



# C.H. Powell Company

75 Shawmut Road Canton, MA 02021  
Phone: 781 302 7300 Fax: 781 302 7399 Internet: www.CHPowell.com



**BEFORE THE  
FEDERAL MARITIME COMMISSION  
WASHINGTON, D.C.**

**DOCKET NO. P2-15**

**PETITION OF THE NATIONAL CUSTOMS BROKERS AND FORWARDERS  
ASSOCIATION OF AMERICA, INC. FOR INITIATION OF RULEMAKING**

**COMMENTS OF DAVID E. POWELL**

I am David E. Powell, Treasurer of C. H. Powell Company, responsible for its NVOCC division. C. H. Powell Company is an Ocean Transportation Intermediary licensed as both an Ocean Freight Forwarder, and a Non-Vessel-Operating Common Carrier, under license number 000176NF. C.H. Powell Company operates 17 offices at major USA ports. C. H. Powell Company has an ownership interest in affiliated companies in China, India, and the Netherlands. C.H. Powell Company has more than 50 dedicated agents throughout the world. C. H. Powell Company transacts approximately 11,500 NVOCC shipments per year.

I submitted comments in June, 2008, supporting regulatory relief for NVOCCs in the area of tariff-based rate filing. I submitted comments again in June, 2010, in support of Negotiated Rate Arrangements. I sincerely appreciate the consideration given to my comments and the comments of the shipping community by the Federal Maritime Commission in allowing NRAs. C. H. Powell Company has converted virtually all of its rate offerings to NRAs, resulting in reduced administrative expense, and more customer-specific pricing, desired by shippers.

C. H. Powell Company has never filed NSAs, as quite frankly the administrative burden of these is more onerous than either tariff filing or NRAs. The rulemaking establishing NRAs also limited the topics allowed to be addressed therein presumably to avoid overlap and confusion between NSAs and NRAs. In so doing, the FMC has also limited the full beneficial impact of NRAs to both NVOCCs and shippers, in support of a little-used, cumbersome alternative. The result, two imperfect methods for memorializing NVOCC rates, is best corrected, as requested by the National Customs Brokers and Forwarders Association of America, by expanding the allowed scope of service topics that can be included in an NRA and by eliminating the NSA exemption completely.

Further, all the arguments in favor of the initial NRA exemption, so successfully embraced and implemented by many NVOCCs such as my company, also argue in favor of allowing NRAs to be modified at any time by mutual agreement between an NVOCC and a shipper. Shippers' service demands on NVOCCs are constantly changing. NVOCCs cost bases (i.e. underlying



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“buy rates” from VOCCs) are constantly changing. Allowing NVOCCs and shippers to modify established Negotiated Rate Arrangements by mutual consent, rather than constantly replacing previous NRAs with new NRAs actually strengthens pricing clarity and minimizes shippers’ efforts to document their rate levels. Expanding the NRA exemption to completely replace the unsuccessful NSA exemption should include the efficient, even necessary, privilege of modification.

Thank you for considering my views.

Submitted on May 11, 2015,

A handwritten signature in blue ink, appearing to read "D. Powell", written over a horizontal line.

David E. Powell