postal Accountability and Enhancement Act. These regulations will address the technical standards for ensuring that these statutory requirements are met.

**Priority:** Economically Significant

**Agenda Stage of Rulemaking:** Completed Action

**Major:** Yes

**Unfunded Mandates:** No

**CFR Citation:** 39 CFR 3015 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** PL 109-435, sec 202; 39 USC 3633

**Legal Deadline:** Congress has given the Commission 18 months from the date of enactment of PL 109-435 to promulgate rules dealing with competitive products.

Action	Source	Date
Other	Statutory	06/20/2008

**Regulatory Plan:**

**Statement of Need:** The Postal Accountability and Enhancement Act directs the Commission to promulgate regulations to appropriately bound the Postal Service's discretion in setting rates for competitive products. This system of regulations is the Commission's implementation of that congressional directive.

**Legal Basis:** The Postal Accountability and Enhancement Act section 202 directs that "the Postal Regulatory Commission shall . . . promulgate (and may from time to time thereafter revise) regulations" to ensure that competitive products contribute their fair share to the Postal Service's finances.

**Alternatives:** There are no alternative methods of complying with the requirements of Postal Accountability and Enhancement Act section 202 other than by issuing regulations.

**Costs and Benefits:** The competitive products regulations are expected to make sure that the Postal Service is an effective competitor in the marketplace and that it has appropriate tools to carry out this task. The regulations are expected to reduce litigation costs for the Postal Service and its stakeholders and give more pricing flexibility and less volatility in ratemaking than under prior law.

**Risks:** There are no known risks to this regulatory action.

**Timetable:**

Action	Date	FR Cite
ANPRM	02/05/2007	72 FR 5230
ANPRM Comment Period End	04/06/2007	
ANPRM Comment Period End	05/07/2007	
ANPRM	05/25/2007	72 FR 29284
ANPRM Comment Period End	06/18/2007	
ANPRM Comment Period End	07/03/2007	
NPRM	09/04/2007	72 FR 50744
NPRM Comment Period End	09/24/2007	
Other	10/09/2007	
Final Action	11/09/2007	72 FR 63662

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Federalism:** No

**Energy Affected:** No

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