

**From:** "H.A. Levy" <halev@pop.mindspring.com>  
**To:** "B. L. VanBrakle" <secretary@fmc.gov>  
**Date:** Thu, Aug 9, 2001 11:22 AM  
**Subject:** FMC Dkt No. 01-08

To: Bryant L. VanBrakle, Secretary  
Federal Maritime Commission

From: H.A. Levy, USSAC Administrator/Counsel

Dear Mr. VanBrakle:

USSAC's response to the Commission's Notice in the subject proceeding follows as an attachment hereto. Please kindly acknowledge safe receipt thereof.

Respectfully submitted,

H. A. Levy

BEFORE THE FEDERAL MARITIME COMMISSION

XXXXXXXXXXXXXXXXXXXXXXXXXXXX  
X  
THE IMPACT OF THE X  
GOVERNMENT PAPERWORK X  
ELIMINATION ACT AND THE X  
ELECTRONIC SIGNATURES IN X  
GLOBAL AND NATIONAL X  
COMMERCE ACT X  
X  
XXXXXXXXXXXXXXXXXXXXXXXXXXXX

DOCKET NO. 01-08

RESPONSE OF THE  
U.S. SOUTHERN AFRICA CONFERENCE ("USSAC")  
TO NOTICE OF INQUIRY

I. INTRODUCTORY STATEMENT

USSAC takes this opportunity to applaud the Commission's initiative in this proceeding to foster the optional use of electronic communications.\* USSAC fully and vigorously supports that effort. Its further relevant comments follow.

II. COMMENTS IN CHIEF

USSAC first takes note of the list of documents setforth at pages 4 –5 of the Notice of Inquiry (the "Notice") and which is predicated by advice of the Commission's special interest in responses to the questions appearing in the attachment to the Notice from those presently required to complete and submit any of those documents. In that list, only documents concerning Monitoring Reports and Information Forms for Class A/B

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\* The Members of USSAC are Mediterranean Shipping Compny S.A.; Safmarine Lines N.V. and A.P. Moller-Maersk Sealand. To the extent any of those Members submit individual comments in this matter which conflict with those setforth herein, the latter shall be deemed to prevail with respect to that entity.

Agreements are relevant to USSAC. However, other documents which USSAC is required to complete and submit to the Commission and which are not included in the subject list ought, USSAC contends, be considered as well. These include:

1. Meeting minutes.
2. Shipping Act Section 5 Agreements and amendments thereto.
3. Agreement Information Forms, transmittal letters and supplemental materials including, for example, responses to Commission requests for additional Agreement information and applications for expedited approval.
- 4 Requests for waivers from Monitoring Report requirements and any and all requests for special permission or other like relief.
5. Any and all formal petitions for Commission action, rulemaking and declaratory orders for instance.
6. All briefs, motions, replies and other pleadings comprehended under Part 502 (Rules of Practice and Procedure) or, in the least, to the extent within the competence of an assigned Administrative Law Judge (ALJ), within the discretion of such an ALJ to optionally permit.

USSAC appreciates that it may be difficult to swallow the elephantine list of additional documents to which it refers in a single gulp but it nevertheless suggests that the Commission ought aim to digest the entire menu, whatever the number of courses it may be necessary and practical to serve over time, to complete the task. For instance, while providing for optional electronic transmission of pleadings in adjudicatory proceedings, including those pertaining to discovery, may be a formidable task, providing for the submission/filing of Agreement meeting minutes by such means ought be a relatively simple undertaking which may be accomplished with alacrity.

USSAC further urges that the question of signatures to potential relevant documents which may be filed/submitted electronically ought not serve as a barrier or impediment to the goal of substantially increasing the scope of such means of communications. Indeed, the documents involved do not include negotiable instruments and, while some degree of confidential data is involved, the nature thereof would not appear to warrant encryption or other such intensive security safeguards.

USSAC considers that the Commission's currently effective procedures for the electronic filing of confidential service contracts ("SCs") constitute an excellent model for the wide extension of such filing/submission to other documents parties are required to complete and lodge with it. Under those procedures, the Commission has wisely done away, altogether, with the submission of signatures, developed simplified user friendly software to facilitate filings and provided for immediate electronic notice of receipt of filings. This is precisely what the Doctor ordered. It is difficult to imagine a more efficient and effective system for the electronic transmission of documents and, most emphatically, the manifest public and private benefits derived from that system ought be extended as far as the eye can see. Indeed, in the end, the paper cupboard ought be bare and as it surely one day will be but, in USSAC's view, the sooner the better.

USSAC observes that certain filings made with the Commission require accompanying user fee payments. This, and other like requirements, ought not serve as stumbling blocks to the facilitation of electronic internet submissions. For every such remnant of perceived paper need, there are numerous electronic alternatives. Thus, for instance, why cannot filing fees be paid by concurrent wire transfer or charged to credit cards? If Amazon.com can manage the task, it would appear that the U.S. Treasury Department, like the Internal Revenue Service, also can. In the case of all such matters, and to borrow from Eldridge Cleaver ("Soul On Ice"), USSAC tends to believe that if one is not part of the solution , one is part of the problem.

III. CONCLUSION

USSAC again praises the Commission's initiative in this proceeding. It urges that there are no valid reasons for over-caution, timidity or conservatism and that the Commission ought therefore proceed with all deliberate speed to reap the rich harvest occasioned by the miracle of the micro-chip. The Commission ought, USSAC urges, gaze at the great electronic heaven which lies before it and not limit its focus to any more narrow range. It should reach for the stars and grasp them and be assured that USSAC, for one, will remain constantly at its side in that worthy venture.

Respectfully submitted,

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August 9, 2001

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