

JOHN S. CONNOR, INC. ORIGINAL

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Karen V. Gregory, Secretary
Federal Maritime Commission
800 North Capitol Street, N.W
Washington, DC 20573-0001

May 27, 2010

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Reference: Docket No. 10-03, Comments on NVOCC Negotiated Rate Arrangements.

Gentlemen:

My name is Lee Connor and I am President of John S. Connor, Inc. We are a small to medium sized freight forwarder, customs broker and also operate a small NVOCC service. Please accept this as our comments to support the NPRM to exempt NVOCCs from the requirement to file rate tariffs.

First, allow me to express our thanks to the FMC for granting the requested exemption by our national trade association, NCBFAA. We very much appreciate the consideration given to this petition and the many comments submitted by the trade and interested parties in support of it.

Our views are held by the vast majority of interested parties. We know that our rates are privately negotiated with our customers and require, especially in the environment of the last couple of years, flexibility and quick action to respond to the market conditions and rapidly changing rates established by the shipping lines. Furthermore the filing of tariffs serves no purpose in protecting the shipping public from our experience. We know of no instance where our on-line tariff has been accessed by the public. Additionally, the cost of maintaining this web based tariff is burdensome and only results in more cost that must be passed on to our customers.

The new rule described in the NPRM makes much more sense. We always memorialize our rate quotations to customers and they would clearly not accept anything less than a written record of our agreed upon terms. Also, it will be an easy adjustment to add language to all Negotiated Rate Agreements (NRAs) that the pricing is subject to the tariff rules. We currently do not charge a fee to access these rules and have no problem continuing this practice. We have never charged a fee to access our tariff since there were no inquiries when it was free so that clearly would not change if we charged for it.

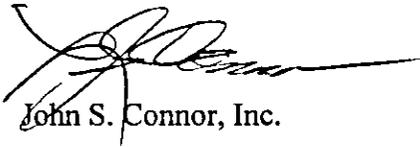
Although we strongly support the NPRM we would suggest a couple of modifications. First, we believe it should clearly indicate it applies to all lawfully operating NVOCCS, including foreign based companies. We do not wish to have our regulations appear to be discriminatory and invite retaliatory action by overseas nations with whom we trade. Also, we suggest that the regulations specifically state that rate agreements can be amended at any time as long as the written record requirement applies in the same manner to all such amendments.

We applaud the FMC for taking this progressive action that is in the best interest of the shipping public, NVOCCs and will help bring greater efficiency to international trade with the United States. Again, thank you for taking this positive step.

I declare under penalty of perjury that I have read the foregoing and it is true and correct to best of my knowledge, information and belief.

Respectfully submitted,

L. G. Connor
President


John S. Connor, Inc.