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Stephen Gura, Deputy Associate General Counsel  
Mark Shonkwiler, Assistant General Counsel  
Federal Election Commission  
999 E. Street, NW  
Washington, DC 20463

Re: Comments in response to Notice 2009-2 (Agency Procedures)

Dear Messrs. Gura and Shonkwiler:

These comments are submitted in response to the notice published on January 23, 2009, reopening the comment period on the Commission's review of its own Agency Procedures.

In the first round of comments, including of those of Mr. Mason and Ms. Mitchell, and in Ms. Mitchell's testimony on January 15, the issue of the timeliness of the Commission's actions was discussed. I suggest that the most effective way to address this issue is for the Commission to establish and enforce deadlines on its own its own actions, as well as on the actions of other participants in its proceedings.

A good example of the positive influence of firm deadlines on an administrative agency's deliberations is the record of the Postal Regulatory Commission (PRC). Since 1970, the PRC has conducted a large number of proceedings on a wide variety of issues. As most of these proceedings were conducted under statutory deadlines with limited, and rarely exercised, provisions for extensions of time, the PRC and all of the parties which appear before it, including the United States Postal Service, have a record of prompt completion of cases.

Before statutory changes in 2006, the PRC (then named the Postal Rate Commission) spent much of its effort on omnibus rate cases submitted at one to four-year intervals and subject to a 10-month statutory deadline. The last such case, Docket No. R2006-1, included 64 participants who sponsored 139 pieces of testimony from 99 witnesses that were heard during 34 days of hearings and finished within the deadline. After the 2006 changes, the PRC has heard more rate cases of a more limited nature, with shorter deadlines, in addition to other

types of cases including rulemaking, complaints, *etc.* All of these later proceedings have been completed on time.

While the PRC has the advantage of statutory deadlines, this Commission could benefit from imposing its own deadlines on its proceedings. Implementing and enforcing firm deadlines would force this Commission, its staff, its regulated community (or whatever term passes Mr. Bopp's First Amendment scrutiny), and the members of the bar who practice before the Commission to complete proceedings promptly. My experience before the PRC suggests that because everyone involved knows that the deadlines are firm, they simply get things done on time. By instituting and enforcing its own deadlines, this Commission could establish such a culture of timeliness for its proceedings.

While the PRC and this Commission have many differences, they have many similarities, *e.g.*, they each have a heavy workload and a relatively small staff (the PRC had a staff of fewer than 60 during R2006-1).

I encourage the Federal Election Commission to consider establishing deadlines for its proceedings, in an effort to have positive effects similar to those generated by the PRC's statutorily mandated deadlines.

Sincerely,

Irving D. Warden