

## USPS Requests Advisory Opinion on Certain Aspects of its Delivering for America Plan

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### What are advisory opinions, and why do they matter?

Simply put, advisory opinions provide an independent analysis of proposed changes to the Postal Service's service. In the postal world, advisory opinions are an important lever in the checks-and-balance system Congress created when it established an oversight body to protect Americans' right to send and receive mail.

[Under postal law](#), [Title 39](#) of the U.S. Code, the Postal Service must ask the Postal Regulatory Commission for an advisory opinion before implementing any operational changes that "will have a substantial or nationwide impact on postal service." There's no official definition of what constitutes a substantial or nationwide impact. It's up to the Postal Service to determine the threshold that triggers a request for the Commission's feedback. But we can look at the history books (ahem, webpages) for some examples.

Here are three:

- **More room to breathe on postal delivery timeframes:** The Postal Service establishes its own service standards – the timeframe within which the Postal Services promises to deliver mail. In 2021, the Postal Service asked the

[Commission to issue an advisory opinion](#) on Postal Service plans to allot up to two extra days to deliver First-Class Mail and Periodicals.

- **Plans to close or reduce hours at thousands of USPS stations and branches:** In 2011, [the Postal Service set a goal to close 2,000 stations and branches](#) (but not offices). In rural areas, this can significantly impact citizens' ability to interact with the mail daily.
- **The Deliver for America plan:** In October 2024, the [Postal Service formally requested](#) the Postal Regulatory Commission on the Deliver for America plan, which aims to improve mail processing and transportation.

## The Advisory Opinion process: A timeline

Title 39 clearly defines the advisory opinion process. It's a bit of a back-and-forth, with assigned roles and moves for both the Postal Service and the Commission. For brevity, this list is not exhaustive, but here are the major mile markers.



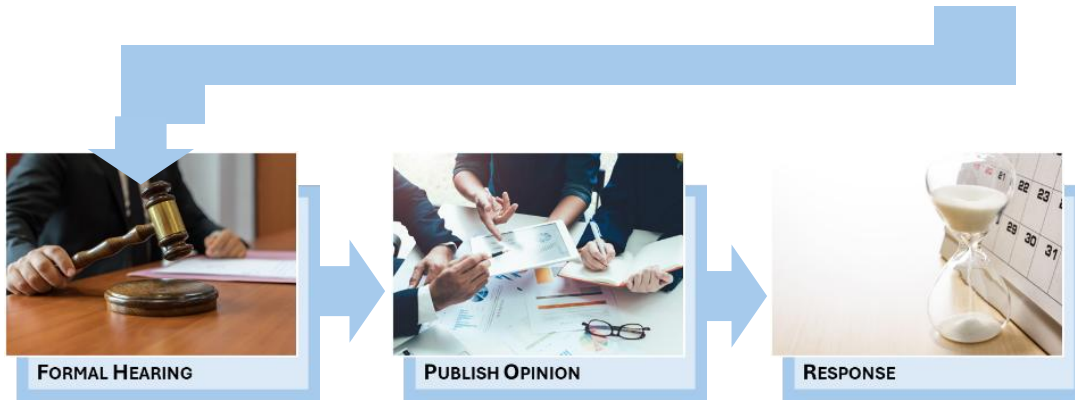
Before it can request an Advisory Opinion, **the Postal Service must** hold a “pre-filing conference.” The conference is open to the public and aims to solicit feedback for Postal Service consideration. The Postal Service informs the

**The Commission must** publish a notice of the conference in the Federal Register, and it must appoint a Commission employee to represent the interests of the public in the matter.

At least 90 days before implementing any proposed changes, **the Postal Service must** file a formal request for the advisory opinion.



Commission of its intent to hold the conference



**The Commission must** offer to hold a formal, on-the-record hearing.

After reviewing the evidence, hearing from witnesses, and consulting its internal economists, data analysts, lawyers, and other experts, all **five PRC commissioners together publish** their opinion.

Within 90 days from the time the Postal Service files its request, **the Commission must** respond (in writing) to the Postal Service.

## How does it end?

The Postal Service isn't obliged to implement the Commission's recommendations. While the Commission encourages the Postal Service to review these recommendations with

serious consideration, by law, the guidance is nonbinding. What USPS does with the guidance is for its leadership to decide.

The Commission's mandate is to provide the public with accountability and transparency of the U.S. postal system, and that's what the advisory opinion process does.

It helps to protect the U.S. citizenry by illuminating changes that could have adverse impacts and invites them to get involved if they're concerned.

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If you consider yourself someone with a passion for postal and you want to get into the weeds, here's the full list of advisory opinion rules straight from the [National Archives](#).

### KEY FACTS ABOUT ADVISORY OPINIONS

- The Postal Service must file a formal request for an advisory opinion at least 90 days before implementing any proposed changes.
- The law requires the Postal Service to seek an advisory opinion if the USPS wants to make a change that would generally affect service on a nationwide or substantially nationwide basis.
- Once the Postal Service files a formal request for an advisory opinion with the Commission, the Commission files a notice in the Federal Register
- The Commission appoints an employee to serve as Public Representative advocating for the interests of the public during the procedure
- The Commission is legally required to consider the Postal Service's request for an Advisory Opinion and prior to issuing its opinion, must hold a formal, on-the-record hearing in front of all Commissioners.
- The Commission has 90 days from the Postal Service's request to issue its opinion.
- However, the Commission's final opinion is just advice. The Commission cannot veto service changes