

**BEFORE THE
FEDERAL MARITIME COMMISSION**

DOCKET NO. 13-05

**OCEAN TRANSPORTATION INTERMEDIARY LICENSING AND FINANCIAL
RESPONSIBILITY REQUIREMENTS, AND GENERAL DUTIES**

COMMENTS OF RICHARD J. ROCHE

I, Richard J. Roche, am employed as Vice President of International Transportation at Mohawk Global Logistics, OTI No. 00395NF, headquartered in North Syracuse, NY. We operate five other branch locations across New York, in Ohio, and Illinois. We operate from these offices in the USA, and use agents to facilitate our operations in many foreign countries around the globe.

Mohawk Global Logistics is a member of the NCBFAA and I serve as the NVOCC Subcommittee Chairman for the Transportation Committee. As such, I am quite familiar with the issues raised by the NPRM. While I support some in part or in whole, there are others that I am strongly opposed to. Here are my comments:

1. License Renewal

I support a recurring update of pertinent information for all OTI license holders, particularly for the purposes of keeping information current with Commission. As OTI's, we are in fact already required to do this, but I find the process is flawed as it exists today. When I send



notification of simple changes such as adding a branch office or an address change, no response letters are ever sent back to me from the Commission to confirm receipt. I can't really be sure whether these have ever been received, or updated internally in your system. Under the NPRM it seems that an electronic interface would make visibility a 2-way street. I see this as a great improvement. Such changes can be updated, and by checking with the portal, it can be easily verified that the most up-to-date information has been recorded. The problems I find with the language in the NPRM are:

- a. Having a renewal process implies a restart of the OTI license. This could also be interpreted to mean possible termination following an unsuccessful renewal. Today the licenses are issued without an expiration date, and holders are compelled to update information on a timely basis. The electronic interface would solve the issues of visibility and accessibility to the Commission's profile on each OTI, but should really be more properly defined as "Triennial Reporting" and not actually as a renewal.
- b. Updates should be more formally addressed in the NPRM. Those updates that were formerly required on the FMC-1 form could more easily be facilitated in the same electronic interface. The benefit would be that information that remains the same could be verified while only the new information need be plugged in. Such updates would of course be required as before within the prescribed timeframe following the trigger event.

2. Requirement for Sureties to provide notice of claims or law suits

I strongly disagree with the requirement of sureties to provide the Commission with notice of claims or law suits pending against OTI's for the following reasons:

- a. Even if not published on the FMC's website, the release of this data, could be very damaging to the OTI, especially since those claims may have little or no merit.
- b. Even with a disclaimer that the Commission is not making any judgment about the veracity of the allegations, any release of this type of information could have an unfair, damaging effect on the OTI's reputation and would threaten its business and viability.
- c. When our company has valid claims against it, either it or its insurance companies pay those claims, so that there has never been an occasion when a claimant has been forced to move against our FMC bond; accordingly, this requirement has little or no relevance to the commercial realities of how business is done.

3. Advertising

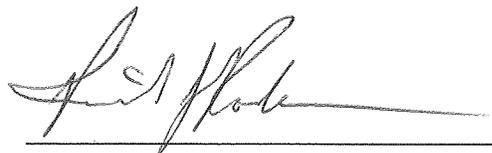
I am opposed to expanded regulations on advertising, particularly when it is not clear which parties would be covered by the regulation; for example, we might engage any number of third parties to provide some of the services we contract to perform, such as drayage companies, warehouses, railroads, truckers, packing companies, breakbulk and loading agents and even steamship lines. The proposed language on advertising in the NPRM is far too subjective and restrictive and should be stricken.



4. Elimination of Bonds for Individual Branch Offices

I support this change in bond structure as an easing of the administrative burden associated with continued amendment and in some cases the cost for such bonds. This is particularly true of the smaller OTI's operating out of just a few locations.

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Richard J. Roche

Vice President International Transportation

Mohawk Global Logistics