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September 29, 2004

Mr. Bryant Van Brakle
Secretary
Federal Maritime Commission
800 North Capitol Street, NW
Room 1046
Washington, DC 20573

Dear Mr. Van Brakle:

I am writing to comment on the Joint Supplemental Comments Requesting Expedited Adoption of a Conditional Exemption from Tariff Publication, which were filed by the National Industrial Transportation League, United Parcel Service, Inc., BAX Global, Inc., FedEx Trade Networks Transport & Brokerage, Inc., Transportation Intermediaries Association, C.H. Robinson Worldwide, Inc., and BDP International, Inc. I do not believe that the proposal submitted in this filing is in accord with Congress' mandate to the FMC to use its exemption authority to deregulate the ocean shipping industry in a manner that would encourage competition and further the growth of United States trade in a safe and secure fashion.

This proposal seeks to create a regulatory system for filing "NVOCC Agreements" that is virtually identical to the system currently in use for filing service contracts. That is, copies of the NVOCC Agreements would be filed directly with the Commission and certain terms of these agreements, specifically not including the rates, would also be filed in the NVOCCs' tariffs. According to the sponsors of this proposal, it responds to the needs of the NVOCC industry to be freed from the burdensome tariff filing regulations currently in place, which virtually all NVOCCs participating in these proceedings agree are costly, serve no meaningful purpose, and impede competition.

I am in complete agreement that the current tariff regulations are unduly burdensome, impose unjustified burdens on US commerce, and no longer serve any meaningful regulatory purpose. I also believe it would be fully in accord with the stated policy of Congress in this area for the Commission to use its powers to exempt NVOCCs from these requirements. However, I do not believe that this proposal adequately accomplishes that objective. If adopted, this proposal would impose increased regulatory burdens on NVOCCs for no good purpose. Clearly, the proposal would double, or even triple, NVOCCs' current filing obligations. Instead of simply filing tariff rates, NVOCCs would have to file both their NVOCC Agreements and a summary of the terms of these agreements. Moreover, these filings would be in addition to their continuing tariff filing obligations for shipments not covered by an NVOCC Agreement.

If the filing of tariff rates is outdated and no longer useful, as I think is the case, NVOCC Agreements should not have to be filed. I urge the Commission to reject this proposal as unduly and unreasonably burdensome on NVOCCs. The most efficient and economical course for the Commission to take would be to simply eliminate the tariff filing requirements altogether, as they

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have clearly outlived their usefulness.

Thank you for taking my views into consideration.

Sincerely,

Robert E. A

Robert Andrews
Member of Congress

REA:pjb