



## **POSTAL REGULATORY COMMISSION**

### **39 CFR Parts 3010 and 3012**

**[Docket No. RM2025-3; Order No. 9492]**

**RIN 3211-AA42**

### **Rules Regarding Off-the-Record Procedures**

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission is revising its rules of practice and procedure to clarify the scope of permissible informal, off-the-record procedures discussed at Commission prehearing conferences.

**DATES: Effective:** **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].**

**ADDRESSES:** For additional information, Order No. 9492 can be accessed electronically through the Commission's website at <https://www.prc.gov>.

**FOR FURTHER INFORMATION CONTACT:** David A. Trissell, General Counsel, at 202-789-6820.

### **SUPPLEMENTARY INFORMATION:**

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#### **I. Background**

The Commission's requirements for proceedings with an opportunity for a hearing on the record are codified in 39 CFR part 3010, subpart F. 39 CFR3010.302(e)(12), which governs prehearing conferences, requires the presiding officer and parties to consider and resolve several matters, including

“[a]ll other matters which would aid in an expeditious disposition of the proceeding ... .” On February 5, 2026, the Commission issued a notice of proposed rulemaking that would amend § 3010.302(e)(12) and the Commission’s rules on *ex parte* communications in 39 CFR part 3012.<sup>1</sup>

## **II. Basis for Final Rules**

After considering comments received, the Commission adopts the rules as proposed. The final rules amend § 3010.302(e)(12) by specifying a non-exhaustive list of permissible informal, off-the-record procedures including prehearing conferences, technical conferences, settlement conferences, and alternative dispute resolution. The final rules also clarify that these informal, off-the-record procedures are not considered *ex parte* communications as long as advance public notice and an opportunity to participate is provided to all persons participating in the matter before the Commission. The Commission finds that each of these revisions align the regulations with Administrative Procedure Act provisions and current law, ensure consistency across the Commission’s rules, and avoid any ambiguity regarding on-the-record proceedings.

## **III. Final Rules**

The Commission adopts final rules in order to improve the clarity of its rules governing permissible informal, off-the-record procedures discussed at Commission prehearing conferences.

### **List of Subjects**

#### **39 CFR Part 3010**

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<sup>1</sup> Docket No. RM2025-3, Notice of Proposed Rulemaking to Amend Rules Regarding Off-the-Record Procedures at Prehearing Conferences, February 5, 2026 (Order No. 9447); see 91 FR 5880 (February 10, 2026).

Administrative practice and procedure, Confidential business information,  
Freedom of information, Sunshine Act.

### **39 CFR Part 3012**

Administrative practice and procedure, Courts.

For the reasons stated in the preamble, the Commission amends chapter  
III of title 39 of the Code of Federal Regulations as follows:

### **Part 3010—RULES OF PRACTICE AND PROCEDURE**

1. The authority citation for part 3010 continues to read as follows:

**Authority:** 39 U.S.C. 404(d); 503; 504; 3661.

2. Amend § 3010.302 by revising paragraph (e)(12) to read as follows:

#### **§ 3010.302 Prehearing conferences.**

\* \* \* \* \*

(e) \* \* \*

(12) All other matters which would aid in an expeditious disposition of the proceeding, including consent of the parties to use informal off-the-record procedures such as prehearing conferences, technical conferences, settlement conferences, or alternative dispute resolution consistent with 5 U.S.C. 556.

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### **PART 3012—EX PARTE COMMUNICATIONS**

3. The authority citation for part 3012 continues to read as follows:

**Authority:** 39 U.S.C. 404(d)(5); 503; 504; 3661(c); 3662.

4. Amend § 3012.2 by revising paragraph (b)(3) to read as follows:

#### **§ 3012.2 Definition of ex parte communications.**

\* \* \* \* \*

(b) \* \* \*

(3) Communications where advance public notice and an opportunity to participate is provided to all persons participating in the matter before the Commission that occur: during the course of off-the-record technical conferences associated with a matter before the Commission, or communications during the course of off-the-record procedures associated with proceedings with an opportunity for a hearing on-the-record under part 3010, subpart F of this chapter, including without limitation the pre-filing conference for nature of service cases required by § 3020.111 of this chapter; prehearing conferences conducted under § 3010.302(c) of this chapter; settlement conferences under § 3010.320 of this chapter; and alternative dispute resolution and settlement of complaints by informal procedures under § 3022.40 of this chapter.

\* \* \* \* \*

By the Commission.

**Mallory S. Richards,**

*Attorney-Advisor.*

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