Final Report

Fact Finding Investigation No. 27

Potentially Unlawful, Unfair or Deceptive Ocean Transportation Practices Related to the Movement of Household Goods or Personal Property in U.S.-Foreign Oceanborne Trades

April 15, 2011

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The Fact Finding Officer and Team for Fact Finding No. 27 respectfully present this Final Report with recommendations to the Federal Maritime Commission ("Commission" or "FMC") for consideration. The Team notes with gratitude and appreciation the participation and assistance of those consumers and stakeholders who met with the Team to share their experiences and expertise. This report is significantly better due to their participation.

I. Background of Fact Finding No. 27

A. Issue

The international shipment of household goods and personal property is a relatively modest part of the total goods carried in U.S.-foreign ocean container trades. Over the last several years, however, it has generated a substantial number of the complaints and problems addressed by the Commission. Between 2005 and 2009, the Commission received over 2,500 consumer complaints related to companies transporting household goods or personal property between various locations in the United States and foreign destinations using ocean transportation. Typical consumer complaints made to the Commission allege:

- Failure to deliver the cargo;
- Refusal to refund pre-paid ocean freight for undelivered cargo;
- Loss of or damage to the cargo;
- Significant delays in delivery;
- Charges to the shipper for marine insurance that was never obtained;
- Misinformation as to the location of the cargo;
- Significantly inflated charges after the cargo was tendered to the carrier;
- Threats to withhold the shipment unless increased freight was paid; and
- Requiring the shipper to pay another carrier or a warehouse a second time in order to secure release of its cargo, due to the failure of the shipping company to pay the vessel common carrier or intermediary engaged to move the cargo.

Complaints often involve individuals and companies that advertise or otherwise hold themselves out to the public to perform ocean transportation and accept responsibility for the transportation of these shipments without obtaining an Ocean Transportation Intermediary ("OTI") license and providing the required proof of financial responsibility to the FMC. These individuals and corporations operate without publishing a tariff showing their rates and charges and do not observe just and reasonable regulations and practices relating to or connected with receiving, handling, storing or delivering property.

Complaint cases frequently involve consumers who are first-time or occasional users of international shipping services. Upon receiving a complaint, the Commission often provides assistance to shippers through its Office of Consumer Affairs and Dispute Resolution Services ("CADRS"). The Commission's Bureau of Certification and Licensing ("BCL") and Bureau of Enforcement ("BOE"), assisted by the Area Representatives ("ARs"), also devote substantial time and resources to assist consumers with their international transportation of household goods, identifying unlicensed OTIs and working to bring OTIs into compliance with their Shipping Act of 1984[1] ("Shipping Act") obligations.

B. Statutory Authority

The Commission has an obligation to address these consumer issues. Pursuant to the Shipping Act, the Commission is charged with regulating the common carriage of goods by water in the foreign commerce of the United States. In doing so, the Commission is mindful of the purpose of its regulation, which is to protect the public from unlawful, unfair or deceptive practices and resolve shipping disputes in the movement of cargo in U.S.-foreign oceanborne trades. This mission is embodied as a Commission Strategic Goal.[2]

Section 19 of the Shipping Act[3] prohibits any person from providing OTI services prior to being issued a license from the Commission and obtaining a bond, proof of insurance or other surety in a form and amount determined by the Commission. An OTI is defined as either a freight forwarder or a non-vessel-operating common carrier ("NVOCC").[4] Pursuant to regulation, any person operating as an OTI in the United States must provide evidence of financial responsibility.[5]

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[1] 46 U.S.C. §§ 40101 *et seq.*

[2] All four of the objectives under this Strategic Goal are advanced through this Fact Finding.

Objective 1: Identify and take action to end unlawful, unfair and deceptive practices.

Objective 2: Prevent public harm through licensing and financial responsibility requirements.

Objective 3: Enhance public awareness of agency resources, remedies and regulatory requirements through education and outreach.

Objective 4: Impartially resolve international shipping disputes through alternative dispute resolution and adjudication.

[3] 46 U.S.C.§ 40901(a).

[4] 46 U.S.C.§ 40102(19).

[5] 46 C.F.R § 515.21(a).

Section 8(a) of the Shipping Act[6] requires NVOCCs to maintain tariffs showing their rates, charges, classifications and practices.[7] These tariffs must be open to the public for inspection in an automated tariff system. The Commission's regulations at 46 C.F.R. § 520.3 affirm this statutory requirement by directing each NVOCC to notify the Commission, prior to providing transportation services, of the location of its tariffs, as well as the publisher used to maintain those tariffs by filing a Form FMC-1. Section 10(b)(11) of the Act[8] prohibits a common carrier from knowingly and willfully accepting cargo from or transporting cargo for the account of an OTI that does not have a tariff or a bond. Finally, under section 10(d)(1), no common carrier or OTI may fail to establish, observe, and enforce just and reasonable regulations and practices relating to or connected with receiving, handling, storing or delivering property.[9]

C. Fact Finding No. 27

In addition to addressing issues arising under these provisions of the Act through dispute resolution and enforcement actions, on June 23, 2010, the Commission ordered a non-adjudicatory investigation to develop a record of the nature, scope and frequency of potentially unlawful, unfair or deceptive practices by household goods movers in the movement of cargo in U.S.-foreign oceanborne trades and make recommendations to the Commission.[10] Commissioner Michael A. Khouri was appointed the Fact Finding Officer ("FFO") for Fact Finding Investigation No. 27 ("Fact Finding"). See Exhibit No. 1 Commissioner Khouri has been assisted in this effort by a Fact Finding Team ("Team") of agency staff drawn from various Commission offices that deal with these issues on a regular basis, including representatives from CADRS, ARs, BCL, BOE, the Bureau of Trade Analysis ("BTA"), the Office of the General Counsel ("OGC"), Office of the Managing Director ("OMD"), and the Office of the Secretary ("OS").[11]

During the first phase of the Fact Finding, the Team interviewed individual shippers, OTIs, local and national trade associations representing OTIs and household goods movers, vessel-operating common carriers ("VOCCs"), and other government agencies. The Team

[6] 46 U.S.C. § 40501(a).
[7] In Docket 10-03, the Commission exempted licensed non-vessel-operating common carriers that enter into negotiated rate arrangements from the tariff rate publication requirements of the Shipping Act of 1984 and certain provisions and requirements of the Commission's regulations. See 46 C.F.R. Part 532, effective April 18, 2011.
[8] 46 U.S.C. § 41104(11).
[9] 46 U.S.C. § 41102(c).
[10] The Commission has the authority to order a non-adjudicatory investigation pursuant to 46 U.S.C. §§ 41302, 40502 to 40503, 41101 to 41109, 41301 to 41309, and 40104, and 46 C.F.R. §§ 502.281 to 502.291.
[11] Team members and those who provided support to this Fact Finding include: ARs Emanuel J. Mingione, Andrew Margolis and Eric O. Mintz; Vern W. Hill, Esq., and Zoraya B. De La Cruz, Esq., from CADRS; Brian L. Troiano, Esq., from BOE; Sandra L. Kusumoto and Ronald Podlaskowich from BCL; Shawn R. Danoff from BTA; Elisa Holland, Esq., from OGC; George A. Quadrino, Esq., and Jennifer Gartlan, Esq., from OMD; and Karen V. Gregory and Jeffrey A. Dehoff from OS.

conducted interviews and meetings in Washington, DC, New York, NY, Miami, FL, and San Diego, CA.

Following these interviews, the Team identified two distinct and separate cargo trades:

- The international movement of household goods for relocation by individuals who use the Internet to find a moving service or the "Internet-based market"; and
- The "barrel trade" where individuals -- primarily from various local ethnic/immigrant communities -- send small shipments of personal goods to relatives or friends in their home countries in the Philippines, Latin America and the Caribbean Basin on a semi-regular basis.

At its meeting on December 8, 2010, the Commission considered the Interim Report for Fact Finding Investigation No. 27 and approved further development of several interim recommendations.[12]

As noted in the Interim Report, the Team found that the problems encountered by consumers in the international shipment of household goods and personal property are varied and multifaceted. It became evident to the Team that there is no one “silver bullet” that will comprehensively address the problems consumers encounter in this area. There are, however, a number of measures the Commission can implement under current authority and with existing resources which, collectively, would provide positive progress towards addressing issues in this area by *educating the consumer*, *enhancing the consumer experience* and *protecting the consumer*.

This Final Report builds upon the Interim Report recommendations approved by the Commission and suggests to the Commission avenues for further development of those recommendations, and additional recommendations for development and implementation. The Team recommends that the Commission approve these recommendations and direct the staff, subject to available resources to develop detailed implementation plans for Commission consideration.

[12] The Commission approved further development of interim recommendations in the following areas: consumer education, industry best practices and model forms, licensing issues, enforcement, and ADR.

II. Educate the Consumer

Through the experience of CADRS, Fact Finding 27 interviews and related activities, the Fact Finding Officer and the Team have determined that the average public consumer lacks the necessary knowledge of international shipping requirements and practices that one needs to successfully plan for and arrange international ocean transportation of personal effects and vehicles. The lack of knowledge on the part of consumers leaves them vulnerable to a host of problems when shipping their household goods internationally.

An educated and informed public consumer is the first line of defense and the best means to prevent problems that result from simple miscommunications, poor OTI business practices, or in some cases, intentional fraud. Information about the moving process empowers the consumer and allows them to make meaningful and appropriate choices and decisions – particularly with respect to selecting a reputable mover and executing the various stages of an international move.

A multifaceted consumer education effort is essential for two reasons. First, limiting outreach to one exclusive outlet reduces the potential for consumers to locate information. For example, some consumers primarily research international shipping via Internet websites or lead-source providers[13] while others may rely on television or print ads within their immigrant/ethnic community. Secondly, using different outreach mediums increases the opportunity for retention and application of important information in the international moving process.

The following recommendations, if approved and implemented, would enhance the information available to the public consumer and increase the likelihood that a consumer will be well informed in advance of engaging ocean transportation services.

A. Improve Information Materials Available to the Consumer

Recommendation: Create a set of information materials to provide public consumers with basic information about what to expect and how to handle international shipment of household goods, as well as provide answers to frequently asked questions.

Discussion: The most direct and cost-effective approach the Commission can take to address problems in the household goods area is to develop and widely disseminate

[13] Lead-source providers are on-line services that are free to the consumer and generate revenue by selling customer leads to OTIs.

information to public consumers that informs and alerts them to potential issues and problems encountered in the international transportation of goods by water.

One important mechanism to educate consumers is the development and use of printed informational materials that may be distributed to consumers through various outlets such as:

- Federal, state, and local legislative offices;
- Moving industry trade associations;
- FMC licensed household goods OTIs;
- International moving companies;
- Public outreach presentations provided by Commission staff;
- Requests received by Commission staff; and
- Postings on the Commission's website

Because of the abundance of existing guidance published by other governmental agencies and private entities regarding domestic interstate moving, Commission publications should focus on the unique requirements and considerations involved with international ocean shipping.

Pursuant to recommendations approved by the Commission as a result of the Interim Report, the staff is developing two publications that will provide information and guidance to consumers that ship personal effects and vehicles internationally. The first publication, which is under development, is a "household goods" brochure that will cover the following topics:

- The unique nature of shipping personal effects and vehicles internationally;
- The importance of hiring a reputable FMC licensed/registered and bonded international mover;
- Recommended steps for hiring a reputable international moving company;
- Practices that shippers should be wary of; and
- Additional considerations in the international moving process (e.g. packing, addressing volume disputes, customs issues, etc.).

A copy of this draft brochure is attached as Exhibit No. 2. Completion and initial distribution of this publication is anticipated by the close of FY 2011.

The Commission has completed a second publication that provides information on the consultative and alternative dispute resolution services ("ADR") offered by CADRS. Consumers may contact CADRS to obtain general information regarding international

shipping regulations and practices, learn about the status of an international moving company, and seek assistance to resolve disputes and problems that arise in the course of an international move. A copy of this brochure is attached as Exhibit No. 3 The Commission anticipates this publication will be available for public distribution by May 2011.

B. Enhance Website Content Focused on the Consumer

Recommendation: Adapt materials discussed above for incorporation into the Commission's website so they are easily located, accessible to household good shippers and shared with other governmental agencies and private sector partners.

Discussion: Throughout interviews conducted by the Team, public consumers referenced a heavy reliance on Internet searches for collecting general information about international moves and providers, and arranging for international transportation. Invariably, consumers interviewed by the Team admitted that they did not conduct research in advance on the international moving process and regulatory requirements, such as licensing, bonding, insurance, and U.S. as well as foreign customs requirements. Only when problems arose with their respective shipments did the consumer begin to ask questions. Thus, it is imperative that the Commission develop and execute its outreach strategy in such a manner that the relevant information reaches consumers as they undertake initial online searches for international moving companies.

The Team believes an effective and efficient way to address this need is through the development of an FMC international moving consumer resource webpage. The Commission is in the process of designing a webpage that will appear with a high search ranking when consumers conduct an Internet search of terms such as "international moving" or "international relocation." To the extent that an easily accessible informative page appears in close proximity with lead-source providers and similar websites, it is anticipated that consumers will be more likely to visit an information page hosted on the Commission's website before moving to other websites. The webpage will be structured to guide consumers through the moving process, from the initial step of selecting an international mover, hiring and working with an international moving company, through the duration of an international move.

The Commission should continue to develop and implement a plan to make the following elements available through the agency's website:

- Links to recent FMC press releases and related consumer alerts to raise awareness regarding international moving and the role of the FMC in protecting and assisting

- consumers. In the past, Commission staff has issued consumer alerts to warn consumers against hiring specific unlicensed international household goods movers that pose a significant threat to the shipping public. Including links to these consumer alerts on the new international moving consumer resource webpage will provide immediate assistance to consumers that view the webpage and allow them to quickly rule out unlicensed entities with a history of consumer complaints;
- Upgrade the Commission's on-line OTI database to include a search engine to allow consumers to search for licensed OTIs by city and state or zip code. Results should list both telephone numbers and addresses, allowing consumers quick and easy access to licensed/registered OTIs;
- Language to encourage individuals to consult with the FMC to determine whether there have been complaints against a licensed entity that appears on the geographic search;
- A downloadable version of the household goods print brochure discussed above;
- Answers to frequently asked questions to address various topics of interest, including important factors in the international moving process such as shipping terms, customs clearance, insurance, packing, and other related matters;
- A "tutorial" that addresses each phase of the moving process and provides tips, suggestions, and best practices for consumers wishing to ship their personal effects and vehicles overseas;
- Links to FMC activities related to household goods;
- Links to other governmental entities and private organization websites that provide information on topics of interest; and
- Contact information and a link to information about CADRS services

C. Leverage Social Media Technology

Recommendation: Incorporate social media technology into the Commission's consumer education efforts as an additional tool that allows industry stakeholders to follow current events, learn of news alerts, communicate with the FMC about household goods issues, and learn about FMC programs or activities.

Discussion: Social media technology can be used to connect people, businesses, and government agencies.[1] Most types of social technology allow users to join or gain access to information for free and often the services can be integrated across platforms whether a collaborative project, blog, microblog, social networking website, or other type of social media technology.

[1] Popular social networking websites include: Facebook, LinkedIn, YouTube, and Twitter.

For example, some Federal agencies use social media technology to promote government information and services. By setting up a Facebook page, a government agency can bring together people that are interested in a particular facet of an agency's mission.[15] On Facebook, the White House has over 930,000 “likes” or followers, the State Department has 69,000, and the U.S. Environmental Protection Agency has over 24,000. The Facebook page for the White House is attached as Exhibit No. 4. These sites provide a means to educate the public, announce events, learn of news alerts, and to communicate about issues, concerns, or questions.

The FMC’s recent website platform upgrade now supports RSS feeds (a type of syndication and social media technology) and is used for all Commission news releases, alerts, speeches, and each Commissioner’s webpage. The Commission also sends all news releases, alerts, and speeches posted on the home page to its trade press contacts. The Commission also could consider employing other social media technologies to further communicate with its audiences. The Commission could, for example, use these technologies to formalize and facilitate relationships, setup ongoing processes to meet, share information and resources, and cooperate for mutual benefit to enhance protections for shippers of household goods.

The Commission should develop and implement a plan to use more social media technologies as an additional tool to build relationships with the shipping public and other government agencies to address problems encountered by consumers in the international shipment of household goods and personal property. In particular, the new international moving consumer resource webpage underdevelopment should be setup with a RSS feed to quickly and efficiently disseminate information to the public.

D. Enhance Local Community Outreach

Recommendation: Develop and implement an outreach plan for ethnic/immigrant communities that historically have experienced problems in the international shipment of household goods.

Discussion: Ethnic/immigrant communities frequently send household goods to their home countries, but often have limited access to information that can assist and protect them as consumers of international ocean shipping services. In the experience of the ARs, the insular nature of these communities allows consumers to be victimized by unscrupulous household goods OTIs for extended periods of time before the Commission becomes aware of a problem.

[15] http://www.usa.gov/webcontent/technology/social_networks.shtml

Information from past complainants and archived historical data indicate that many household goods complaints come from consumers exporting household and personal goods to a small group of destination countries: Brazil, Honduras, Guatemala, Argentina, Jamaica, Dominican Republic, Haiti, the Philippines, Poland and the Baltic States. This information may be used by the Commission to prioritize outreach to affected communities.

The Commission can assist shippers from these local ethnic/immigrant communities by disseminating basic information about practical steps to avoid being victimized when shipping household goods. This information should address the importance of using an FMC licensed/registered and bonded OTI; the significance of accurately itemizing the contents of their shipments; understanding insurance coverage; and provide contact information for the Commission.

To effectively reach ethnic/immigrant communities that regularly ship household goods, the Commission should develop and produce informational publications containing appropriate information about the FMC's jurisdiction and the steps consumers should take to avoid being victimized. For maximum effectiveness, these publications should be translated into native languages, including Spanish, Portuguese, French, Creole, Polish, and Tagalog. These translations should be made available for distribution by FMC staff, other governmental agencies, immigrant advocacy groups, civic and religious organizations.

Consumer education for ethnic/immigrant communities should be enhanced with ongoing and regular outreach by the ARs to community organizations, such as local chambers of commerce, and elected officials for communities heavily dependent on the "barrel trade." Suggested organizations and elected officials are identified in Exhibit No. 5.

Outreach to ethnic/immigrant communities should include a plan to reach appropriate media outlets for the dissemination of consumer information. Immigrants often receive much of their information through print and electronic media focused on and calibrated to their specific interests and communities. The FMC should place Public Service Announcements ("PSAs") in newspapers with a high distribution in ethnic/immigrant communities that have experienced problems shipping household goods. Similarly, the Commission should prepare PSAs to appear on Internet web pages, and for broadcast on television and radio programs with high levels of penetration in ethnic/immigrant communities. Informational publications employed by the Commission in the past are included in Exhibit No. 6. Suggested media outlets for PSAs directed to ethnic/immigrant communities are listed in Exhibit No. 7.

The Commission should also engage licensed/registered OTIs and VOCCs who specialize in shipping personal effects to these ethnic/immigrant communities to distribute consumer education materials to their customers.

E. Increase FMC Visibility on Internet

Recommendation: Identify Internet search engines and lead-source providers ("LSPs") that advertise international relocation services on the Internet and obtain their help to educate public consumers and raise awareness about information and services available to the shipping public from the FMC.

Discussion: As discussed above, most consumers use the Internet to find a moving company for international relocations. Consumers normally take several steps when locating an international mover through the Internet. Many consumers conduct a simple keyword search using one of the popular search engines such as Yahoo, Google, Microsoft Bing, or AOL, entering terms such as "moving abroad", "international moving" and "shipping overseas".

Once a consumer enters a search term, the search engine will display a list of related websites. On the main page that appears in the center of the screen, the results include a list of businesses and their websites, which had been optimized to appear high on the list of results. On the top and right-hand side of the screen are "sponsored results" which are paid "advertisements." There are also links on the bottom of the page that are alternative keywords related to the original search. Exhibit No. 8 provides an example of search results for the phrase "international moving."

Internet searches for the term "international relocations" will typically identify several different types of businesses, including LSPs. LSPs are online services that are free to the consumer and generate revenue by selling leads to OTIs based on information entered by the consumer.[16] This information typically includes the origin and destination of the move and the size of the household to be moved. Once the basic information is entered and submitted, the LSP shares this information with their OTI clients. The OTIs will then email or call the consumer to gather further details about the prospective move. The moving company will typically send a quote based on the information provided.

The Commission should develop a plan to make the Commission's website more visible and increase its use by consumers. The Commission should engage Internet-based LSPs and ask them to highlight Commission educational materials on their websites or "link" the

[16] Large domestic moving companies, such as Atlas Van Lines and Mayflower, may also identify international relocation prospects and provide these leads to one of their affiliates or agents.

Commission website with their websites. While the Commission's website currently appears in many of the results generated by the typical Internet searches for international relocations, encouraging LSPs to link to the FMC's website will increase the likelihood that the Commission's website will appear in Internet search results as well as improve the search ranking of the Commission's website generally. Staff should report back to the Commission on this plan and its implementation by September 1, 2011.

F. Enhance Website Linkage by Licensed/Registered OTIs

Recommendation: Encourage licensed/registered OTIs that service household goods shippers and that maintain their own websites, to link their sites to the Commission's website. Not only will this provide an additional access point to the FMC's information on household goods shipments, it also will improve the search ranking of the Commission's website generally.

Discussion: The Commission should develop and implement a plan to achieve the recommendation outlined above. Informal discussions with a number of current OTI licensees indicate that they are receptive to establishing a link to the Commission's website from their website. Many OTIs viewed this as a positive distinction. As noted above with reference to LSPs, encouraging the licensed/registered OTIs to link to the FMC's website will help increase the appearance of the FMC's website in Internet search results.

III. Improve the Consumer Experience

The Commission may also help public consumers and reduce the number of problems experienced in the shipment of household goods by working with industry stakeholders to develop industry "best practices" and model forms.

The following practices, if developed by the Commission together with industry stakeholders and voluntarily adopted by OTIs, would substantially increase the likelihood that consumers will have more satisfactory experiences and encounter fewer problems in the shipment of household goods.

A. Foster "Best Practices" and Model Forms

1. International Relocation

Recommendation: Identify examples of current practices and forms used by top tier OTIs. Work with stakeholders, industry partners and other government agencies to develop

industry “best practices” and model forms that, if consistently used, would reduce the potential for problems and thereby increase shipper satisfaction.

Discussion: Many of the problems experienced in the international ocean transportation of household goods shipments can be traced to the consumer’s lack of understanding of the integral parts of ocean transportation. OTIs involved in an international move and the ocean carriers do not always adequately explain the various aspects of a move such as the various charges that may be assessed, the different service providers that may be involved during the move, the different services that may be offered, the various insurance options that are available with what is included and excluded, and where to turn if problems arise.

Based on discussions with industry members active in household goods transportation and with consumers who have shipped their goods internationally, the Team identified certain carrier practices that tend to avoid or minimize problems. A common thread running through the fact finding interviews is the recognition that certain practices by the OTI to educate the consumer can serve to reduce or even eliminate misunderstandings and minimize the opportunity for less than reputable OTIs to engage in deceptive and unfair trade practices.

At the outset, consumers need to be advised of the protections afforded to them by dealing only with companies that are licensed/registered, bonded, and maintain a tariff as required by law and, conversely, the dangers in using unlicensed operators.[1] For example, consumers should be made aware that the Commission’s authority over licensees not only subjects that entity to compliance with the law and the Commission’s enforcement powers, but also provides a valuable source of information about the company. Also, the bond requirement for licensed/registered entities provides shippers the availability of funds for compensation in the event of injury caused by a violation of the Shipping Act. Similarly, a tariff provides a measure of assurance to the consumer that the carrier maintains reasonable terms and conditions governing a shipment.

To facilitate the availability of this information, the carrier’s name and license number should be prominently displayed on any documents that it issues and in its Internet and print advertisements. A physical street address and phone number should also be displayed. If it maintains a website, this information should be included, as well as a reference to the FMC and its website, and any other agencies from which it is licensed.

[1] As noted, the Commission has recently authorized NVOCCs to rely on Negotiated Rate Arrangements (“NRAs”) in lieu of tariff rates. However, these carriers are still required to maintain their rules in a tariff. See Note 7 supra.

household goods OTI should explain the differences in services that may be provided and the services that it offers, e.g., complete door-to-door, door-to-port or other arrangement. The OTI should identify the various steps involved in the move and explain whether it provides all of the service itself, or whether these services are provided through subcontractors or agents. In particular, the OTI should describe what happens at the destination end. If other companies will be involved in providing portions of the move, they should be identified as soon as they are known.

Another critical area where information is often lacking involves insurance. Consumers tend to assume that their belongings are fully insured against all types of hazards, which unfortunately is seldom the case. Misunderstandings can be avoided if the OTI explains the different types of insurance, what is covered, what is excluded, the cost, and any limitations on its liability. If the customer purchases coverage, the OTI should provide proof of purchase and coverage prior to taking possession of the cargo.

Another problem area that could be minimized by an upfront discussion involves cancellation of a scheduled move by the customer. The company should explain at the outset its policy with respect to cancellations, refunds, and cancellations fees. And, more generally, the company should inform the consumer of the availability of its dispute resolution procedures, if any, as well as its claims procedures.

These are all issues that should be initially discussed with the consumer prior to any move. From a business viewpoint, this discussion not only informs, but gains the consumer's confidence in the OTI. From the consumer's viewpoint, the discussion not only educates, but paves the way for questions that might not otherwise arise.

When the conversation turns to the details of the consumer's move, the OTI will best serve the shipper by providing as specific information as practicable. Once the consumer requests an estimate, the OTI should conduct a physical on-site survey of items to be moved prior to the estimate. This is a critical point and the consumer should insist upon a physical survey.

Following the physical survey, the OTI should provide a written estimate identifying specifically the services that will be provided and the charges for each service, including an explanation of what is included and excluded. The OTI should advise whether its estimate is "binding" whereby it promises that the total price will not change. Alternatively, it should explain that the estimate is "nonbinding" in which case, the price or some part of it may change. In the later case, any circumstances, conditions, or events that might cause the estimated charges to increase should be identified and explained.

If the OTI cannot specify certain charges because they are not known at time of estimate, it should advise the customer of the types of additional charges that might be imposed, how and when such charges might be incurred, and provide good faith estimates of the amount or range of such charges.

A repetitive complaint heard from consumers is a lack of communication from the OTI concerning the status of their shipment. Part of this problem stems simply from the fact that the consumer does not know what happens after a truck leaves his home or departure location. Consequently, upon being selected to perform the move, the OTI should provide a step-by-step description of the move to the customer. It should issue a bill of lading defining the service to be provided and the terms and conditions governing its service. At origin, the OTI or its agent should prepare an inventory sheet listing each item being shipped. The inventory should be signed by the shipper (or his agent) at origin and also at destination.

Not surprisingly, consumers are anxious to know of the status and whereabouts of their belongings. A commonly expressed frustration is the inability to obtain specific, real-time information from the OTI due to unreturned phone calls or having calls routed to company personnel who claim no knowledge of the specifics of the customer's shipment. Such complaints could be eliminated by providing the customer the names and phone numbers of contact individuals who are responsible for the various aspects of the move and can be called during the course of the move to address problems and questions.

By following these practices, OTIs would fill a large void in educating and informing consumers about the various aspects of an international move. Just as importantly, consumers should be informed about the types of questions they should ask the carrier so that they can make an informed decision in selecting a mover. A consumer checklist of questions and suggested actions should be developed and made available to consumers along the following lines:

- Ask the OTI if it is licensed/registered, bonded, tariffed, and request numbers or sources for verification.
- Ask for an explanation of the services that it will provide and whether it or another company will perform each service. If another company is involved, have it identified. In particular, ask for an explanation as to how your shipment is handled and processed in the destination country.
- Ask about the OTI's procedures or programs for disputes and claims.
- In requesting an estimate, ask if someone will be sent to your home to survey the goods being shipped. If the OTI insists upon only providing a telephone estimate, then insist that it be given as a written binding estimate.

- During a physical survey for an estimate, make sure to show everything that will be shipped. Obtain at least three estimates and be sure that the estimates are based on the same articles to be shipped and the same service to be provided for comparison purposes.
- When you receive your estimate, ask about any charges that you do not understand; whether the estimate includes all charges and, if not, what other charges will be involved and the amount; whether the estimated charges will change and, if so, what will cause them to change and by how much.
- After you choose the OTI, make sure that you receive a bill of lading that contains the correct information about your move and that the terms and conditions reflected on it are the same that the OTI represented to you in the initial conversation. Read the document carefully and do not let the carrier rush you through it. Ask about anything in it that you do not understand.
- Request the names and phone numbers of contact persons that you can communicate with during the move.
- When the OTI or its agent arrives to pick up your goods, make sure that an inventory sheet is prepared and accompany the OTI as they inventory your shipment.

Without attempting to prescribe the use of particular forms or the content of such forms, it appears that certain forms are used in the moving industry that are generally considered to constitute “best practices.” While the format and some content may vary, reputable movers typically provide an on-site survey, written estimate, descriptive inventory, bill of lading, and a dock receipt. A review of the forms utilized indicates uniformity with respect to certain basic information. For example, a bill of lading typically includes:

- Identity of the company issuing the document;
- Address and phone number of the company;
- A bill of lading number;
- Names and addresses of shipper, consignee, notify party;
- Description of shipment;
- Description of charges; and
- Terms and conditions governing the shipment such as limits of liability, insurance, etc.

A written estimate should include a detailed description of all the services included, and those not included in the estimate, the charges for each service, whether the estimated charges might change, what events might cause them to change, and what additional charges will or might be imposed.

OTIs that issue descriptive inventories appear to use a fairly standardized format which includes a line-by-line itemized description for every article to be included in the shipment. Some inventories provided space for a description of the condition of the article at origin and at destination.

Coupled with forms that are issued with respect to the shipment, many companies also furnish sales brochures to potential customers. In addition to advertising the services provided by the company, some brochures also provide information helpful in explaining to the consumer such as discussed above.

2. Barrel Trade

Discussion: Consumers selecting an OTI in the barrel trade should use many of the same standards recommended for consumers shipping complete households overseas. The company should be licensed/registered, bonded, and maintain a tariff as required by the FMC. The licensee or carrier's name, OTI license number, street address, phone number, and website should be listed on all documentation issued by the mover to the consumer. If companies claim to be acting as agents for licensed principals, the licensed entities should be disclosed for the consumer to verify and all documents should name the licensed OTI.

There are, however, substantial differences between international relocations and the barrel trade. OTIs moving barrels charge a standard fee based on the size of the barrel. The barrels are packed and sealed by the customer. Surveys of the cargo and shipping cost estimates are not part of the process in this trade. OTIs, however, should clearly define before the move any limitations of liability in the case of total loss of the barrel or in case of damage or partial loss. Consumers should be given the option to purchase insurance. If the customer purchases insurance, the OTI should furnish proof of purchase, the coverage amount, an explanation of the coverage and the process for filing a claim.

OTIs should explain the service it is providing whether "door-to-door", "door-to-port", or other service combinations. They should also caution shippers about shipping delays during peak shipping times (generally summer vacation months and Christmas holidays). Many shippers that try to coordinate personal trips and shipments of gifts are disappointed when the barrel is delayed beyond the schedule of the shipper's trip.

OTIs should warn the consumers about the foreign Customs regulations of the destination country. Consumers should be cautioned about trying to avoid duties by misdeclaring the contents of their shipments or attempting to ship contraband secreted in the barrel.

In dealing with consumers, OTIs should point out that things can still go wrong with the best companies when moving cargo overseas. OTIs should advise the consumer that there are steps the consumer can take to minimize problems, such as planning the move in advance of peak shipping periods to avoid the disappointment of late arrival; packing the barrel correctly by placing heavy items in the bottom and clothing in plastic bags; locking and sealing the barrel; and labeling the barrel both on top and sides with the consignee's name, address, and telephone number. The shipper should provide the OTI and the consignee with a detailed list of all items in the barrel including the quantity and value. The OTI should instruct the consignee to inspect the barrel in the presence of the OTI's representative at destination before signing for the shipment.

As revealed in the Fact Finding interviews, there are barrel trade OTIs that have adopted most, if not all, of the practices discussed in this section.[18] If consumers are educated to ask the right questions, more OTIs will adopt these practices.

B. Develop Agency Guidance Letters

Recommendation: Develop and circulate FMC "guidance documents" that would provide agency guidance on "best practices" and model forms to those providing international transportation services to household goods shippers.

Discussion: Many Federal agencies employ guidance documents to provide helpful assistance in interpreting existing law or to clarify how the agency will treat or enforce a governing legal norm through a policy statement. In 2007, the Office of Management and Budget issued a "Final Bulletin for Agency Good Guidance Practices"[19] The FMC has employed both "Circular Letters" and "Information Bulletins" in the past to provide information, guidance and clarification to stakeholders about developments and issues of interest. Examples of past circular letters and information bulletins issued by the Commission are included in Exhibit No. 9.

The Commission should reinstitute the use of guidance documents and use them liberally to address issues in the household goods area. The Team believes that guidance documents would provide the Commission with an efficient way to inform household goods OTIs about "best practices" and principles to be included in shipping forms that, if adopted, would enhance the experience of the consumer.

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[18] The following are examples of websites that contain consumer friendly information regarding household goods shipments:

- Dennis Shipping Website: http://www.dennisshipping.com/
- Laparkan Website: http://www.laparkan.com/

[19] See 72 FR 3432 (January 25, 2007).

IV. Protect the Consumer

In addition to educating the public and taking steps to improve the consumer's experience, the Commission should take affirmative steps to protect the shipping public through several initiatives discussed below. If adopted and implemented, these recommendations would enhance the Commission's ability to quickly and effectively respond to problems encountered by consumers in the shipment of household goods.

A. Strengthen Partnerships with Other Government Entities and Private Associations

The Commission should leverage its scarce resources and enhance its ability to inform and assist public consumers by working cooperatively with (1) Federal, state and local governmental agencies which have law enforcement or household goods responsibilities, and (2) major and specialty trade associations that represent the ocean transportation industry.

1. Other Governmental Agencies and Elected Officials

Recommendation: Formalize relationships and set up an ongoing process to meet, share information and resources, and cooperate to enhance protection for shippers of household goods by international ocean transportation.

Discussion: In order to provide for the most expeditious and efficient handling of household goods problems, the combined efforts of the various Federal, state and local law enforcement agencies sharing jurisdiction over international ocean transportation is essential. During the course of the Fact Finding, the Team met with representatives of other agencies that share responsibility for the movement of household goods. The Team recommends that the Commission develop and implement plans to build on these relationships, formalizing them where appropriate, and fostering collaborative efforts that will enhance protection for shippers of household goods.

a. Federal Motor Carrier Safety Administration

The Federal Motor Carrier Safety Administration ("FMCSA") within the Department of Transportation administers and enforces the motor carrier safety regulations, which include motor carrier and broker licensing and insurance as well as the consumer protection regulations that govern the domestic transportation of household goods by motor carriers. In that role, FMCSA addresses consumer complaints about interstate moves and deals with carriers and brokers that operate in violation of the regulations or otherwise engage in

deceptive or unfair practices. FMCSA finds that such practices are not confined to unlicensed companies but involve licensed carriers and brokers as well.

FMCSA efforts in this area include its website www.protectyourmove.gov which directs consumers to links for information about planning a move, researching movers and their complaint history, identifying red flags for spotting rogue movers, moving estimates, submitting a complaint, the consumer protection regulations and enforcement policies, arbitration, and partnerships with industry. FMCSA has partnered with the U.S. Postal Service to provide moving packets at post offices, and joined with trade associations to educate the public. In addition, it has public service announcements under development to disseminate information as part of its public outreach effort.

FMCSA maintains a Top 100 list which is a listing of the major problem companies that are the subject of numerous and repetitive complaints. The list is used internally to prioritize complaints involving those companies. When any complaint is received, it is entered in FMCSA's national consumer complaint database and evaluated by its household goods experts with particular attention to complaints against carriers on the Top 100 list. Complaints may result in intervention by FMCSA. Such intervention might simply involve a telephone conversation with the consumer and the carrier, or the complaint might be sent to a field office for an on-site review of the carrier's records relevant to the complaint, or it could result in a comprehensive review of the carrier's operations. Either type of review may result in an enforcement action. At present, FMCSA interventions focus on situations involving "hostage" shipment issues.

In the licensing process, if an applicant raises a red flag by virtue of its name or responses to questions, FMCSA personnel perform an extensive review of all available information to determine whether a license should be issued. It recently commenced a rulemaking proceeding proposing to extend the consumer protection regulations to household goods brokers. Enforcement policies addressing unlicensed operations are currently in development and the use of a revocation procedure in the case of licensed operators engaged in deceptive practices is also under review. Concerning the use of the Internet by rogue movers, FMCSA regulations[20] currently prohibit false advertising and are broad enough to embrace the use of a website to engage in deceptive advertising.

While Federal law imposes civil and criminal penalties for holding a household goods shipment hostage for payment of additional charges[21], FMCSA is not aware of criminal prosecution under this provision. Further, notwithstanding that states were recently provided with statutory authority to enforce the federal laws, it is not yet clear as to the

[20] 49 C.F.R. §375.207.
[21] See 49 U.S.C. 14915. FMCSA regulations prescribe the amounts that a carrier may collect at delivery for binding and nonbinding estimates. See 49 C.F.R. 375.404, 375.407, 375.703, and 375.805.

extent that states will utilize this authority in the future[22]. However, FMCSA has undertaken an initiative to develop a Household Goods Partnership consisting of federal and state regulatory agencies that oversee domestic and international moves. The partnership collaborates with respect to public outreach and enforcement issues. The Commission currently participates in the partnership initiative and staff is currently negotiating with FMCSA to formalize existing cooperative efforts through the execution of a Memorandum of Understanding. The Team recommends that these efforts be continued.

b. Surface Transportation Board

The Surface Transportation Board ("STB") is an independent regulatory agency housed within the U.S. Department of Transportation that oversees domestic rail, motor carrier, and domestic water carrier transportation rates and practices.

The STB was established through the ICC Termination Act of 1995 ("ICCTA").[23] Prior to the passage of ICCTA, the Interstate Commerce Commission had jurisdiction over the transportation of household goods via motor carrier. Subsequent to the passage of ICCTA, responsibility for motor carrier transportation of household goods has been divided between the FMCSA and the STB. The STB has regulatory jurisdiction to determine whether household goods motor carrier and domestic non-contiguous water carrier rates, classification, rules and practices are reasonable.[24] Upon a finding of unreasonableness, the STB has the authority to prescribe rates, classifications, rules, and/or practices.[25] Carriers are liable for damages sustained by a person as a result of a carrier's violation of the Act.[26] The STB also has jurisdiction to entertain petitions filed by one or more motor carriers that allow such carriers to limit liability for loss or damage in connection with household goods transportation in exchange for offering lower rates to their shipper consumers.[27]

The Office of Public Assistance, Governmental Affairs, and Compliance ("OPAGAC") serves as the STB's principal point of contact for members of the public, governmental entities, railroad customers, and the news media. However, the STB lacks independent investigative authority and OPAGAC is not an enforcement entity. Instead, it provides ombudsman services to consumers seeking assistance with their household goods transportation problems involving transport by motor carrier or water carriers in non-contiguous domestic trade.

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[22] See 49 U.S.C. 14710. Authority for a state's attorney general to bring a civil action on behalf of state residents is contained in 49 U.S.C. 14711.
[23] Pub. L No. 104-88, 109 Stat. 803.
[24] 49 U.S.C. 13701(a)(1)(A).
[25] 49 U.S.C. § 13701(b).
[26] 49 U.S.C. § 14704.
[27] 49 U.S.C. § 14706(f)(1).

According to STB staff, OPAGAC provides three categories of assistance to complaining consumers. First, OPAGAC staff provides consumers with information regarding regulatory options and responsibilities under both STB and FMCSA regulations.[28] Second, where there is a dispute regarding carrier rates or practices, OPAGAC requests copies of carriers' tariffs and compares tariff terms with shipping paperwork for a particular shipment. In instances where there is a discrepancy between the tariff requirements and shipping document, OPAGAC will advise the consumer in writing so that the consumer may utilize the information for further legal proceedings. Finally, where both parties agree to participate, OPAGAC works with consumers and carriers to facilitate a resolution to the dispute.

Currently, OPAGAC and CADRS have an informal relationship whereby both entities refer cases to one another and share information regarding rogue carriers as appropriate. OPAGAC has cooperated with other federal agencies such as the FMCSA and Federal Bureau of Investigation ("FBI") in their criminal investigations.

With respect to education and outreach, STB representatives stressed the need for innovative methods of reaching consumers prior to arranging for international household goods moves.

An STB representative suggested that the STB, FCMSA and the FMC could work together on outreach and education initiatives. It was also suggested that the transportation related agencies could seek the assistance of the FBI to issue consumer alerts. Consumers may be more apt to view a consumer alert issued by the FBI than the STB or FMC. In addition to consumer alerts, STB officials noted that the agency is currently updating its website and suggested that both the FMC and STB websites arrange for linkage to one another's household goods assistance programs.

The staff should continue to explore ways to build upon existing cooperative efforts with the STB in the household goods area and report back to the Commission by September 1, 2011.

c. Department of Homeland Security: Customs and Border Protection

[28] FMCSA's program does not provide individualized private party assistance. As such, OPAGAC staff indicated that they educate consumers on FMCSA requirements as necessary.

U.S. Customs and Border Protection ("CBP") plays a large role in the movement of household goods and personal property in U.S.-foreign oceanborne trade and administers a licensing program for customs brokers.

Private individuals, partnerships, associations and corporations acting as customs brokers assist importers and exporters in meeting Federal requirements governing imports and exports. Brokers must have expertise in the entry procedures, admissibility requirements, classification, valuation, and the rates of duty and applicable taxes and fees for imported merchandise.

To become a customs broker one must pass a Customs Broker License Examination based on designated editions of the Harmonized Tariff Schedule of the United States ("HTSUS"), Title 19, Code of Federal Regulations; specified Customs directives; and Customs and Trade Automated Interface Requirements document ("CATAIR"). In addition to passing the examination, each broker license applicant must submit a broker license application with appropriate fees, and undergo a background investigation that includes a fingerprint analysis and a review of character references, credit reports, and any arrest record. There are approximately 11,000 active licensed customs brokers in the United States.

The Commission is exploring ways to build upon existing cooperative efforts with CBP in the household goods area. The staff should continue these discussions with CBP and report back to the Commission by September 1, 2011.

d. Joint Law Enforcement Efforts

Recommendation: Develop and implement a program of cooperative law enforcement efforts with Federal, state and local law enforcement officials to focus public and media attention on the unique problems associated with the shipment of household goods.

Discussion: Victims of unscrupulous household goods OTIs often turn first to State, local and other Federal law enforcement agencies to register complaints. By building partnerships with these law enforcement agencies, the FMC will be brought into the process earlier, leverage limited resources, and be in better position to effectively respond to complaints. Publicity associated with joint law enforcement efforts offers the additional benefit of increasing consumer awareness and deterring unlawful OTIs.

Partnership building should be pursued with law enforcement agencies most directly involved with export matters, focusing on those that will have the greatest impact in assisting the FMC with both the complaint resolution and enforcement. The goal of these

partnerships is to establish a line of communication so that information on suspect companies is shared in a timely manner, and that a multi- agency approach can be brought to bear on the problem. A minimum of two meetings a year with each partner is recommended, with additional meetings to occur if a matter needs more urgent attention. For severe problems, “strike teams” could be formed, making it possible for the FMC to quickly mobilize a team that can visit suspect household goods movers, impressing upon subjects and the wider community, the importance placed on responding to consumer complaints and the Commission’s resolve.

The Team expects that the partnerships for joint law enforcement efforts will begin as informal arrangements and focus on particular matters of mutual interest. Exhibit No. 10 lists Federal, State and local law enforcement agencies that the Commission should work with to develop joint law enforcement efforts. An initial plan should be developed and presented to the Commission by September 1, 2011.

e. Elected Officials

As an additional measure, it is recommended that relationships also be built with the elected officials most likely to have constituents that are affected by household goods moving scams or unprofessional movers. With partners that can reach out to large numbers of individuals that will potentially utilize the services of household goods movers in markets that have a history of malpractice or outright fraud, the FMC will be better able to disseminate the consumer information discussed above to household goods shippers, and to increase awareness to consumers of the FMC’s CADRS office and Area Representatives. Elected officials and their staff will be given contacts at the FMC in order to provide immediate feedback on problems as they are reported to them. The Commission should develop a detailed plan for outreach to elected officials and report back to the Commission by September 1, 2011.

2. Trade and Industry Groups

With their ability to reach a large audience of OTI’s and vessel operators, trade and industry groups, are natural partners for the FMC in the overall effort to assist consumers and identify problem movers. Therefore, the Commission should establish and maintain partnerships with trade groups that commonly represent the household goods OTI community and the vessel operators that often carry household goods. By creating an open line of communication with these groups, the FMC can have a far greater number of eyes and ears focusing on the household goods movers that are responsible for the problems, and in particular, the repeat offenders.

In addition, the expertise in international transportation held by the leadership of these groups, combined with their ability to quickly reach out to hundreds of members familiar with the common household goods trade lanes and the ocean transportation companies active in their markets and will help ensure that rogue operators are not be able to avoid detection or responsibility. The Commission should aggressively seek to build partnerships with these groups, focusing on the joint development of voluntary "best practices", information exchange and the rapid dissemination of intelligence.

a. International Relocation

Recommendation: Formalize relationships with major and specialty associations representing those engaged in the international transportation of household goods by water and set up an ongoing process to meet, share information, and develop industry "best practices" and model forms to reduce problems and increase public consumer satisfaction.

Discussion: Team members met with national and international trade associations that represent a broad range of companies involved in the movement of household goods in international commerce.[29] The trade associations represent the interests of freight forwarders, customs brokers, NVOCCs, international moving companies, interstate moving companies, local moving companies, storage companies, warehouse companies, third-party logistics providers, industry suppliers and state association members. The associations' members are collectively experienced in all aspects of household goods transportation, are familiar with problems in the industry, and have developed various standardized practices, forms, and procedures to address consumer education and protection.

In an effort to better understand the challenges faced by international relocation companies and consumers, it is recommended that the Commission continue to work with the international trade associations to develop a better understanding of the underlying causes of the problems within the moving process. In order to ensure an ongoing relationship with these associations to exchange ideas, problems, solutions, share information, and develop industry "best practices" including model forms to reduce problems and increase public consumer satisfaction, it is recommended that a staff working group be permanently created for these purposes.

At the outset, the working group would contact the leadership of each association to discuss the contours of an ongoing process to work together to implement these

[29] American Moving and Storage Association ("AMSA"); International Association of Movers ("IAM"); National Customs Brokers and Forwarders Association of America Inc. ("NCBFAA"); Transportation Intermediaries Association ("TIA").

Recommendations. Thereafter, the group would work with the industry to develop a list of standard industry practices that the Commission might ultimately convey to the shipping public and members of the ocean transportation community as "best practices." These "best practices" would also be incorporated into the Household Goods Participant Program discussed below in Section IV.C.

In addition, the Recommendations sought to be achieved through partnerships with industry groups can only be realized if the process is ongoing whereby regular, periodic meetings are held between representatives of the Commission and the industry to share information, exchange ideas, and address issues as they arise. These working relationships will assist in the identification and analysis of issues faced by the industry, enhance the development of solutions to issues, facilitate an FMC response to current and future problems, and foster the evolution of industry practices to meet the changing needs and demands in the international ocean transportation of household goods.

b. Barrel Trade

Recommendation: Strengthen relationships with specialty associations representing those engaged in the international transportation of household goods by water and set up an ongoing process as appropriate to meet, share information, develop and refine industry "best practices" and model forms and increase public consumer satisfaction.

Discussion: There are several associations of OTIs engaged in the barrel trade. These associations are, for the most part, organized around the ethnic communities and trades they serve. Through the ARs, the Commission should develop plans for regular communications and outreach to these groups, promotion of "best practices", and the rapid dissemination of intelligence. The identified "best practices" would also be incorporated into the recommended new license category discussed below in Section IV. D. A list of associations for which the Commission should develop outreach plans is included in Exhibit No. 11.

B. Promote Alternative Dispute Resolution ("ADR")

Recommendation: Promote the Commission's ADR services, including ombudsman and mediation services and arbitration, as means to quickly and effectively address issues in the household goods area.

Discussion: CADRS is one of the Commission most effective tools in its efforts to protect consumers. Consumers interviewed by the Team indicated that CADRS was very helpful in both guiding them through the shipping process and resolving complaints.

CADRS serves as an honest broker, providing information to regulated entities and the shipping public regarding shipping requirements and practices. CADRS offers the following types of assistance to consumers and regulated entities: (1) outreach, education, and consultation; (2) ADR services; and (3) adjudication of small claims of $50,000 or less. With respect to ADR services, CADRS currently offers: ombuds services[30], mediation[31], and arbitration[32] to resolve disputes between consumers and international movers and/or their agents and subcontractors (i.e. other ocean transportation intermediaries, trucking companies, vessel operators, destination agents, warehouses, etc.).

CADRS assists parties in resolving disputes arising from or related to shipping personal effects and vehicles internationally via ocean. Common examples of the types of household goods disputes encountered by CADRS include: locating lost cargo, cargo loss or damage, shipment delays or held cargo, and disputes involving rates or surcharges.

As discussed below, the Commission should publicize and promote CADRS services targeted to household goods shippers to help protect the consumer and mitigate problems in the household goods area.

1. Promote Dispute Resolution Clauses

While the Team believes that parties should be encouraged to resolve their own issues, parties cannot always agree on a resolution to a particular problem. At the same time, the cost of litigation is prohibitive, particularly in household goods disputes where the amount in controversy may be less than the costs of litigation. In addition, once a dispute occurs, it may be difficult for parties to decide on an appropriate venue or means of resolving the dispute. One mechanism to address this challenge is to encourage parties to implement a dispute resolution clause as part of their transportation arrangement. This option allows both parties to "consent" to explore potential resolution to a problem through mediation prior to the advent of a dispute.

[30] Ombuds services utilize an informal process where CADRS works with parties on a confidential basis at the onset of a dispute to facilitate a mutually acceptable solution. The Ombuds does not adjudicate the parties' dispute. An ombuds facilitates dialogue between the parties and attempts to resolve the dispute. Most ombuds services are provided via telephone.

[31] Mediation is a voluntary and confidential process where a third party neutral (CADRS) assists parties in finding a mutually acceptable solution. Like the ombuds, the mediator does not adjudicate the dispute. The mediator facilitates dialogue between the parties and assists parties in their attempts to resolve the dispute. Mediation services may be provided in person or via telephone as required.

[32] Sometimes referred to as "binding arbitration," arbitration is a confidential and quick adjudicative process where a selected arbitrator issues a binding decision based on the parties' submissions and presentations.

International moving companies generally issue terms of service or similar contractual documentation to consumers. Licensed/registered NVOCCs are required to maintain a rules tariff that incorporates such documentation. Many NVOCC rules tariffs and bills of lading already contain dispute resolution clauses that identify a specific forum for litigation of non-Shipping Act disputes. An option that is often overlooked is the incorporation of mediation as a required prerequisite to litigation whereby parties are required to attempt mediation prior to filing litigation of a dispute in a designated forum.

If the Commission accepts this option, it may assist international moving companies by providing tutorials or model clauses that may be augmented and used by such entities. Several private sector ADR providers such as the International Chamber of Commerce, the American Arbitration Association, Judicial Arbitration & Mediation Services, and the Society of Maritime Arbitrators already have model language and/or tutorials to assist parties in drafting dispute resolution clauses.

Generally, there are multiple options that parties may select with respect to incorporating CADRS services within a dispute resolution clause:

a. Mediation as Intermediary Step

Parties may incorporate clauses that require mediation or use of Ombuds at CADRS before either party may file litigation in a predetermined jurisdiction. This option is beneficial as it seeks resolution without requiring litigation expenses. In fact, ADR services provided by CADRS staff are free of charge, which generates substantial cost savings to both parties.

Another benefit of the mediation clause is that it can encourage parties to become proactive about resolving disputes as they occur. This is particularly important within the context of international household goods shipments where problems can arise within the early stages of the complex and multi-phased international shipping process. Use of CADRS provided mediation can help parties re-establish a damaged working relationship in order to facilitate completion of a stalled, halted, or delayed transaction. Mediation can also provide consumers with specific performance (e.g. delivery of a shipment, resolution of a customs issue, etc.). When parties rely solely on Shipping Act reparations or other litigation based remedies they are generally limited to monetary damages. In many instances the consumer's possessions may be of sentimental rather than monetary value, thus complicating the recommendation of obtaining adequate reparations. This is particularly problematic for the consumer whose underlying need is to receive his personal effects in good order. Use of Commission provided mediation can avoid this problem and meet the needs of both parties.

Mediation allows parties to address any and all issues within a dispute. For example, whereas consumers may not be able to litigate loss or damage issues before the Commission, such issues can be addressed and resolved in CADRS provided mediation. Further, there are certain types of commercial disputes where no specific legal remedy may exist. CADRS provided mediation can assist parties in crafting their own mutually acceptable resolution to issues in dispute.

While CADRS mediation clauses may allow for the entire disposition of a dispute without resorting to Commission or court based litigation, parties are free to terminate mediation and pursue litigation at any time. Even when parties cannot resolve all issues brought to mediation, the mediation process can be used to narrow the scope of issues for litigation, which saves parties time and expense. For example, a shipper and an international mover may agree to certain terms to facilitate delivery of goods while agreeing to reserve disposition of a rate or surcharge dispute for a formal Commission complaint or referral of the matter to the Commission's small claims process.

b. Commission Provided Arbitration

Another option is to encourage parties to incorporate dispute resolution clauses that provide both mediation and arbitration through the Commission. This clause is similar to the first option discussed above; however, the forum for arbitration in the event that mediation is partially or wholly unsuccessful would be to provide Commission provided arbitration services.

Due to federal neutrality and confidentiality requirements, an individual staff member would not serve as both a mediator and arbitrator for the same dispute or other disputes involving the same parties, facts, or circumstances. Further, the arbitrator would not be privy to any confidential information provided during the mediation session.

2. Require Thirty (30) Day Mediation Period as Part of Formal Complaint Process

Parties engaged in the formal complaint process are often ordered into mediation by administrative law judges ("ALJs") in compliance with the Administrative Dispute Resolution Act and Commission regulations[33]. In addition, Commission regulations

[33] The Administrative Dispute Resolution Act, Pub. L. 101-552, as amended by Pub. L:. 104-320, 110 Stat. 3871 (1996) requires that each agency examine the use of ADR in resolving inter alia, disputes regarding formal and informal adjudications. Further, Commission regulations indicate that it is the "policy of the FMC to use alternative means of dispute resolution to the fullest extent compatible with the law and the agency's mission and resources. The Commission will consider using ADR in . . . formal and informal adjudication . . ." 46 C.F.R. § 502.401.

currently "encourage" parties to use mediation to resolve disputes either during the course of the formal complaint process or prior to filing a formal complaint before the Commission.[34]

The Commission should consider formalizing its existing policy of promoting mediation by revising its rules to incorporate a thirty (30) day mandatory mediation period within its rules of practice and procedure. The STB has incorporated similar measures, which have proven successful in empowering parties to resolve disputes outside of the hearing room.[35]

Under this option, a mediator would automatically be assigned whenever a formal complaint involving transportation of household goods is filed at the Commission. Under the thirty day provision, within a specified time after filing, a mediator would be assigned to contact the parties individually to coordinate a mediation session. The calculation of the mediation time requirement would begin at the time that the mediator is assigned. The parties would be able to terminate mediation prior to the thirty day mediation period to the extent that they have met for at least one mutual session with a mediator. Further, the parties could seek an automatic extension of the mediation period or seek to re-introduce mediation at any time in the litigation process.

With respect to the mediation process, the Team recommends that consideration be given to amending FMC regulations to stay the litigation process during the pendency of mediation. However, such flexibility should be limited to instances where both parties consent to a stay of the proceedings.

[34] 46 C.F.R. § 502.401.

[35] The STB requires mandatory mediation to address formal railroad rate disputes. While the subject matter addressed in STB regulations differ from matters within the FMC's jurisdiction, the general concept can be applied to the Commission's regulation of the international household goods moving industry. STB regulations require a mandatory mediation period of sixty days for all formal railroad rate cases filed with the STB. 49 C.F.R. §1109.4. The STB's regulations require the STB to assign a mediator to disputing parties within ten (10) days after a formal rate complaint is filed. 49 C.F.R. § 1109.4(a). Within five (5) days of being assigned to a case, the mediator is required to contact the parties to discuss mediation options. 49 C.F.R. § 1109.4(a). Board regulations set forth a sixty (60) day mediation period beginning at the time that the mediator is appointed. 49 C.F.R. § 1109.4(e). However, mediation may be completed or terminated prior to the sixty (60) day period. 49 C.F.R. § 1109.4(e). Further, the Board may extend the mediation period or re-instate the mediation process further on in the litigation process if all parties consent. 49 C.F.R. § 1109.4(e). The mandatory mediation process has proven successful in settling STB rail rate cases. See, STB's Mediation Process Helps Settle CSXT/DuPont Rate Dispute, Progressive Railroader (May 12, 2009) *available at* http://www.progressiverailroading.com/news/article.asp?id=20392.

C. Establish a Voluntary "Household Goods Participant Program" for Licensed NVOCCs that Ship Household Goods

Recommendation: Enhance public consumer protection in the household goods area by implementing a voluntary "Household Goods Participant Program" with an appropriate designation placed on the license of the NVOCC participant.

Discussion: The existing licensing and bond program provides a standard designed to ensure relative protection by virtue of the fact that a licensed OTI has sufficient experience, services and claim bonding to meet the needs of a commercial shipper. Given the inexperience and vulnerability of most one-time shippers of household goods and personal items and the problems inherent in such shipments, however, the Commission should establish a voluntary "Household Goods Program" for licensed OTIs. This recommendation is consistent with the FMC's consumer protection mission.

The Team recommends the Commission direct the staff to develop for Commission consideration a set of requirements for a voluntary "Household Goods Program" and report to the Commission by September 1, 2011. The requirements should include the following elements:

- A demonstration of relevant HHG OTI experience;
- Implementation of FMC recommended best practices;
- Use of recommended appropriate forms;
- Linkage to FMC webpage;
- Utilization of CADRS for informal mediation of shipper disputes; and
- An interview by an AR for the purpose of assessing the Qualified Individual's ("QI") household goods experience and knowledge of FMC rules and regulations, as well as a review of their best practices.

D. Implement New NVOCC License Category for OTIs Operating Only in the Barrel Trades

Recommendation: A new NVOCC license category for those operating in the barrel trade with a lower bond and tailored standards could enhance public consumer protection in the barrel trade and bring currently unlicensed operators within the system and improve overall standards in this part of the industry.

Discussion: The "barrel trade," which serves individuals from various local communities sending small shipments of personal goods to relatives or friends in their home countries in the Philippines, Latin America and the Caribbean Basin on a semi-regular basis, is a source of complaints that requires a substantial commitment of time and energy by the

ARs and CADRS. The operations of unlicensed entities are a major, if not primary, concern in this niche market. Cost of FMC compliance appears to be a significant factor in discouraging these small operators from obtaining a FMC NVOCC license.

To enhance protection for consumers in the "barrel trade," the Team recommends that the Commission develop and implement a new license category to encourage FMC licensing and improve the overall standard of service and performance for this part of the industry. The Team recommends that the Commission direct the staff to develop for Commission consideration a new "Small Package/Barrel" License that will include the following standards and requirements and report back to the Commission by September 1, 2011:

- A minimum of one year of OTI experience with household goods;
- "Character" standards same as regular license;
- An interview by Area Representative;
- A detailed reference statement to accompany application that is signed "under penalty of perjury;"
- Mandatory implementation of FMC Household Goods "best practices" including use of forms;
- CADRS to be used for consumer disputes as first mediation option;
- A lower bond amount for this type license;
- Bond pre-approval from Surety company to accompany application; and
- All other conditions that apply to a regular NVOCC license.

E. Prevent Harm to Consumers

Recommendation: Simplify and expedite (1) the collection of information, and (2) enforcement actions necessary to allow the Commission to protect public consumers shipping household goods.

Discussion: Through this Fact Finding process, concerns have surfaced concerning the speed with which the Commission may move to protect consumers shipping household goods by promptly terminating the operations of OTIs who are violating the Shipping Act. OTIs that are frequently the subject of consumer complaints are routinely operating without a license, and may not be observing just and reasonable practices with regard to receiving, handling, storing or delivering property. These OTIs frequently fail to come into compliance or terminate services despite warnings from Commission staff that their operations are in violation of the Shipping Act.

The current options available to the Commission are well suited for complex investigations, but may not adequately respond to the more dynamic conditions encountered with respect to unlicensed OTIs and the need for prompt authoritative Commission action to prevent

harm to consumers, particularly in the household goods context. The formal process of conducting docketed trial-type proceedings, discussed in more detail in the Exhibit No. 12, exacerbates the problem by delaying timely decisions on OTI status and relief for the shipping public, in the form of "cease and desist" orders against operators lacking appropriate FMC bonds and licenses.

A Commission process to shut down these operations in an effective and expeditious manner would prevent additional harm to the shipping public and provide deterrence to other OTIs. As of now, the Commission does not regularly employ such a process to legally enjoin an OTI from violating the Shipping Act, even prior to the completion of a Commission proceeding. The Team recommends that the Commission direct the staff to develop a plan for Commission consideration that will allow the Commission to more expeditiously terminate the operations of OTIs who are causing harm to consumers in the household goods area.

1. Actions by Area Representatives

The current investigative model tends to be highly document-driven and lacks set timelines for case production or case oversight. The Recommendation is to prepare a comprehensive and written Enforcement Report ("ER") that includes the background, structure and management of an alleged violator; examines the shipping transactions and communications for evidence of culpability (i.e., violations "willfully and knowingly committed"); and include an assessment of the financial resources of the alleged violator.

Given the specter of consumer harm flowing from unbonded OTI operations, a greater sense of immediacy is required. Investigative activities require a clearer focus upon the evidentiary components required to support BOE enforcement action, must be developed expressly in anticipation of formal proceedings, and must be commenced and completed within relatively short time frames.

To provide a clearer focus for ARs, the Commission should provide written guidelines defining the key services, documents and volume of shipments that will support a finding that an entity is acting as an ocean transportation intermediary. Current or future Commission enforcement dockets may provide the opportunity to enumerate clear criteria for making such findings. Alternatively the Commission could issue an Order to address this issue.

Based on new and authoritative precedent from the Commission, the ARs should be provided a checklist or worksheet to identify shipping documentation or other evidence material to an OTI's public "holding out." As current experience shows, unlicensed and

unbonded NVOs sometimes avoid issuing an actual bill of lading. Consequently, the checklist should be both comprehensive and flexible to assist in developing a successful case for enforcement even in the absence of particular documents or in the event of an uncooperative OTI. These guidelines should be reviewed by all appropriate Bureaus and offices before being considered and approved by the Commission.

To facilitate rapid case preparation and follow-up enforcement action upon unlicensed OTI cases, investigative activities should be commenced and developed in anticipation that formal proceedings will be pursued. A drawn-out ER process will not achieve the desired effect. Emphasis should be placed on obtaining written declarations of injured shippers, and in immediately memorializing the AR's own findings and conclusions within a verified declaration, as provided under 28 USC 1746. These unsworn declarations can form the backbone of the Commission's case in pursuing enforcement action or negotiating for an immediate consent order in lieu of lengthier formal proceedings.

With explicit checklists or worksheets for documenting violations by unlicensed OTIs, the workload and average time required to produce an ER can be considerably shortened. Routine cases should be drawn up and submitted to OMD within 90 days. Ongoing case oversight by the Deputy Managing Director or her designate alternate should be instituted to ensure that cases are first, promptly opened and then promptly pursued or terminated.

The Commission also should develop a mechanism to expeditiously access a compulsory process in appropriate cases to aid AR investigations of unlicensed OTIs. The plan should build upon current authorities available to the Commission under Section 12 of the Shipping Act[36] or through the non-adjudicatory fact finding.[37] If stymied by persistent refusal to cooperate with an investigation, the mechanism should allow for subpoenas upon a finding that compulsory process is reasonably necessary to the expeditious conduct of the investigation. The point person could be designated from among the individual Commissioners, issuance of subpoenas could be performed by the Managing Director or Deputy Managing Director.

As a counterpart to action against unlicensed and unbonded OTIs, consideration should be given to strict enforcement measures against VOCCs who unlawfully furnish transportation services to such unlicensed operators. Interdiction of those who facilitate the continued market participation of unlicensed OTIs will help reduce the potential for the continued shipper harm and VOCC compliance with the Shipping Act.

[36] 46 U.S.C. § 41303.
[37] See 46 U.S.C. §§ 41302, 40502 to 40503, 41101 to 41109, 41301 to 41309, and 40104, and 46 C.F.R. §§ 502.281 to 502.291.

2. Actions by Bureau of Enforcement

The existing process of pursuing informal compromise under Part 502, Subpart W - Compromise, Assessment, Mitigation, Settlement, And Collection Of Civil Penalties, and the subsequent requirements of conducting docketed trial-type proceedings delays timely decisions on OTI status and puts off the much-needed relief for the shipping public. At present, BOE review of an ER can take 90 days or more, with prospects of an additional 60 days if the alleged unlicensed OTI requests opportunity to compromise any penalty demands. Docketed proceedings can add a year or more to bring matters to a conclusion before the Commission itself.

The enforcement process is currently focused primarily upon the collection of civil penalties. However, penalty collected from unlicensed operators remain among the lowest for any violations enforced by BOE, as reported in the Commission's Annual Report and press releases accompanying theses settlements. BOE reports a higher incidence of unlicensed OTIs who assert as a defense a claim of "ability to pay" issue with respect to the amount of penalty, and the time necessary to amass funds needed to pay any compromise.

Greater attention should be paid to providing compulsory relief on behalf of the shipping public, in the form of "cease and desist" orders against operators lacking appropriate FMC bonds and licenses. The informal compromise process should give way to a new process that places greater weight on limiting shipper harm and obtaining immediate agreement to discontinue unlawful OTI operations, enforceable thereafter in the courts, if necessary. Civil penalties would be collectible, if at all, only at a later and more formal stage.

In place of BOE's customary Notice of Civil Penalty and Demand for Payment Letter ("NDL"), the process for unlicensed OTIs would give rise to a Notice to Cease and Desist ("NCD"). Based on the checklist and documentation (including unsworn witness declarations) amassed by the ARs, BOE would notify the OTI, in writing, of its preliminary determination that the entity is engaged in unlicensed OTI operations. The alleged violator would be offered a 30-day window within which to explain why its operations did not violate the Shipping Act, or execute an agreement consenting to entry by the Commission of an Order to Cease and Desist. Such order would thereafter be enforceable by the courts, as provided under 46 U.S.C. § 41308.

During this 30-day window, BOE in its discretion may make available any unsworn declarations or shipping documentation for inspection by the alleged violator or its attorney.

Similar to FTC practice, if an alleged violator agrees to entry of an Order to Cease and Desist, BOE would be responsible for preparing a draft Order of Investigation, together with a motion requesting entry of the consent order in accordance with the written agreement signed by the parties. Such agreement would not provide for the payment of penalties. Routine cases should be drawn up and submitted to the Commission within 45 days following the NCD.

In cases where the factual record amassed by the ARs indicates an immediate and ongoing threat of shipper harm, BOE should request that the Commission also bring a civil action to enjoin conduct in apparent violation of the Shipping Act, as provided under 46 U.S.C. § 41307. The Office of General Counsel is empowered to represent the Commission in proceedings under this section in any U.S. District Court, upon notice to the Attorney General. Thereafter, a court may grant a temporary restraining order or a preliminary injunction for a period not to exceed 10 days after the Commission has issued an order disposing of the issues under investigation. Where appropriate, both individuals and corporate entities may be named in the injunction action.

3. Actions by the Commission

To the extent possible, NCDs, the written Agreement consenting to entry of an Order to Cease and Desist, draft Orders of Investigation and the text of the Order to Cease and Desist would be standardized in order to facilitate fast and uniform processing. Internal staff review of the ER and NCD should be kept to a minimum.

Notation process would generally be used in order to speed action by the Commission. In the case of a written Agreement consenting to entry of an Order to Cease and Desist, the draft Order of Investigation and the text of the Order to Cease and Desist could be voted upon in a single action.

In the event that the parties do not conclude a written Agreement consenting to entry of an Order to Cease and Desist, BOE would be responsible for preparing immediately a recommendation and draft Order of Investigation, citing the alleged unlicensed OTI operations. Routine cases should be drawn up and submitted to the Commission within 45 days following the NCD.

Formal proceedings against an unlicensed OTI would be pursued in the manner of a “show cause” hearing. Discovery and oral hearings would not be provided except upon a special showing of need. BOE’s direct case would be filed within 30 days of the Order instituting the proceeding. The Respondent’s case would be filed within 30 days thereafter. Rebuttal by BOE generally would not be allowed.

All pleadings would be filed with the Commission, which shall act as the finder of fact. Proceedings ordinarily would be limited to a determination by the Commission whether the alleged violator was furnishing OTI services for which a license and/or bond is required and, if so, an Order to Cease and Desist would be entered. Routine cases should be decided by the Commission within 45 days following the submission of the Respondent's case.

As part of its direct case, BOE may recommend that civil penalties be imposed for any violations found. If the Commission finds that the alleged violator was furnishing OTI services for which a license and/or bond is required, the Commission could refer the matter of assessing civil penalties to an Administrative Law Judge for determination of the amount of such penalties. Limited discovery may be provided before the ALJ on issues relating to penalties.

4. Actions by Working Group

The Team recommends that the Commission assign a working group to develop the criteria and written guidelines necessary to implement sub-sections E 1, 2, and 3 and report to the Commission by September 1, 2011.

F. Rulemaking to Address Advertising to Provide Transportation Services for Household Goods

Recommendation: Clarify the Commission's authority over those persons and entities that advertise through any media or method and therein offer to provide international transportation services for household goods by water.

Discussion: The record developed in FF 27 demonstrates that unlicensed OTIs, operating without the protection of a bond or other surety, and without publishing a tariff, routinely advertise their ocean transportation intermediary services in the electronic and print media. Further, many unlicensed OTIs advertise and promote their services on their own websites and through industry data bases and websites targeting household goods shippers. It is common for these unlicensed operators to advertise that they are "FMC Approved." Consumers, particularly inexperienced international shippers, are easily deceived by these advertisements into using the services of unlicensed, unbonded operators.

The Commission should initiate a rulemaking to develop a more general and comprehensive definition of the matters, items and actions involved with "to act" as an OTI.

Specifically, such definition should include advertising. In the rulemaking, the role of advertising, solicitation and holding out to the public should be fully explored with the goal of better protecting the shipping public. Eliminating advertising of OTI services by unlicensed operators conforms well to one of the Commission's Recommendations, quoted earlier in note 1: "to take action to end unlawful, unfair and deceptive practices.

Additionally, a provision should be included in the ongoing review of the Commission's OTI regulations to require all licensed NVOCCs to display their full proper corporate name and FMC license number, physical address and phone number on all shipping documents and all advertising.

G. Require Disclosure of Agent/Principal Relationship

Recommendation: To ensure that the consumer is aware of any agent/principle relationship between any of the parties to the household goods movement the Commission should institute a rulemaking concerning disclosure of agents and appropriate presumptions that would apply where such disclosure is not provided.

Discussion: To provide clarity and transparency for the consumer, and to better monitor OTI license compliance, the Commission should require the disclosure of any agent/principal relationship and the FMC license number on all relevant shipping documents to be furnished to the consumer (bill of lading, freight invoice, delivery receipt, arrival notice). The same information should be disclosed on all advertising, including on websites. An example would be, "*ABC as Agent for XYZ FMC License #_____.*"

The Commission should also adopt a legal presumption that the failure to disclose the agent/principal relationship and the principal's FMC license number on the shipping document will give rise to a presumption that the issuer of the document is engaged in unlicensed OTI activity, unless otherwise licensed and bonded.

Where practicable, "best practices" should include disclosure of "destination agent" or contact party on arrival notice and any agency agreement should be in writing, signed and available for review by FMC.

List of Exhibits

Exhibit No. 1:	Fact Finding No. 27 Order
Exhibit No. 2:	Draft Household Goods Brochure
Exhibit No. 3:	CADRS Brochure
Exhibit No. 4:	White House Facebook Page
Exhibit No. 5:	Local Ethnic/Immigrant Community Outreach Contacts
Exhibit No. 6 :	Past FMC Public Service Announcements
Exhibit No. 7:	Media Outlets for Public Service Announcements
Exhibit No. 8:	Search Results for phrase “international moving”
Exhibit No. 9:	Examples of Circular Letters and Information Bulletins
Exhibit No. 10:	Federal, State and local law enforcement agencies that the Commission should work with to develop plans for joint law enforcement activities.
Exhibit No. 11:	The trade and industry groups involved in the barrel trades best suited to partnering with the FMC
Exhibit No. 12 :	Commission Processes to Address Shipping Act Violations

Exhibit No. 1

(S E R V E D)
(JUNE 23, 2010)
(FEDERAL MARITIME COMMISSION)

FEDERAL MARITIME COMMISSION

Fact Finding Investigation No. 27

Potentially Unlawful, Unfair or Deceptive Ocean Transportation Practices
Related to the Movement of Household Goods or Personal Property
in U.S.-Foreign Oceanborne Trades

ORDER OF INVESTIGATION

Pursuant to the Shipping Act of 1984, 46 U.S.C. §§ 40101 *et seq.* ("Shipping Act"), the Federal Maritime Commission ("FMC" or "Commission") is charged with regulating the common carriage of goods by water in the foreign commerce of the United States ("liner service"). In doing so, the Commission must be mindful of the purpose of its regulation, which includes protecting the public from unlawful, unfair or deceptive ocean transportation practices and resolving shipping disputes in the movement of cargo in U.S.-foreign oceanborne trades.

Each year, the Commission receives a substantial number of complaints from individuals that have experienced various problems with their international household goods or personal property shipments. Between 2005 and 2009, the Commission received over 2,500 consumer complaints related to household goods moving companies transporting household goods or personal property between various locations in the United States and foreign destinations. Many of those complaints are filed by individuals who are first-time or very occasional users of international shipping services. This issue is a serious and substantial consumer protection problem within the Commission's area of responsibility.

Typical complaints allege failure to deliver the cargo and refusal to return the pre-paid ocean freight; loss of the cargo; significant delay in delivery; charges to the shipper for marine insurance that was never obtained; misinformation as to the whereabouts of the cargo; significantly inflated charges after the cargo was tendered and threats to withhold the shipment unless the increased freight was paid; or failure to pay the common carrier engaged by the company as another intermediary. In many cases, a shipper has been forced to pay another carrier or warehouse a second time in order to have the cargo released.

Individuals and companies have held themselves out to perform ocean transportation to the public and accepted responsibility for the transportation of these shipments without obtaining an Ocean Transportation Intermediary ("OTI") license and providing required proof of financial responsibility to the FMC. In many cases, these individuals and corporations operate without publishing a tariff showing its rates and charges, and do not observe just and reasonable regulations and practices relating to or connected with receiving, handling, storing or delivering property.

Section 19 of the Shipping Act of 1984 ("the Act"), 46 U.S.C. § 40901(a), prohibits any person from providing OTI services prior to being issued a license from the Commission and obtaining a bond, proof of insurance or other surety in a form and amount determined by the Commission to ensure financial responsibility. An OTI is defined as either a freight forwarder or a non-vessel-operating common carrier ("NVOCC"). 46 U.S.C. § 40102(19). Any person operating as an NVOCC in the United States must provide evidence of financial responsibility in the amount of $75,000. 46 C.F.R § 515.21(a)(2).

Furthermore, section 8(a) of the Act, 46 U.S.C. § 40501(a), requires NVOCCs to maintain tariffs showing their rates, charges, classifications and practices. These tariffs must be open to the public for inspection in an automated tariff system. The Commission's regulations at 46 C.F.R. § 520.3 affirm this statutory requirement by directing each NVOCC to notify the Commission, prior to providing transportation services, of the location of its tariffs, as well as the publisher used to maintain those tariffs by filing a Form FMC-1. Section 10(b)(11) of the Act, 46 U.S.C. § 41104(11), prohibits a common carrier from knowingly and willfully accepting cargo from or transporting cargo for the account of an OTI that does not have a tariff or a bond (an NVOCC). Finally, under section 10(d)(1), no common carrier or ocean transportation intermediary may fail to establish, observe, and enforce just and reasonable regulations and practices relating to or connected with receiving, handling, storing or delivering property. 46 U.S.C. § 41102(c).

Therefore, consistent with its statutory duty, the Commission hereby **ORDERS** a non-adjudicatory investigation to develop a record of the nature, scope and frequency of potentially unlawful, unfair or deceptive ocean transportation practices by household goods movers in the movement of cargo in U.S.-foreign oceanborne trades.

The Commission will use the information obtained in this investigation and recommendations of the Fact-Finding Officer ("FFO") to determine its policies with respect to compliance, consumer protection, and enforcement issues.

Specifically, the FFO named herein is to develop a record on the following:

The nature and scope of the problem presented by potentially unfair, unlawful or deceptive practices in the shipping of household goods or personal property in U.S.-foreign oceanborne trades.

The FFO is to report to the Commission within the time specified herein, with recommendations for any further Commission action, including any policies, rulemaking proceedings, or other actions warranted by the factual record developed in this proceeding.

Interested persons are invited and encouraged to contact the FFO named herein, at (202) 523-5712 (telephone), (202) 275-0522 (facsimile), or by e-mail at factfinding27@fmc.gov, should they wish to provide testimony or evidence, or to contribute in any other manner to the development of a complete factual record in this proceeding.

THEREFORE, IT IS ORDERED, That, pursuant to 46 U.S.C. §§ 41302, 40502 to 40503, 41101 to 41109, 41301 to 41309, and 40104, and 46 C.F.R. §§ 502.281 to 502.291, a non-adjudicatory investigation is hereby instituted into the nature, scope and frequency of potentially unlawful, unfair or deceptive ocean transportation practices related to the carriage of household goods or personal property in the oceanborne foreign commerce of the United States, in order to gather facts and establish a record related to the issues set forth above and to provide a basis for any subsequent action by the Commission;

IT IS FURTHER ORDERED, That, pursuant to 46 C.F.R. §§ 502.284 and 502.25, Commissioner Michael A. Khouri is designated as the FFO. The FFO shall have, pursuant to 46 C.F.R. §§ 502.281 to 502.291, full authority to hold public or non-public sessions, to resort to all compulsory process authorized by law (including the issuance of subpoenas *ad testifacandum* and *duces tecum*), to administer oaths, to require reports, and to perform such other duties as may be necessary in accordance with the laws of the United States and the regulations of the Commission. The FFO shall be assisted by staff members as may be assigned by the Commission's Managing Director, and the FFO is authorized to delegate any authority enumerated herein to any assigned staff member as the FFO determines to be necessary.

IT IS FURTHER ORDERED, That the FFO shall issue an interim report of findings and recommendations no later than November 15, 2010, a final report of findings and recommendations no later than February 15, 2011, and provide further interim reports if it appears that more immediate Commission action is necessary, such reports to remain confidential unless and until the Commission provides otherwise;

IT IS FURTHER ORDERED, That this proceeding shall be discontinued upon acceptance of the final report of findings and recommendations by the Commission, unless otherwise ordered by the Commission; and

IT IS FUTHER ORDERED, That notice of this Order be published in the Federal Register.

By the Commission.

Karen V. Gregory
Secretary

Exhibit No. 2

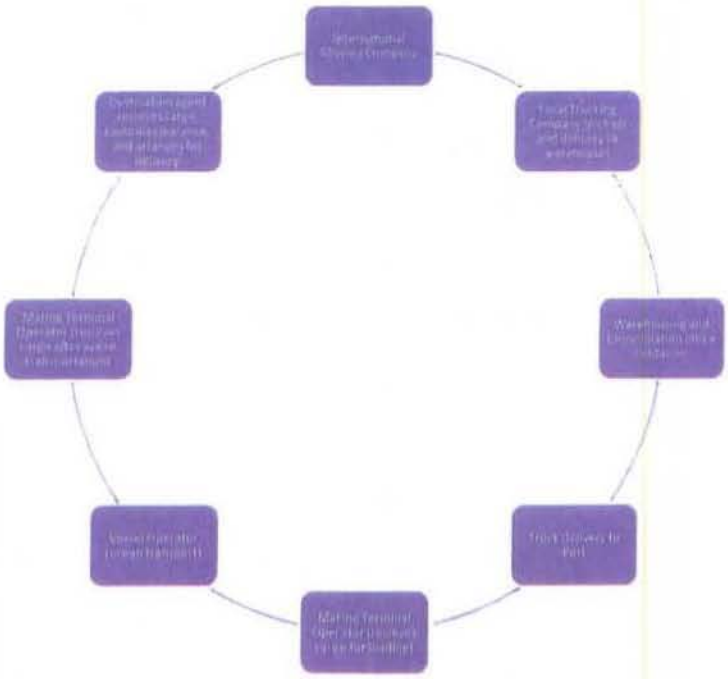
Protecting Your International Move

Moving abroad is an exciting adventure which presents unique considerations and challenges even for those who have extensive experience with domestic interstate moves. This brochure provides you with important information to facilitate a safe and efficient international relocation, when your move involves shipping by ocean vessel. This publication will also help you identify and avoid dishonest "rogue" movers that prey on the international shipping public.

The Importance of Hiring a Reputable International Mover

Consumers are often surprised to learn that international moving companies use several subcontractors. In many instances, the international moving company that you hire will never see or physically handle your goods. However, your international mover will be responsible for coordinating, overseeing, and paying various companies in the logistical chain such as: trucking companies, warehouses, vessel operators, and other intermediaries within the course of an international move.

International Moving Process



When an international mover fails to hire a reputable subcontractor, or fails to properly oversee or pay its subcontractor(s), problems occur such as:

- Failed deliveries
- Shipment delays
- Lost or damaged goods
- Increased costs to obtain your goods

As such, hiring a reputable moving company is the first line of defense to protect your personal goods and/or vehicles during your international move.

Hiring a Reputable, FMC Licensed or Registered and Bonded International Moving Company

The Federal Maritime Commission (FMC) is the federal government agency charged with regulating international ocean shipping. International moving companies that offer to ship your personal goods and vehicles between the U.S. and foreign jurisdictions by ocean vessel must be licensed or registered with the FMC.

The FMC issues two types of licenses for international moving companies: (1) a freight forwarder (FF) license; and (2) a non-vessel-operating common carrier (NVOCC) license. If your international mover is located in the U.S., it must have one or both of these licenses before it can lawfully provide you with international moving services. To receive a license, a company must establish that it has experience in ocean transportation shipping and knowledge of shipping regulations and requirements.

International companies located outside the U.S. that offer inbound ocean transportation services to the U.S. have the option of either obtaining a license from the FMC or providing information to the FMC as foreign NVOCCs.

Licensed NVOCCs, FFs and foreign unlicensed NVOCCs are required to maintain bonds to ensure that consumers are protected in the event that problems occur during transportation. Hiring an international mover that is FMC licensed or registered and bonded is essential to protecting your international move.

The best way to locate a licensed or foreign unlicensed international mover is to consult the FMC's website http://www2.fmc.gov/oti/. Licensed companies are searchable on the FMC's website by zip code. The best way to confirm that your mover is licensed or registered and bonded is to contact the FMC's Bureau of Licensing and Certification at (202) 523-5843. Alternatively, you can obtain information about your international moving company from the FMC's Office of Consumer Affairs & Dispute Resolution Services (CADRS) at (202) 523-5807 or (866) 448-9586 (toll free) or complaints@fmc.gov. It is also a good idea to perform a basic internet search to ensure that your international mover does not have a history of consumer complaints with state consumer protection agencies or the Better Business Bureau.

CAUTIONARY SIGNS

Ensuring that a company is FMC licensed or registered and bonded is an important first step in protecting your goods. However, other factors should be considered when selecting an international mover. Consumers should be wary of companies that exhibit the following practices or situations:

- Company claims that it is not required to have an FMC license
- Company's website does not list a local address or any address at all
- Company's quote is significantly lower than other providers
- Company charges a fee for credit card use or refuses credit card payments
- Company has an excessive cancellation penalty or fee
- Company claims to provide insurance, but fails to include a copy of the policy
- Company has a record of numerous complaints with the BBB or other agencies

Additional Considerations When Preparing for Your International Move

In addition to hiring a reputable FMC licensed or registered and bonded international mover, the following considerations are important when arranging for and executing your international move. Be sure your moving contract clearly identifies which services and products are included in your price quote. If products are provided separately, your quote should indicate the price at which they will be provided.

Understanding Cubic Volume and Price

Unlike domestic movers that charge for moves by weight, international movers charge consumers by the cubic volume shipped. The more cubic volume you ship, the higher your charges will be.

When providing quotes for services, international movers often provide computer-generated or phone estimates based upon a list of items that may be shipped. Often these estimates are inaccurate and do not account for additional cubic volume from packing materials and pallets or last minute additions to the shipment. As such, it is important to budget for potential increases of volume and to request that the international mover account for any additional increases in volume in your quote.

Disputes over cubic volume shipped can be time consuming and expensive. In the event that there is a significant difference between the amount estimated in your initial quote for service and a provider's subsequent bill, it may be possible to request an audit of the shipment at the consolidator's warehouse or at the port once the goods have arrived.

Packing

Consumers often overlook packing issues due to time and economic constraints. However, international shipments require additional packing to protect them against tumultuous transit conditions and inclement weather during shipment. Many insurance companies will insure your shipment only if it is professionally packed by the international mover or its subcontractor.

In addition to packing your goods, the international moving company will arrange to have your goods palletized. Palletizing protects your goods from shifting in transit and may provide additional protection against the elements, but you may also be assessed a charge for palletization. It is also important to note that palletizing may add cubic volume to your shipment resulting in additional cost.

Insurance

Unlike domestic moves where a mover will cover loss or damage at a certain amount per pound, international shipments are subject to a different regime, which may in some instances limit your recovery for loss or damage to $500 per container.

To address this problem, many international movers offer marine insurance to provide additional protection for your shipment. However, it is important to review the terms and conditions of the insurance offered, as some policies only provide protection for a total loss of the vessel. Under such policies, routine damage to goods that occurs in transit may not be covered. It is also important to understand that such policies are provided by third parties so it is imperative that you obtain a copy of the policy to ensure that a policy has been procured on your behalf.

One potential, often overlooked, avenue for insuring your overseas shipment is your existing home owner's or renter's policy. Some policies provide protection against loss or damage of your goods during an international move. You should examine the specific terms of your policy to determine its coverage.

Customs Requirements

International moves of certain personal effects and/or vehicles may require customs clearance domestically and at destination. It is important to research such requirements prior to moving, and to determine whether the international moving company will provide customs clearance services as part of its shipping services and the cost for such services.

Documentation

It is important to obtain receipts from both your international mover and the trucking company that picks up your household goods for shipment. In the event that there is a problem, it will be easier to locate your shipment and establish the extent of responsibility with these documents.

Seeking Assistance

FMC staff is available to assist you at any stage of your international move. The FMC's CADRS Staff are available to answer general questions regarding hiring an international mover, preparing for your international move, or about a particular international moving company.

If you encounter a specific problem involving your shipment, you should first attempt to contact your international mover. However, to the extent that your efforts to seek resolution with the company are unsuccessful, CADRS may be able assist you in resolving your dispute with your international mover and/or its subcontractors.

Some examples of disputes handled by CADRS include:

- shipment delays
- locating lost cargo
- lack of communication from the international moving company regarding shipment status and/or location
- unexpected increases in rates and charges
- refusal by a moving company's subcontractor to deliver a shipment

When contacting CADRS for assistance, please provide the following information:

- Your name and contact information
- A summary of the complaint
- Name and contact information of your international moving company
- Any documentation that you have relating to the shipment

Upon receiving your complaint, CADRS will contact you and the international moving company to seek informal resolution of the complaint. While informal complaint resolution is usually the fastest mechanism for resolving complaints, CADRS also offers other formalized dispute resolution services, such as: mediation, arbitration, and adjudication of certain claims in the amount of $50,000 or less.

For more information on the dispute resolution services offered by CADRS, please visit: www.fmc.gov

Creative and Innovative Dispute Resolution...

The Office of Consumer Affairs & Dispute Resolution Services (CADRS) provides Alternative Dispute Resolution (ADR) services to parties engaged in commercial or regulatory disputes involving the international transportation of goods by ocean vessel. CADRS also assists cruise line passengers that embark in the U.S. and experience problems.

Any individual who has a question, concern, or complaint related to the U.S./foreign ocean transportation of commercial or personal cargo and people may contact CADRS for assistance.

Problems Addressed

CADRS staff consists of experienced mediators and other ADR practitioners who regularly address various types of disputes. Examples include:

- rates and surcharges
- demurrage and/or detention
- shipment delays
- cargo loss or damage
- service issues
- equipment issues
- Ocean Transportation Intermediary (OTI) licensing issues
- household goods shipment inquiries
- cruise line passenger inquiries and complaints
- civil penalty demand letters
- cargo rolling
- "phantom bookings"

ADR Services

ADR consists of a variety of methods used to resolve disputes in the quickest and least expensive way. ADR avoids litigation and minimizes disruption to parties' businesses.

Interested parties should consult with CADRS staff to discuss potential ADR options. CADRS will then contact the other disputing party(ies) to discuss ADR options and participation. Parties may choose for themselves whichever ADR process they prefer. ADR services include but are not limited to:

Ombuds Services: An informal process where CADRS works with parties on a confidential basis at the onset of a dispute to facilitate an acceptable solution.

Mediation: A voluntary and confidential process where a third party neutral (CADRS) assists parties in finding a mutually acceptable solution. Mediation is especially useful for parties with ongoing commercial relationships that wish to maintain their relationship during and after the dispute resolution process. Parties can use mediation to maintain existing agreements or to explore new and more workable arrangements that meet the distinct needs of the parties.

Arbitration: Sometimes referred to as "binding arbitration," a confidential and quick adjudicative process where a selected arbitrator issues a binding decision based on the parties' submissions and presentations.

Consultation and Outreach

Consultation: CADRS staff is available to answer general inquiries regarding Federal Maritime Commission programs and responsibilities, as well as general questions about international ocean shipping practices.

Training and Presentations: CADRS staff is available for presentations at meetings, briefings, training sessions, and conferences, regarding commercial and regulatory considerations inherent in ocean shipping. CADRS staff is also available to provide educational presentations and training on the use of ADR to resolve commercial shipping disputes.

Benefits of Using CADRS

Parties that use CADRS enjoy several benefits, including:

- Confidentiality
- Flexibility
- Experienced mediators and arbitrators
- Avoidance of costly litigation
- Preservation of commercial relationships
- Single forum to address multiple issues
- Collaborative and creative real time solutions

Costs for ADR Services

There is no charge for Commission- provided ADR Services or the use of Commission facilities.

Exhibit No. 3

Federal Maritime Commission

The **Federal Maritime Commission** (FMC) was established in 1961 as an independent agency responsible for the regulation of ocean shipping in the foreign trades of the United States. The FMC is composed of five Commissioners appointed for five-year terms by the President with the advice and consent of the Senate. The President designates one of the Commissioners to serve as Chairman, who is the chief executive and administrative officer of the agency. The FMC:

- Protects shippers, carriers and others engaged in the foreign commerce of the U.S. from restrictive rules and regulations of foreign governments and from the practices of foreign-flag carriers that have an adverse effect on shipping in U.S. trades
- Provides facilitation, mediation, and arbitration to parties engaged in commercial or regulatory disputes involving the international transportation of goods by ocean vessel, and assists cruise line passengers that embark in the U.S. and experience problems
- Investigates upon its own motion or upon filing of a complaint, discriminatory or unfair charges, classifications, and practices of ocean common carriers, terminal operators, and freight forwarders operating in the foreign commerce of the U.S.
- Reviews agreements among ocean common carriers or marine terminal operators and monitors them to assure that they are not substantially anticompetitive or otherwise in violation of the Shipping Act of 1984
- Reviews tariff publications under the access and accuracy standards of the Shipping Act of 1984, assures proper application of rates, charges and rules as published in tariffs and service contracts of ocean common carriers
- Regulates rates, charges, classifications, rules and regulations contained in tariffs of carriers controlled by foreign governments and operating in U.S. trades to ensure that such matters are just and reasonable
- Licenses U.S.-based international ocean transportation intermediaries (OTIs) and requires bonds of both U.S. and "foreign-based" OTIs and proper tariff publication by U.S. and "foreign-based" ocean common carriers
- Issues passenger vessel certificates to vessel owners or charterers showing evidence of financial responsibility to pay judgments for personal injury or death or to repay fares for the nonperformance of a voyage or cruise

The FMC relies on a staff of professional and technical experts for support as they consider the decisions they must make to regulate oceanborne transportation. The professional staff is made up of lawyers, tariff and transportation specialists, economists, and Area Representatives.

Lawyers at the Commission advise the staff, handle administrative cases before Commission Administrative Law Judges and argue cases before the Commissioners. Area Representatives serve in major port areas and provide information, liaison and investigatory services. Other staff members analyze practices of the shipping industry to determine whether they are complying with the law; determine whether rates tend to be discriminatory or otherwise unlawful; issue licenses to ocean transportation intermediaries; issue certificates (casualty and nonperformance) to passenger vessel operators; perform industry/trade analyses; and provide Alternative Dispute Resolution to the industry.

The FMC is called upon to resolve questions about violations of shipping laws of the United States or regulations of the Federal Maritime Commission. The primary focus is to promote fairness and cooperation among the industries and entities subject to FMC regulation.

Federal Maritime Commission

800 North Capitol Street, NW
Washington, D.C. 20573

202-523-5725	Secretary
202-523-5843	Licensing
202-523-5818	Bonding
202-523-5793	Agreements
202-523-5856	Service Contracts and Tariffs
202-523-5773	Human Resources
202-523-5807; 866-448-9586 (toll free)	Consumer Affairs and Dispute Resolution Services

Area Representatives

Headquarters Representative
202-523-0300
mcarley@fmc.gov

South Florida
954-963-5362
amargolis@fmc.gov
954-963-5284
emintz@fmc.gov

New Orleans
504-589-6662
bjohnson@fmc.gov

Houston
281-386-8211
dzezima@fmc.gov

New York
718-553-2228
emingione@fmc.gov
718-553-2223
jcastellano@fmc.gov

Los Angeles
310-514-4905
oclark@fmc.gov
nasandas@fmc.gov

Seattle
253-922-7622
mmoneck@fmc.gov

Exhibit No. 4

facebook

Email | Password | Login

Keep me logged in | Forgot your password?

Sign Up | Facebook helps you connect and share with the people in your life.

Wall
Info
facebook townhall
Events
Welcome
Video
Photos (16,[illegible])
Privacy Policy
More

About
This is the White House page on Facebook. Comments posted on and messages r...
More

952,971
people like this

Likes

Stopbullying.Gov

Race to the Top

Joining Forces

U.S. Department of State - Environment,

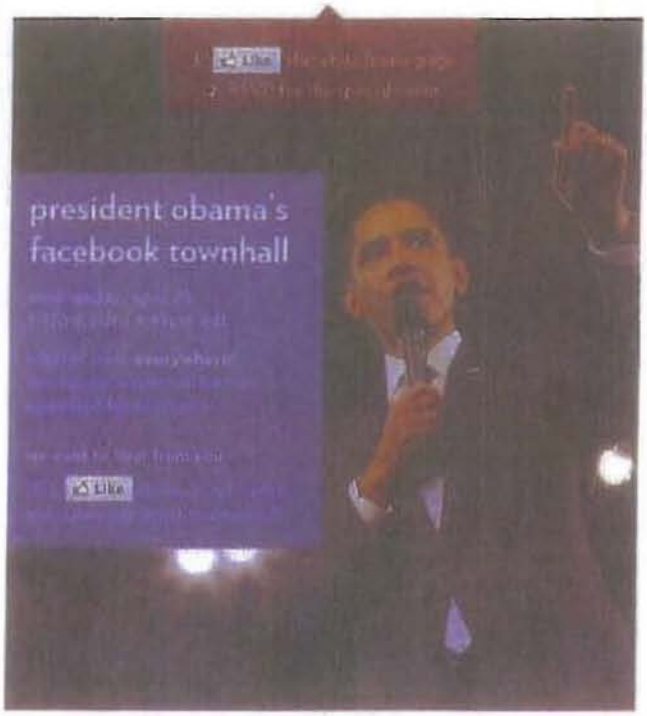
United States Marine Corps

Create a Page
Report Page
Share

The White House

Like

Government Organization · Washington, District of Columbia



To submit questions without using facebook, visit whitehouse.gov/facebooktownhall

To continue directly to the event page to RSVP click here

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Mobile · Find Friends · Badges · People · Pages · About · Advertising · Developers · Careers · Privacy · Terms · Help

Exhibit No. 5

Local Community Outreach Contacts:

- Miami , FL area binational Chambers of Commerce http://www.beaconcouncil.com/Web/Content.aspx?Page=BiNationalTradeOffices
- Orlando FL area Binational Chambers of Commerce http://www.orlandoedc.com/Relocate-Expand/International-Business/consulates.shtml
- Latin Chamber of Broward County, Florida: http://www.latinchamberbroward.com/
- Jamaica USA Chamber of Commerce http://www.jamaicausachamber.org/
- Haitian American Chamber of Commerce http://haccof.com/
- Honduran American Chamber of Commerce
- Haitian Women of South Florida http://www.fanm.org/home.html
- Brazilian Total Assistance http://assistenciatotal.webnode.com/
- Member Lines of the Central America Discussion Agreement (CADA)
- Member Lines of the Caribbean Shipowners Association (CSA)
- Congressional Offices
- State Senators
- County and City Mayors of municipalities that have a concentrations of immigrants from the selected ethnic communities and/or a high concentration of HHG shippers.

Exhibit No. 6

MOVING? SHIPPING CARGO? -- WARNING

Do not trust your valuable shipments to an unlawful mover!

If you have a problem regarding an overseas moving company, call FMC Consumer Affairs Hotline, toll free, 1-866-448-9586.

International shipping and moving companies must be licensed or registered by the Federal Maritime Commission (FMC), an agency of the United States Government, and must post an insurance surety bond for your protection. Legal status can be verified at www.fmc.gov by selecting "OTI List" or by calling (718) 553-2228/2223 (New York); or (202) 523-5843 (Washington, DC).

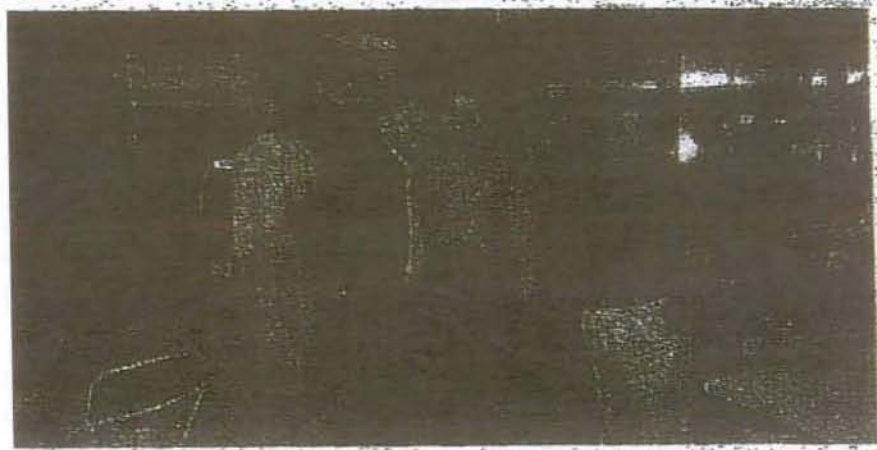
MUDANZA INTERNACIONAL? ENVIÓ DE CARGA?

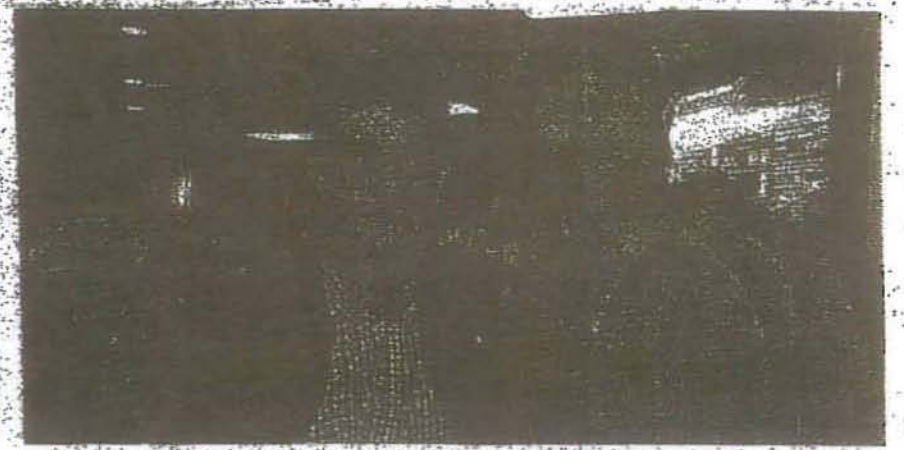
EMBARQUE DE CARGA -- AVISO

¡Asegúrese de que su embarque llega a su destino! Escojan una compañía de mudanzas con una licencia del Federal Maritime Commission!

Si ha tenido problemas con un envió internacional, o quiere denunciar una compañía de mudanzas, llame al "Consumer Affairs Hotline," 1-866-448-9586, la llamada es gratis.

Compañías que envían flete a otros países, y compañías de mudanzas internacionales, deben tener una licencia de la Comisión Federal Marítima (Federal Maritime Commission -- FMC), una agencia del gobierno de los Estados Unidos. La Comisión Federal Marítima (Federal Maritime Commission -- FMC), solamente otorga licencias a compañías de mudanzas internacionales que han sacado un seguro especial para la protección del consumidor. Para confirmar que su compañía de mudanza internacional tiene una licencia, chequea la lista de compañías listado en la en la página de web del FMC, www.fmc.gov , ("OTI List"), o llamen al (718) 553-2228/2223 (New York) ó (202) 523-5843 (Washington, DC).





CONTROL DE LA MENTE

¿Necesitas encontrar tu...

- Meta
- Exito
- Voluntad
- Vida
- Auto Estima
- Negocio

¡Cuando ciernes la puerta del MIEDO
acabas de abrir la de EXITO!

786-488-5560

Email: coachfernando1105@gmail.com

MUDANZA INTERNACIONAL? • ENVIÓ DE CARGA?

EMBARQUE DE CARGA - AVISO

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Escojan una compañía de mudanzas con una licencia del Federal Maritime Commission!
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Para confirmar que su compañía de mudanza internacional tiene una licencia, cheque a la lista de compañías listado en la en la página de web del FMC,
www.fmc.gov , ("OTI List"), o llaman al (954) 963-5204/5362 (Miami) ó (202) 523-5843 (Washington, DC).

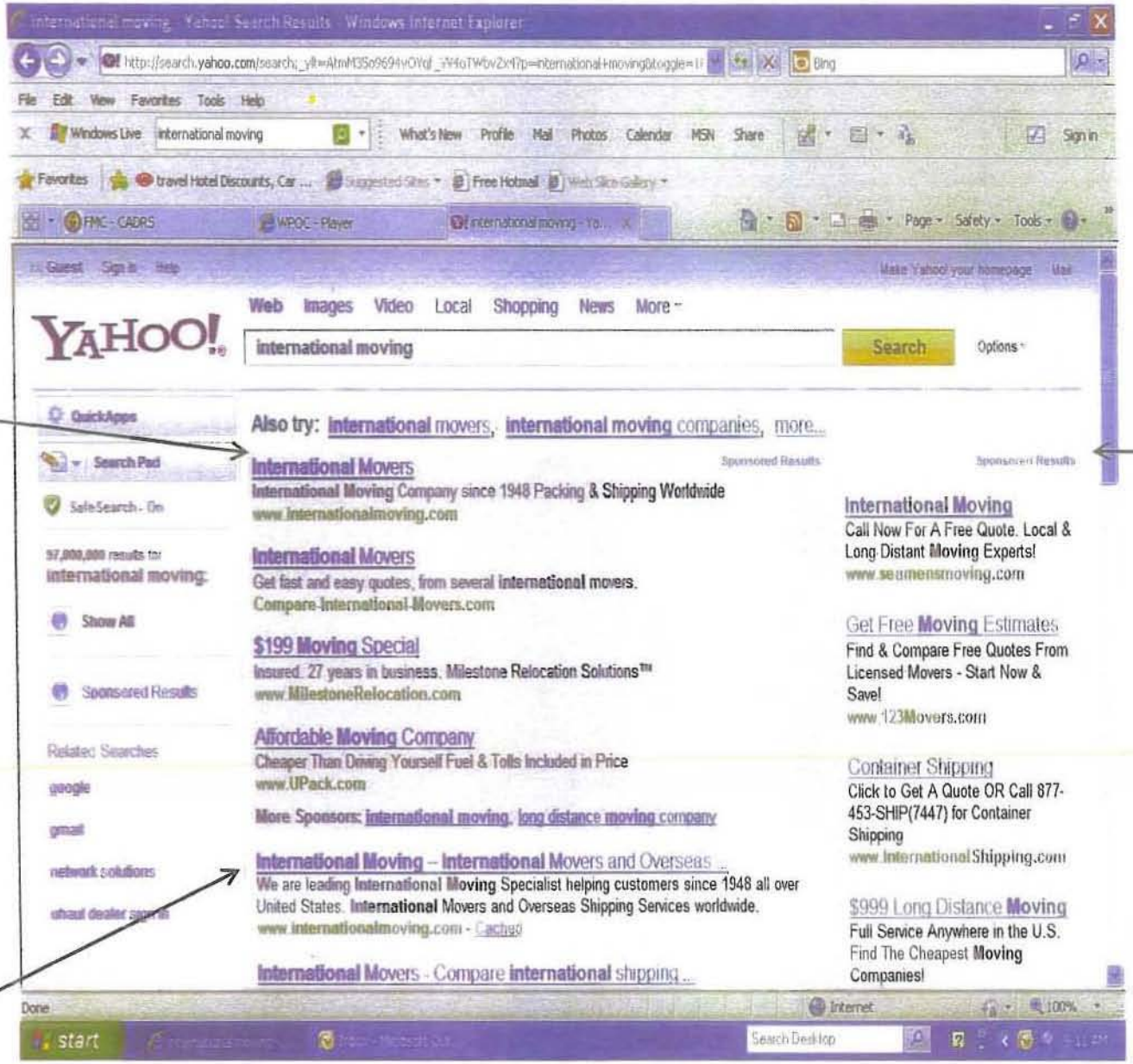
Exhibit No. 7

Sources of information for ethnic/immigrant communities:

- Communidade News http://www.verdeamarelo.net/pg/3231.asp
- Brasileiros nos Estados Unidos http://www.brasileirosnosestadosunidos.com/
- Dominican Today http://www.dominicantoday.com/
- Univision
- Telemundo
- TV GLOBO

Exhibit No. 8

Sponsored Results



Sponsored Results

List of companies

Exhibit No. 9

FEDERAL MARITIME COMMISSION
800 North Capitol Street, N.W.
Washington, D.C. 20573

October 29, 2002

NOTICE

ADVISORY TO OCEAN COMMON CARRIERS, CONFERENCES AND DISCUSSION AGREEMENTS OF SUCH CARRIERS, SHIPPERS, SHIPPERS' ASSOCIATIONS, OCEAN TRANSPORTATION INTERMEDIARIES AND TARIFF PUBLISHERS IN THE FOREIGN COMMERCE OF THE UNITED STATES REGARDING ACTIONS IN RESPONSE TO CONGESTION AT PORTS ON THE WEST COAST OF THE UNITED STATES

The Federal Maritime Commission ("Commission") has been monitoring ongoing developments relating to the congestion and delays that recently have occurred, and may continue for some time, at U.S. West Coast ports. We also have received several inquiries from interested parties as to the legality of certain carrier actions being taken or proposed. Accordingly, the Commission wishes to remind the regulated industry and the shipping public of the general requirements of the Shipping Act of 1984, 46 U.S.C. app. § 1701 et seq. ("1984 Act") and of the Commission's rules that govern rate changes that result in an increased cost to the shipper. These provisions should provide guidance to shippers and carriers in this situation.

Section 8(d) of the 1984 Act, and the Commission's rules on tariffs at 46 C.F.R. § 520.8, generally prohibit any "change in an existing rate that results in an increased cost to the shipper from becoming effective earlier than 30 calendar days after

publication." The Commission's rules on tariffs state that the "rates, charges, and rules applicable to any given shipment shall be those in effect on the date the cargo is received by the common carrier or its agent including originating carriers in the case of rates for through transportation." 46 C.F.R. § 520.7(c).

With respect to service contracts, the public is reminded that the specific terms of individual service contracts generally govern the rates and service obligations of the parties. Any variance from specific terms must be authorized otherwise, either by the terms of the contract itself or by reference therein to other applicable authority, such as carrier rules tariffs which would normally be subject to the 30-day notice requirement. Of course, service contract terms always may be varied by mutual agreement of the parties reflected in an amendment duly filed with the Commission and otherwise consistent with applicable regulations and statutes.

The Commission wishes to caution the industry and the shipping public that these general rules remain in effect and that any actions inconsistent with these rules would be permissible only if they are authorized by other lawful provisions. Specifically, any surcharges published in tariffs that are designed to address the consequences of continuing congestion at U.S. West Coast ports generally should not be instituted without the required 30-day notice, and may be applied only in conformance with the applicable

"effective date" rule, cited above. Again, parties to service contracts lawfully may negotiate alternative means of addressing the costs associated with this congestion through amendment of their service contacts.

The Commission recognizes that a host of differing circumstances and questions will arise as the West Coast dock situation continues to unfold. The foregoing does not attempt to address all such matters -- it is intended to serve as general guidance. Involved parties who have any uncertainty as to the legality of the actions they are encountering or proposing may wish to obtain legal counsel. The Commission will continue to monitor this situation and is available to answer general questions on applicable legal requirements. Any questions relating to this Advisory or other aspects of common carriers' service in the present situation may be directed to Vern W. Hill, Director, Bureau of Enforcement, at (202) 523-5783 or by electronic mail at vernh@fmc.gov.

This Advisory will be posted on the Commission's website at http://www.fmc.gov, posted in the Office of the Secretary, 800 N. Capitol Street, N.W., Room 1046, Washington, D.C. 20573, and published in the Federal Register.

By the Commission

Bryant L. VanBrakle
Secretary

CIRCULAR LETTER NO. 00-1

TO: ALL COMMON CARRIERS, CONFERENCES OF COMMON CARRIERS AND PUBLISHERS OF CARRIER/CONFERENCE AUTOMATED TARIFF SYSTEMS

SUBJECT: PUBLIC ACCESS TO TARIFFS AND TARIFF SYSTEMS UNDER THE OCEAN SHIPPING REFORM ACT OF 1998

Effective May 1, 1999, the Ocean Shipping Reform Act of 1998 ("OSRA") modified the Shipping Act of 1984 ("1984 Act") to require carriers and conferences to publish their rates in private, automated tariff systems. OSRA requires these tariffs to be made available electronically to any person, without limits on time, quantity, or other such limitation, through appropriate access from remote locations, and authorizes that "a reasonable charge" may be assessed for access. *See* 46 U.S.C. app. § 1707(a)(2).

OSRA charges the Federal Maritime Commission ("Commission") with prescribing requirements for the "accessibility and accuracy" of these systems; the periodic review of these systems; and the prohibition of the use of systems that fail to meet the Commission's requirements. 46 U.S.C. app. § 1707(g). The Commission has implemented requirements intended to permit shippers and other members of the public to obtain reliable and useful tariff information. 46 C.F.R. Part 520.

The Commission has found that some tariff systems appear to limit the public's ability to access tariffs. Therefore, the Commission is issuing this circular letter to notify carriers, conferences, and tariff publishers about the concerns listed below, and to offer assistance in having them corrected. Those involved in publishing carrier tariff systems are encouraged to resolve any access problems and to ensure that their tariffs are the information tools envisioned by OSRA. The Commission intends to enforce its regulatory requirements if these problems are not corrected.

(1) Instructions - The Commission's rules require tariff systems to provide user instructions for access to tariff information. 46 C.F.R. § 520.9(e)(4). While some systems contain such instructions, others do not. Additionally, the instructions that are provided in others are not helpful. Consequently, tariff/tariff system instructions should be reviewed by carriers, conferences, and tariff publishers for their completeness and user helpfulness, and corrections or enhancements should be made as needed.

not permit changes to the access date and others may only allow historical access to certain tariff information. Accordingly, the Commission advises carriers, conferences, and tariff publishers to verify that their tariff systems provide access to all historical tariff information. Prompt attention to any deficiency of this type is critical to ensure that historical tariff data is not irretrievably lost.

(4) Downloading/software problems - The Commission is aware that some tariff systems or the system's software: (1) require considerable time to download or must be downloaded each time a user enters the system and/or (2) operate at exceedingly slow speeds in moving from one function to another. It is also noted that delays experienced in using tariff systems that charge on a per minute basis only add to the public's expense and further limit the public's access to tariffs. The Commission encourages carriers and publishers to correct software problems that unreasonably limit public access.

(5) Fees - The Commission is concerned that certain fees and/or monthly minimum requirements effectively may limit public access to certain tariffs or tariff systems, contrary to the requirements of OSRA. The Commission, therefore, soon will institute an Advance Notice of Proposed Rulemaking on the matter of access fees and monthly minimum charges. Through this proceeding, the Commission will seek input from all interested parties on its initial proposal for addressing this issue.

The Commission recognizes that several carriers, conferences, and tariff publishers have published electronic tariffs that are in accordance with OSRA and the Commission's rules. We appreciate those efforts, as well as other attempts to improve tariff publication systems. However, to the extent the foregoing access concerns exist, they must be rectified. The Commission also has encouraged public users to notify the Commission's Bureau of Trade Analysis of any problems that they may have experienced in accessing tariff systems. The Commission intends to work with the industry to correct any problems that limit the public's ability to electronically access published tariffs. But, if these problems cannot be remedied through cooperation, the Commission will consider other actions to improve public access to tariffs in accordance with the Congressional mandate contained in OSRA.

Bruce A. Dombrowski

Bruce A. Dombrowski
Executive Director

April 6, 2000

Federal Maritime Commission

INFORMATION BULLETIN

Washington, DC 20573

VARIOUS ATFI MATTERS

IB 07-93

CONTACT BRYANT L. VANBRAKLE at (202) 523-5796

FOR RELEASE WEDNESDAY, FEBRUARY 17, 1993

The following ATFI-related matters which appear to require clarification have come to the attention of the Federal Maritime Commission. Correspondence and checks for Automated Tariff Filing and Information system ("ATFI") registration or user manuals should be addressed to the Federal Maritime Commission's Bureau of Tariffs, Certification and Licensing ("BTCL"). All checks should be made payable to the Federal Maritime Commission. Addressing ATFI related correspondence and checks to other Commission components could result in processing problems.

With respect to filing tariff matter in the production system, conferences must enter their carrier member's names in the conference organization record before filing any other tariff component. (Each carrier member must be separately registered with ATFI before it can be listed.) The failure to list the membership could prevent independent action filings or other specific carrier charges from being credited to the particular carrier member.

Finally, all filers that intend to use a tariff publisher must identify the publisher in the filer's organization record before the publisher can file tariff data for the carrier. If a filer authorizes a publisher to register the filer with ATFI, the publisher, not the filer, will receive the Login ID and Password. Such filers lose control over their tariffs and organization records and will not be able to independently access ATFI unless they separately register as a retriever.

ATFI will become available for filing official tariffs on Monday, February 22, 1993. Filers should call (703) 883-8350, the ATFI Hotline, ten (10 days) in advance of the day they wish to begin filing official tariffs.

* * * * *

Exhibit No. 10

Federal, State and local law enforcement agencies that the Commission should work with to develop plans for joint law enforcement activities.

- Customs and Border Protection (CBP)
- Florida Department of Law Enforcement (FDLE)
- Immigration and Customs Enforcement (ICE)
- Transportation Safety Administration (TSA)
- US Coast Guard
- US Department of Commerce (Bureau of Industry and Security/ Export Enforcement) http://www.bis.doc.gov/
- Broward Sheriff's Office
- Miami Dade Police Department
- Federal Motor Carrier Safety Administration (FMCSA)
- Surface transportation Board (STB)
- Interagency working groups (including; The Joint Terrorism Task Force (JTTF))
- NYC Department of Consumer Affairs
- NYC 311 Referral Service

Exhibit No. 11

Trade and Industry Groups Involved in the "Barrel Trades"

- Florida Customs Brokers and Freight Forwarders Association (FCBF)
- Miami River Marine Group
- Florida Foreign Trade Association (FFTA)
- Organization of Women in International Trade (OWIT) http://www.owit-southflorida.org/
- Asociacion de Consilidadores de Carga Region Norte (ACOCARENOR)
- Grupo Empresarial De Embarcadores Dominicados En USA (GEEDUSA)

Exhibit No. 12

Commission Process to Address Violations of the Shipping Act

Formal Investigation

In order for the Commission to issue an order relating to a violation of the Shipping Act or the Commission's regulation, the Commission must provide an opportunity for hearing to the affected party.[1] To satisfy this requirement, the Commission, by majority vote, generally issues an Order of Investigation (Order), pursuant to 46 U.S.C. § 41302, instituting an investigation (Formal Investigation) to determine if violations of the Shipping Act have occurred, and if so, the appropriate sanctions to be imposed.[2] The sanctions available for imposition revocation of an OTI license and issuance of Commission orders, including cease and desist orders ordering parties to stop violating the Shipping Act and assessment of civil penalties. The Order designates the appropriate parties as Respondents and names the Bureau of Enforcement (BOE) as a party to the proceeding.

In a Formal Investigation, BOE attorneys serve as the prosecuting attorneys with the responsibility of developing the evidence and have the burden of proving violations of the Shipping Act. The Order generally directs that the matter be assigned for hearing to one of the Commission's Administrative Law Judges (ALJ) for issuance of an initial decision, giving the ALJ the discretion to determine if an oral hearing is necessary.[3] Often, the ALJ is able to issue an initial decision on the basis of sworn statements, affidavits, depositions or other documents without the need for oral testimony and cross examination. Formal Investigations pursuant to an Order generally allow for motion practice and discovery, including the issuance of subpoenas, depositions, interrogatories and requests for admission, pursuant to the Commission's procedural rules located at 46 CFR Part 502. The Order generally gives the ALJ up to a year to issue an initial decision. The completion of discovery, resolution of discovery disputes and motion practice can often cause substantial delays in the issuance of an initial decision. The initial decision of the ALJ can include a determination that Respondent(s) have violated the Shipping Act and appropriate

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[1] 46 U.S.C. § 41304.

[2] Proceedings may also be initiated pursuant to 46 U.S.C. § 41302 by a complaint filed by a private party seeking redress and reparations against a party regulated by the Commission.

[3] Although the statute requires the Commission to provide an opportunity for hearing, under the Administrative Procedure Act (APA), agencies are not required to provide the formal judicial trial-type procedures required by some sections of the APA (5 U.S.C. § 554-557) unless a statute calls for "adjudication required by statute to be determined on the record after opportunity for an agency hearing." 5 U.S.C. § 554(a). If an adjudication is not within the scope of section 554(a), section 555 governs the adjudication. Section 555 requires only that an agency 1) permit a party to be represented by an attorney or other authorized representative; 2) permit a person to obtain a copy of any data or evidence he or she provides; and 3) provide a statement of the grounds for its decision. Since 46 U.S.C. § 41304 merely requires an opportunity for a hearing and not an agency, formal judicial trial-type procedures are not required.

sanctions, including civil penalties, revocation of OTI licenses and cease and desist orders. The initial decision of the ALJ is subject to exceptions by the parties and review by the Commission.

Order to Show Cause

As an alternative to initiating a proceeding by Formal Investigation, the Commission, pursuant to 46 CFR §502.66,[4] may institute a proceeding by order to show cause (OTSC). If so, the OTSC must be served upon all the persons, including corporate entities, named in the OTSC (hereinafter Respondents); may require the Respondents named in the OTSC to answer; and shall require such person(s) to appear and present evidence upon the matters named in the OTSC. An OTSC generally makes BOE a party to the proceeding. An OTSC usually limits the proceeding to the submission of affidavits of facts and memoranda of law (filed first by Respondents after a limited period of time, 30 or 60 days) with reply briefs filed by BOE shortly thereafter. The proceeding is not assigned to an ALJ for issuance of an initial decision. OTSC proceedings historically have not allowed for motion practice or discovery. At the conclusion of submission of affidavits and memoranda of law by Respondents and BOE, the Commission issues an order.

Since discovery is not allowed and the OTSC usually sets short deadlines for the submission of affidavits and memoranda of law, a proceeding initiated by OTSC may be concluded more quickly than a proceeding initiated by an Order. However, if the use of discovery procedures, such as subpoenas or depositions, is necessary to obtain evidence in order to determine whether violations of the Shipping Act have occurred, the Commission may not wish to initiate a proceeding by OTSC. Additionally, Section 13 of the Shipping Act, 46 U.S.C. § 41109, requires the Commission, prior to assessing a civil penalty for violations of the Shipping Act, to take into account the nature, circumstances, extent, and gravity of the violation committed and, with respect to the violator, the degree of culpability, history of prior offenses, ability to pay, and other matters justice may require. Unless such evidence is already available to the Commission or its development is

[4] This section existed in the rules of the Federal Maritime Board/Maritime Administration and was transferred to the Commission pursuant to General Order 1 issued on August 14, 1961. (This section existed as 46 C.F.R. 201.67 in the Federal Maritime Board's Rules of Practice and Procedure and was part of those rules as early as July 31, 1953.) Those rules were republished as the Commission's Rules of Practice and Procedure on November 16, 1963, where this section was listed as 502.67. (28 Fed. Reg. 12205). On May 16, 1964, the Commission issued a notice of proposed rulemaking where the section was renumbered as 502.66 but no substantive changes were made. (29 Fed. Reg. 6460). The Commission issued a final rule on October 26, 1965 (30 Fed. Reg. 13604.) No substantive changes have been made to the section since that date.

provided for in the OTSC, a proceeding initiated by OTSC may not allow the development of the information necessary for assessment of a civil penalty.[5]

Injunction

A tool available to the Commission to enjoin behavior violating the Shipping Act, which may be used at the beginning stages of a proceeding initiated either by Order or OTSC, is contained in 46 U.S.C. § 41307.[6] This section provides that, in connection with an investigation under 46 U.S.C. §41302 (Order or OTSC) or § 41301 (Private Complaint), the Commission may bring a civil action to enjoin conduct in violation of the Shipping Act. The actions must be brought in the district court where the defendant resides or transacts business. Both individuals and corporate entities may be named in the injunction action. The court may grant a temporary restraining order or a preliminary injunction for a period not to exceed 10 days after the Commission has issued an order disposing of the issues under investigation. Unlike a proceeding to enforce a Commission order, if allowed by local court rules, the Commission, through the Office of General Counsel, may represent itself in a proceeding under this section in a district court on notice to the Attorney General. Once a preliminary injunction is issued, the Commission is responsible for serving it on any

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[5] The Commission has issued orders to show cause for the revocation of licenses due to failure to have a qualified individual or a valid bond (Docket No. 08-02, Revocation of Ocean Transportation Intermediary License No. 016019N-Central Agency of Florida, Inc.; Docket No. 06-04, Revocation of Licenses for Failure to comply with the Financial Responsibility Requirements of the Shipping Act of 1984). The Commission also issued orders to show cause in the Canaveral Port Authority and Exclusive Tug Franchise cases. (Docket No. 02-02, Canaveral Port Authority – Possible violations of Section 10(b)(1), Unreasonable Refusal to Deal or Negotiate; Docket No. 01-06, Exclusive Tug Franchises –Marine Terminal Operators Serving the Lower Mississippi River). Additionally, the Commission has used Order to Show Causes against unlicensed individuals: (Docket No. 95-14 Michael Grant doing business as Island Shipping, Inc.; Docket No. 00-05, World Line Shipping Inc. and Saeid B. Maralan (AKA Sam Bustani)).

[6] An example of the usage of injunctive relief is Docket No. 06-01, Worldwide Relocations, Inc.; Moving Services, L.L.C.; International Shipping Solutions, Inc.; Dolphin International Shipping, Inc.; Boston Logistics Corp.; Tradewind Consulting, Inc.; Global Direct Shipping; Megan K. Karpick (a/k/a Catherine Kaiser, Kathryn Kaiser, Catherine Kerpick, Megan Kaiser and Alexandria Hudson); Martin J. Mckenzie; Patrick John Costadoni; Lucy Norry; Baruch Karpick; and Sharon Fachler – Possible Violations of Sections 8, 10, and 19 of the Shipping Act of 1984 and the Commission's Regulations at 46 C.F.R. §§ 515.3, 515.21, and 520.3, currently on review by the Commission. The Order in that proceeding was issued on January 11, 2006, one day before the Commission filed a complaint for injunctive relief in Federal Maritime Commission v. All-In-One Shipping, Inc., et al. , U.S. District Court for the Southern District of Florida, Case No. 06-60054 – Civ, seeking to enjoin four household goods moving companies and three individuals from operating as NVOCCs in violation of the Shipping Act by accepting cargo for transportation, and for advertising for or soliciting cargo while operating as ocean transportation intermediaries without a valid license, bond or other security on file with the Commission. As support for the injunction, the Commission relied on 46 U.S.C. § 1710(h)(1), the predecessor to 46 U.S.C. § 41307. The District Court issued the requested preliminary injunction by order dated January 17, 2006. The companies and individuals that were named and subject to the injunction were: All-In-One Shipping, Inc.; Around The World Shipping, Inc.; Boston Logistics Corp.; Global Direct Shipping; Daniel Cuadrado; Elizabeth F. Hudson; and Joshua Morales. In addition to each of the companies and individuals named in the injunction, their agents, servants, employees, and attorneys, and those in active concert or participation were also enjoined. The injunction is still in effect, pending review by the Commission.

defendants. If a court grants a Commission request for injunctive relief, a violation of the preliminary injunction by continuing to operate in violation of the Shipping Act could subject the defendant to civil contempt in the district court that issued the preliminary injunction.

Cease and Desist Order

After conclusion of a proceeding initiated either by Order or OTSC, the Commission may issue a cease and desist order directing a Respondent to cease violating the Shipping Act. Should the Commission obtain or receive evidence that a Respondent is violating the Commission cease and desist order (or any other order for that matter), pursuant to 46 U.S.C. § 41308, the Attorney General, at the request of the Commission, may seek enforcement in a district court of the United States having jurisdiction over the parties.[7] If a court determines that the order was regularly made and duly issued, the court shall enforce the order by against the Respondent(s).

[7] This remedy is also available for the refusal to comply with a Commission subpoena.

Addendum to Fact Finding Investigation No. 27

Final Report
Fact Finding Investigation No. 27
Motions for Commission Meeting
May 11, 2011

I. Educating the Consumer

A. Improve Information Materials Available to the Consumer

Motion # 1: Move to approve the continued development of these consumer education materials to provide public consumers with basic information about what to expect and how to handle international shipment of household goods, as well as provide answers to frequently asked questions.

B. Enhance Website Content Focused on the Consumer

Motion # 2: Move to continue to develop and implement a plan that makes the elements included on pages 7 and 8 of the Final Report available through the agency's website so they are easily located, accessible to household good shippers and shared with other governmental agencies and private sector partners.

C. Leverage Social Media Technology

Motion # 3: Move to continue current efforts to develop and implement a plan to use social media technologies as an additional tool to build relationships with the shipping public and other government agencies to address problems encountered by consumers in the international shipment of household goods and personal property. This should be completed by September 30, 2011 with a report back to the Commission.

D. Enhance Local Community Outreach

Motion # 4: Move to direct the staff to develop and implement an outreach plan for ethnic/immigrant communities that experience problems in the international shipment of household goods.

E. Increase FMC Visibility on Internet

Motion # 5: Move to direct the staff to identify Internet search engines and lead-source LSPs that advertise international relocation services on the Internet and develop a plan to obtain their help to educate public consumers and raise awareness about information and services available to the shipping public from the FMC.

F. Enhance Website Linkage by Licensed/Registered OTIs

Motion # 6: Move to direct the staff to develop a plan to encourage licensed/registered OTIs that service household goods shippers to link their sites to the Commission's website that will provide an additional access point to the FMC's information on household goods shipments and improve the search ranking of the Commission's website generally.

II. Improve the Consumer Experience

A. Foster "Best Practices" and Model Forms

1. International Relocation

Motion # 7: Move to direct the staff to work with stakeholders, industry partners and other government agencies to develop industry "best practices" and model forms that, if consistently used, would reduce the potential for problems and thereby increase household goods shipper satisfaction.

2. Barrel Trade

Motion # 8: Move to direct the staff to work with industry partners in the barrel trade to develop industry "best practices" and model forms that, if consistently used, would reduce the potential for problems and thereby increase shipper satisfaction in the Barrel Trade.

B. Develop Agency Guidance Letters

Motion # 9: Move to develop and implement a plan to circulate FMC appropriate "guidance document" that would provide agency guidance on "best practices" and model forms to those providing international transportation services to household goods shippers.

III. Protect the Consumer

A. Strengthen Partnerships with Other Government Entities and Private Associations

1. Other Governmental Agencies and Elected Officials

Motion # 10: Move to direct the staff to continue to explore ways to build upon existing cooperative efforts, set up an ongoing process to meet, share information and resources, cooperate to enhance protection for shippers of household goods by international ocean transportation and formalize relationships with the FMCSA, the STB, and CBP.

2. Joint Law Enforcement Efforts

Motion # 11: Move to direct the staff to develop a program of cooperative law enforcement efforts with Federal, state and local law enforcement officials to focus public and media attention on the unique problems associated with the shipment of household goods in the barrel trade.

3. Elected Officials

Motion # 12: Move to direct the staff to develop a plan for outreach to and cooperative efforts with elected officials most likely to have constituents that are affected by household goods moving scams or unprofessional movers.

4. Trade and Industry Groups

a. International Relocation

Motion # 13: Move to direct the staff to develop outreach relationships with major and specialty associations representing those engaged in the international transportation of household goods by water and set up an ongoing process to meet, share information, and develop industry "best practices" and model forms to reduce problems and increase public consumer satisfaction.

b. Barrel Trade

Motion # 14: Move to direct the staff to strengthen relationships with specialty associations representing those engaged in the international transportation of household goods by water and set up an ongoing process as appropriate to meet, share information, develop and refine industry "best practices" and model forms and increase public consumer satisfaction.

B. Promote ADR

Motion # 15: Move to direct the staff to complete a proposed draft of a model dispute resolution clause and a proposed rule to address a mandatory mediation process for household goods disputes and complaints with a report back to the Commission for guidance and interim approval.

C. Establish a Voluntary "Household Goods Participant Program" for Licensed NVOCCs that Ship Household Goods

Motion # 16: Move to direct the staff to develop for Commission consideration a set of requirements for a voluntary "Household Goods Program" that would enhance public consumer protection in the household goods.

D. Implement New NVOCC License Category for OTIs Operating Only in the Barrel Trades

Motion # 17: Move that the Commission initiate a rulemaking to establish a new NVOCC license category for those operating in the barrel trade with a lower bond and tailored standards. Further, the staff should develop the guidelines for this license category.

E. Prevent Harm to Consumers

Motion # 18: Move to direct the staff to develop the criteria and written guidelines necessary to implement Section IV, sub-sections E 1, 2, and 3 of the Final Report that will allow the Commission to more expeditiously terminate the operations of OTIs who are causing harm to consumers in the household goods area.

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F. Rulemaking to Address Advertising to Provide Transportation Services for Household Goods

Motion # 19: Move that the Commission initiate a rulemaking to develop a more general and comprehensive definition of the matters, items and actions involved with "to act" as an OTI in the household goods area. Further, the staff should develop the guidelines for this license category.

G. Require OTI Disclosure of Agent/Principal Relationship

Motion # 20: Move that the Commission institute a rulemaking to revise 46 CFR 515.31 and direct the staff to develop the guidelines for this license category whereby an OTI must require their bona fide agents to include the OTI/principal's name and license number on all stationary, billing forms, and all papers and invoices, and further, the appropriate presumptions that would apply where such disclosure is not provided.

IV. Staff Report to the Commission – Progress and Implementation

Motion # 21: Move that the Commission direct the Managing Director and appropriate staff, as assigned, to promptly begin the implementation of the recommendations set forth in the Final Report and in the forgoing Motions. The staff is further directed to promptly report to the Commission upon the completion of each Motion and, in any event, to report to the Commission by September 30, 2011 on the progress, implementation and then current status of each Motion together with anticipated completion date(s).

V. Making the Final Report to the Public

Motion # 22: Move that the Commission make the Final Report for Fact Finding No. 27 available to the public.