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Congress of the United States

House of Representatives

Washington, DC 20515-3214
FILE OF THE SECRETARY
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September 19, 2003

Bryant VanBrakle
Secretary
Federal Maritime Commission
800 North Capitol Street, NW
Washington, DC 20573

RE: Petition P3-03

Dear FMC Commissioners:

I am writing in regard to **an** application filed by UPS for **an** exemption **from** the prohibition on **Non-Vessel** Operating Common Carriers (**NVOCCs**) **from** entering into confidential contracts with customers. I believe this regulatory **scheme** should be revised. The ocean shipping marketplace is exceptionally dynamic. Because of changes in **UPS** operations and developments within the marketplace the NVOCC regulatory structure is outdated and should be reconsidered. I ask you to **support** the UPS petition pending before the FMC.

The **U.S** ocean shipping industry has **dramatically** changed since Congress enacted the Ocean Shipping Reform Act (OSRA) revisions of **1998**. This industry has changed drastically and undergone much consolidation. In this market, UPS operates a sophisticated transportation network which combines air, rail and surface **and** NVOCC transportation. UPS is deemed a **"carrier"** in the surface and air **freight** industries.

Congress has granted broad exemption authority to the FMC. **While** Congress anticipated changes in ocean shipping within **OSRA**, it did not contemplate the speed with which they would occur, Granting this petition will **acknowledge** these changes and benefit consumers in my district in New York City and others around the world.

I thank you for your consideration of **this** request.

Sincerely,

CAROLYN B. MALONEY
Member of Congress

SEP-22-2003 16:15
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14TH DISTRICT, NEW YORK

REP CAROLYN MALONEY

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FAX COVER SHEET

TO: Bryant VanBratelle

FAX NUMBER: 523-0014

FROM: Rep. Maloney - Don Amerbach

DATE: _____

NUMBER OF PAGES (including cover): 2

NOTES:
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- to -) C. S