

in one of two ways: Automated clearinghouse (ACH) transfer or credit card.

(b) The provider must make payments on behalf of the customer to the Postal Service in accordance with contractual and/or regulatory responsibilities.

(c) The Postal Service requires that the provider publicize to all PC Postage customers the following payment options (listed in order of preference):

(1) Automated clearinghouse (ACH) debits/credits.

(2) Credit cards.

(d) Returned ACH debits are the responsibility of the Postal Service. The RC must lock the customer account immediately so that the customer is unable to reset the account until the Postal Service receives payment in full.

(e) *Refunds.* The provider issues a refund to a customer for any unused postage in a Postage Evidencing System. After verification by the Postal Service, the provider will be reimbursed by the Postal Service for the individual refunds provided to customers by the provider.

(f) *Security and revenue protection.* To receive Postal Service approval to continue to operate PC Postage systems, the provider must submit to a periodic audit of its system, to be conducted by an independent systems auditor, the frequency and scope of which shall be determined by PTM. All such audits will be an expense of the provider.

(g) *Inspection of records and facilities.* The provider must make its facilities, which handle the operation of the PC Postage system and all records about the operation of the system, available for inspection by representatives of the Postal Service at all reasonable times.

(h) To the extent that the customer maintains funds on deposit for the payment of postage, the provider is required to incorporate the following language into its agreements with PC Postage customers:

#### **Acknowledgment of Deposit Requirement—PC Postage**

By signing this agreement with the provider, you represent that you have read the Acknowledgment of Deposit Requirement—PC Postage and are familiar with its terms. You agree that, upon execution of this agreement with the provider, you will also be bound by all terms and conditions of the Acknowledgment of Deposit Requirement—PC Postage, as it may be amended from time to time.

**Neva Watson,**

*Attorney, Legislative.*

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## **POSTAL REGULATORY COMMISSION**

### **39 CFR Parts 3000, 3001, 3002, 3003 and 3004**

[Docket No. RM2007–2; Order No. 5]

#### **Administrative Practice and Procedure, Postal Service**

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** This document identifies limited amendments to the Code of Federal Regulations (CFR) related to passage of a postal reform law. The amendments affect nomenclature, section numbering, and citation to statutory authority. These changes will facilitate operation and practice under the new law. Additional conforming changes are under consideration. Given the technical and administrative nature of the changes, comments are not required or requested.

**DATES:** Effective June 15, 2007. Newly redesignated § 3002.3 is suspended indefinitely.

#### **FOR FURTHER INFORMATION CONTACT:**

Stephen L. Sharfman, General Counsel, 202–789–6820 and [stephen.sharfman@prc.gov](mailto:stephen.sharfman@prc.gov).

**SUPPLEMENTARY INFORMATION:** The Postal Accountability and Enhancement Act (PAEA), Public Law 109–435 (December 20, 2006), recast the Postal Rate Commission as the Postal Regulatory Commission and modified its responsibilities and authorities. To recognize these changes, existing provisions in the Code of Federal Regulations (CFR) must be amended. This rulemaking is part of that process.

Chapter III of title 39 of the CFR is amended to read Postal Regulatory Commission. The authority identified in Parts 3000, 3001, 3002, and 3004 as 39 U.S.C. 3603 is amended to read 39 U.S.C. 503. The name Postal Regulatory Commission is substituted for Postal Rate Commission in sections 3000.735–101, 3001.3, 3001.5(c), 3001.9(a), 3001.17(b)(1), 3001.17(b)(2), 3001.31(k)(3)(i)(j), 3001.110, 3001.114, 3001.116, 3002 section contents, 3002.1, 3002.3(a), 3003.2(a) and 3003.7.

In Part 3002—Organization, the statutory functions of the agency and its individual offices are being revised, and amended regulations will be issued in the future. To accommodate revised regulations, sections 3002.3 through 3002.7 are renumbered as 3002.10 through 3002.14, and section 3002.8, Official Seal, is renumbered as 3002.3. The provisions of renumbered section 3002.3, Official Seal, are suspended.

New section 3002.15 is added to allow for an appropriate description of the functions of the newly established Office of Public Affairs and Governmental Relations. New section 3002.16 is added to allow for an appropriate description of the functions of the newly established Office of Inspector General.

Revisions to part 3001—Rules of Practice and Procedure are also under preparation.

The following table summarizes the impact of this order on provisions in 39 CFR, part 3002.

#### **Part 3002—Organization**

3002.1	Retain without change
3002.2	Retain without change
3002.3	Redesignate as 3002.10
3002.8	Redesignate as 3002.3 and Suspend
3002.4 through 8	Retain and Reserve
3002.9	Add new section and Reserve
3002.3	Redesignate as 3002.10
3002.4	Redesignate as 3002.11
3002.5	Redesignate as 3002.12
3002.6	Redesignate as 3002.13
3002.7	Redesignate as 3002.14

Add two new sections

3002.15	Office of Public Affairs and Governmental Relations
3002.16	Office of Inspector General

#### **Ordering Paragraphs**

*It is ordered:*

1. The Commission adopts the revisions referred to in the body of this order.
2. The Secretary shall arrange for publication of this order in the **Federal Register**.

Issued March 9, 2007.

Signed June 8, 2007.

By the Commission.

**Steven W. Williams,**  
*Secretary.*

#### **List of Subjects**

*39 CFR Part 3000*

Conflict of interest.

*39 CFR Part 3001*

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

*39 CFR Part 3002*

Organization and functions (Government agencies), Seals and insignia.

*39 CFR Part 3003*

Privacy.

*39 CFR Part 3004*

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

■ For the reasons stated in the preamble, under the authority at 39 U.S.C. 503, the Postal Regulatory Commission amends parts 3000, 3002, 3003, 3004 of chapter III of 39 CFR as follows:

#### CHAPTER III—POSTAL REGULATORY COMMISSION

■ 1. The heading for Chapter III of title 39 is revised to read as set forth above.

#### PART 3000—STANDARDS OF CONDUCT

■ 2. The authority citation for part 3000 is revised to read as follows:

**Authority:** 39 U.S.C. 3603; E.O. 12674; 54 FR 15159; 3 CFR, 1989 Comp., p. 215, as modified by E.O. 12731, 56 FR 42547, 3 CFR, 1990 Comp., p. 396, 5 CFR parts 2634 and 2635.

#### § 3000.735–101 [Amended]

■ 3. In § 3000.735–101, remove the words “Postal Rate Commission” and add, in their place, the words “Postal Regulatory Commission.”

#### PART 3001—RULES OF PRACTICE AND PROCEDURE

■ 4. The authority citation for part 3001(a) is revised to read as follows:

**Authority:** 39 U.S.C. 404(b); 503; 3622–24, 3661, 3662, 3663.

#### §§ 3001.3, 3001.5, 3001.9, 3001.17, 3001.31, 3001.110, 3001.114, 3001.116 [Amended]

■ 5. Remove the words “Postal Rate Commission” and add, in their place, the words “Postal Regulatory Commission” in the following places:

- 3001.3

- 3001.5(c)
- 3001.9(a)
- 3001.17(b)(1)
- 3001.17(b)(2)
- 3001.31(k)(3)(i)(i)
- 3001.110
- 3001.114
- 3001.116

#### PART 3002—ORGANIZATION

■ 6. The authority citation for Part 3002 is revised to read as follows:

**Authority:** 39 U.S.C. 503; 5 U.S.C. 552.

#### § 3002.1 [Amended]

■ 7. Remove the words “Postal Rate Commission” and add, in their place, the words “Postal Regulatory Commission” in § 3002.1.

#### § 3002.3 [Amended]

■ 8. Remove the words “Postal Rate Commission” and add, in their place, the words “Postal Regulatory Commission” in § 3002.3(a).

#### §§ 3002.3 through 3002.7 [Redesignated as §§ 3002.10 through 3002.14]

■ 9. Redesignate §§ 3002.3 through 3002.7 as §§ 3002.10 through 3002.14.

#### §§ 3002.4 through 3002.7 [Removed]

■ 10. Remove and reserve §§ 3002.4 through 3002.7.

#### § 3002.8 [Redesignated as § 3002.3 and Suspended]

■ 11. Redesignate § 3002.8 as § 3002.3 and suspend.

#### § 3002.9 [Removed]

- 12. Remove and reserve § 3002.9.
- 13. Add and reserve § 3002.15.

#### § 3002.15 Office of Public Affairs and Governmental Relations [Reserved]

- 14. Add and reserve § 3002.16.

#### § 3002.16 Office of Inspector General [Reserved]

#### Appendix A to Part 3002 [Amended]

■ 15. Remove the words “Postal Rate Commission” and add, in their place, the words “Postal Regulatory Commission” in Appendix A to part 3002 (heading and introductory text).

#### PART 3003—PRIVACY ACT RULES

■ 16. The authority citation for part 3003 continues to read as follows:

**Authority:** Privacy Act of 1974 (Pub. L. 93–579); 5 U.S.C. 552a.

#### §§ 3003.2 and 3003.7 [Amended]

■ 17. Remove the words “Postal Rate Commission” and add, in their place, the words “Postal Regulatory Commission” in

- 3003.2(a)
- 3003.7

#### PART 3004—FREEDOM OF INFORMATION RULES

■ 18. The authority citation for part 3004 is revised to read as follows:

**Authority:** 39 U.S.C. 503; 5 U.S.C. 552a.

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