

## Karen Gregory

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**From:** Mary Angel  
**Sent:** Thursday, August 18, 2005 10:57 AM  
**To:** Bryant VanBrakle, Karen Gregory  
**Subject:** FW: ISA's Comments  
**Attachments:** ISA Comments RTF

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**From:** Awohlstetter@aol.com [mailto:Awohlstetter@aol.com]  
**Sent:** Thursday, August 18, 2005 8:54 AM  
**To:** Secretary  
**Subject:** ISA's Comments

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Before the Federal Maritime Commission

Docket No. 05-05

NON-VESSEL OPERATING COMMON CARRIER SERVICE  
ARRANGEMENTS

COMMENTS OF INTERNATIONAL SHIPPERS' ASSOCIATION The International

Shippers' Association (ISA) supports the proposed rule as published in the Federal Register of August 8, 2005, 70 Fed. Reg. 456267, et seq., since it finds it to be responsive to the comments filed by ISA in Docket No. 04-12. The Commission's proposed rule, if adopted, will remove the objectionable restriction prohibiting shippers' associations with NVOCC members and NVOCCs from participating as shippers in NVOCC service arrangements (NSAs).

This matter is presently before the United States Court of Appeals for the District of Columbia Circuit in Case Nos. 05-1036 and 05-1037 filed by ISA and the American Institute for Shippers' Associations (AISA). As a result of these challenges to the Commission's statutory authority, a number of NVOCC's have determined not to enter into NSAs until the Court has acted on the pending petitions for judicial review of the NSA rule. (Letter to Federal Maritime Commission from Bax Global, Inc., et al., intervenors, dated July 6, 2005).

This is to advise that if the Commission acts promptly to eliminate the restriction objected to by ISA, AISA and others, ISA and AISA will promptly withdraw with prejudice their petitions for judicial review which we have been

consolidated in American Institute for Shippers' Association and International Shippers' Association v. Federal Maritime Commission, Nos. 05-1036 and 05-1037 (U.S. Court of Appeals for the District of Columbia Circuit).

Respectfully submitted,

INTERNATIONAL SHIPPERS'  
ASSOCIATION, INC.

By\_

*F. Wohlstetter*

*Al*

Alan F. Wohlstetter \_\_\_\_\_

Its General Counsel

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Dated: August 18, 2005