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Before the
FEDERAL MARITIME COMMISSION
Washington, DC 20573

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OFFICE OF THE SECRETARY
FEDERAL MARITIME COMMISSION

Petition P4-15

PETITION OF CROWLEY CARIBBEAN SERVICES, LLC AND CROWLEY LATIN AMERICA SERVICES, LLC FOR AN EXEMPTION FROM 46 C.F.R. § 530.10

1. Pursuant to Rule 76 of the Commission's Rules of Practice and Procedure, 46 C.F.R. § 502.76, Crowley Caribbean Services, LLC and Crowley Latin America Services, LLC (together "Crowley") petition the Commission for relief from the provisions of 46 C.F.R. § 530.10 requiring individual service contract amendments.¹
2. Crowley Caribbean Services, LLC and Crowley Latin America Services, LLC are ocean common carriers. On or about October 31, 2015, Crowley will acquire the assets of Seafreight Line, Ltd. ("Seafreight"), another ocean common carrier. Among the assets being acquired are Seafreight's service contracts with its customers, which will be assigned to Crowley in accordance with their terms and applicable law. There are approximately five hundred (500) such contracts.
3. The FMC staff has advised that the assignment of Seafreight's service contracts to Crowley, even when performed in accordance with the terms of those contracts and the applicable

¹ Although Crowley believes that 46 C.F.R. §530.10 can fairly be read in a manner that would avoid the need to file amendments to service contracts that have been assigned, it is nonetheless filing this petition in order to be able to move forward expeditiously and without the time and expense that would be involved in challenging the staff's interpretation of the regulations.

body of contract law governing same, would require each contract to be amended and that amendment to be filed with the FMC.

4. It would be an undue burden on Crowley and the shipper parties to prepare and file individual amendments to approximately 500 service contracts. Therefore, Petitioner respectfully requests that the Commission permit a universal notice to the Commission and to all affected service contract parties in lieu of requiring individual filings reflecting amendment by mutual agreement. *See* 46 C.F.R. § 530.10(b). In addition to any notice that the Commission may require Crowley to file in the SERVCON system pursuant to this Petition, a notice in substantially the following form will also be sent electronically to each shipper counter party:

Effective October 31, 2015, the assets of Seafreight Line, Ltd., including your service contract, will be transferred to Crowley Caribbean Services, LLC or Caribbean Latin America Services, LLC, depending on the scope of your contract. The terms of your service contract will remain unchanged, and you will receive the same service you presently receive. We have submitted a Petition to the FMC to address filing requirements that would otherwise be applicable to this assignment. To the extent your service contract permits assignment by notice, please consider this to be that notice. If your service contract requires that you consent to this assignment, we ask you to advise us by reply e-mail no later than October 15, 2015 if you require a formal consent to be prepared. If we have not heard from you by then or you continue to tender cargo under the contract on or after October 31, 2015, we will assume you agreed to the assignment and do not require a formal consent. Of course, if you have any questions, please let us know.

5. The FMC staff has advised that the existing Seafreight tariffs, which will be taken over by Crowley, must be renumbered and republished under either an existing Crowley Organization Number or under a new and separate Organization Number. Crowley intends to republish the existing Seafreight tariffs under a new Organization Number to be issued to Crowley Caribbean Services, LLC and Crowley Latin America Services,

LLC, each d/b/a Seafreight. However, the renumbering of these tariffs will result in a discrepancy between the tariff numbers identified by the existing Seafreight service contracts as governing tariffs and the new tariff numbers assigned to the Seafreight tariffs when they are republished as Crowley d/b/a Seafreight tariffs. In order to avoid having to amend each individual contract solely to change the numbers of the governing tariffs, Crowley seeks a waiver from 46 C.F.R. §530.10 that would permit it to instead insert the following notices in the existing Seafreight tariffs and in the new Crowley d/b/a Seafreight tariffs, respectively:

Notice in Seafreight Tariffs: This Seafreight Tariff No. ___ is hereby terminated effective October 31, 2015. It is replaced and succeeded by Crowley d/b/a Seafreight Tariff No. ___, published at [insert website]. All references to this tariff in Seafreight service contracts in effect as of October 31, 2015, shall as from that date be read as references to Crowley d/b/a Seafreight Tariff No. ___.

Notice in Crowley d/b/a Seafreight Tariffs: This Crowley d/b/a Seafreight Tariff No. ___ is a replacement of and successor to Seafreight Tariff No. ___, which was terminated effective October 31, 2015. All references to Seafreight Tariff No. ___ in Seafreight service contracts in effect as of October 31, 2015, shall as from that date be read as references to this Crowley d/b/a Seafreight Tariff No. ___.

Crowley respectfully submits the notice set forth in paragraph 4 above (and any consent required by a shipper), as well as the tariff notices set forth in paragraph 5 above, fully inform and protect all shipper counter-parties, as well as the Commission. We further submit that all regulatory concerns are satisfied and that this Petition, which is similar to

petitions previously granted by the Commission (*see* Dockets P1-09 and P1-15); should be granted.

Respectfully submitted,



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LLC*

October 5, 2015

You order has been successfully processed. We have sent a confirmation email to wrohde@cozen.com.

Confirmation ID 25NNTK9D
Order Number FICQSV DUBLTGXK480
Payment Date 10/06/2015
Payment Type Direct Debit
Payment Amount \$241.00
Payment Status Completed
Payer Name Cozen O'Connor Attorney Operating Account

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