

From: "Mike Fortuna" <mfortuna@anderinger.com>
To: <Secretary@fmc.gov>
Date: 9/27/04 11:50AM
Subject: Petition Nos. P3-03, P5-03, P7-03, P8-03, P9-03, P1-04, P2-04, P4-04

Dear Mr. VanBrakle,

As requested, here is an electronic copy of comments from our CEO regarding conditional exemption from tariff publication. Originals are following by courier.

Best regards,

A.N. DERINGER, INC.

Michael Fortuna
Director of Logistics
(802) 524-8229

<<FMC comments.doc>>

September 22, 2004

Bryant L. VanBrakle
Secretary
Federal Maritime Commission
800 North Capitol Street NW
Washington, DC 20573

Dear Mr. VanBrakle

RE: Petition Nos. P3-03, P5-03, P7-03, P8-03, P9-03, P1-04, P2-04, P4-04

My name is Wayne Burl, and I am President and CEO of A.N. Deringer, Inc., with headquarters in St. Albans, VT. Deringer is an 85 year-old corporation and is the largest privately held U.S. Customs Brokerage firm. We are also an NVOCC. I am responding to the joint supplemental comments regarding petition for conditional exemption from tariff publication.

I am fully aware of this NITL/UPS petition and have actively contributed to the tariff exemption petition that was originally filed by the NCBFAA. I have longstanding concerns about the ongoing burden tariff publication and maintenance, when the evidence is overwhelming that shippers have no use for our tariff. The reality of our business is that we often negotiate with our customers on a shipment by shipment basis. While we fully comply with the FMCs tariff requirements, our doing so does not provide the shipping public with any value. That said, I am concerned that the NITL/UPS proposal may be viewed by the FMC as a satisfactory remedy. While their petition offers some measure of deregulation, it offers little practical value to my company, and others like Deringer when the authority to enter into service agreements is coupled with the filing requirement.

It is important that the FMC understands the market for shipping services and the impact the tariff filing requirement has on our business. It unnecessarily increases costs and undermines our ability to quickly respond to shipper needs. The NITL/UPS petition does nothing to eliminate this waste. The NCBFAA petition seeking broad tariff exemption provides the needed relief, enables Deringer to meet the needs of our customers, and allows the FMC to oversee our industry. A thriving NVOCC industry is an important component of a vibrant US economy, a stable shipping industry, and a secure homeland. I urge the FMC to take prompt action and grant the NCBFAA's petition.

Sincerely,

A.N. DERINGER, INC.

Wayne R. Burl
President & CEO
Direct Dial: (802) 524-8103