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CARGO BROKERS INTERNATIONAL, INC.

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Statement for Response to UPS/NITL Petition
Dated: September 24, 2004

Submitted by:
Goetz W. Steinmetz, President
Martainer, a division of Cargo Brokers International, Inc.
5324 Georgia Highway 85
Suite 500
Forest Park, GA 30297

Company Description
Martainer is the NVOCC division of Cargo Brokers International, Inc. (CBI), which is a full service freight forwarder and Customs house broker. Annually, we move approximately 20,000 shipments, of which 700 shipments are handled via Martainer.

Purpose of Filing Response
As a member of the NCBFAA, we are aware of the UPS/NITL petition and of the tariff exemption petition that was originally filed by the NCBFAA.

As an NVOCC, we can see no reason to file the service agreements with the FMC or publish essential terms since it is burdensome and wasteful. Hardly anyone accesses rate tariff publications today. Shippers do not rely on tariff publications, and there is little reason to believe that this will change in the future.

We feel that it is important for the FMC to understand that most NVOCC business is based on individual negotiations, often conducted on a shipment by shipment basis with the shippers. Memorializing these arrangements in formal written contracts and filing them with the Commission prior to the time the traffic must move is often impossible to achieve, and normally impractical. In addition, this practice is inconsistent with how NVOCCs must react to the spot market that exists for steamship line rates and is needlessly costly.

The negotiated rates arrangements with shippers are being retained in written form in NVOCC files. These rates would still be subject to review by the Commission's staff as needed, similarly to the practice of the US Customs (CBP) record keeping requirements.

The NCBFAA petition seeking the broad tariff exemption is far more preferable as it eliminates needless expense. It also permits NVOCCs to be more responsive to the ocean shipping marketplace and the requirements of their shipper customers, while allowing the FMC to oversee the trade and correct potential abuses or malpractices.

We urge the FMC to take prompt action to grant the NCBFAA's petition.