

# FEDERAL MARITIME COMMISSION

PETITION OF THE NATIONAL CUSTOMS  
BROKERS AND FORWARDERS  
ASSOCIATION OF AMERICA, INC. FOR  
EXEMPTION FROM MANDATORY RATE  
TARIFF PUBLICATION

Petition No. P1-08

Served: January 5, 2010

## ORDER GRANTING REQUEST TO SUPPLEMENT THE RECORD

### I. INTRODUCTION

On December 24, 2009, the National Customs Brokers and Forwarders Association of America, Inc. (NCBFAA) filed a Motion pursuant to the Commission's Rules of Practice and Procedure at 46 C.F.R. § 502.73, for leave to supplement the record in the above proceeding. The comment period in this proceeding ended September 26, 2008, and the record was accordingly closed at that time.

### II. MOTION

Acting through counsel, NCBFAA seeks leave to supplement the record in the above proceeding to add the verified

statement of Dennis J Rowles, President of DJR Logistics, Inc. In its motion, NCBFAA reiterates concerns raised in the pending Petition that the current requirements on the NVOCC industry to publish their tariff rates are a costly and unnecessary burden from which NVOCCs should be exempted. In seeking acceptance of its motion and supplemental information, NCBFAA notes the passage of time since the original Petition and responsive comments were filed. NCBFAA asserts that updated cost information from one of the previous participants in this proceeding is appropriate and would be useful to the Commission as it considers disposition of the subject Petition.

### III. DISCUSSION

The Commission has determined to grant the Motion and accept the verified statement of Dennis J. Rowles, President of DJR Logistics, Inc., into the record. Inasmuch as DJR's submission addresses its own recent experience relating to its tariff publication costs, other commenters should likewise be given fair opportunity to update and supplement their data and comments thereon. The Commission accordingly reopens the record for the

limited purpose of receiving updated tariff cost information, and any replies thereto, from previous commenters of record. Previous commenters may submit supplemental comments no later than January 21, 2010.

Comments shall consist of an original and 15 copies, and shall be directed to the Secretary, Federal Maritime Commission, 800 North Capitol Street, NW, Washington, DC 20573-0001. It is requested that a copy also be submitted in electronic form (WordPerfect, Word or ASCII) on diskette, or e-mailed to Secretary@fmc.gov. The Commission has also determined to waive the service requirements found at 46 CFR § 502.114(b). Instead, copies of all filed comments may be viewed on the Commission's web page at <http://www.fmc.gov>.

#### CONCLUSION

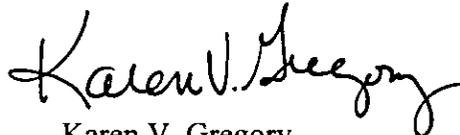
THEREFORE, IT IS ORDERED, That the Motion of NCBFAA is granted and the verified statement of Dennis J. Rowles of DJR Logistics, Inc. is accepted into the record;

IT IS FURTHER ORDERED, That the Commission reopens the record for the limited purpose of receiving updated

tariff cost information, and any replies thereto, from previous commenters of record. Supplemental comments shall be submitted no later than January 21, 2010; and

IT IS FURTHER ORDERED, That the Commission hereby waives the service requirements of 46 CFR § 502.114(b) for any supplemental comments filed by previous commenters in this proceeding.

By the Commission.

A handwritten signature in black ink, appearing to read "Karen V. Gregory". The signature is written in a cursive, flowing style.

Karen V. Gregory  
Secretary