

Magdalene Grant

From: Secretary
Sent: Tuesday, September 30, 2008 2:13 PM
To: Karen Gregory; Magdalene Grant
Subject: FW: Docket No. P1-08
Attachments: 20080925154958807.pdf

-----Original Message-----

From: Ank De Roos [mailto:Ank.DeRoos@vanguardlogistics.com]
Sent: Friday, September 26, 2008 4:00 PM
To: Secretary
Cc: ank.deroos@nacalogistics.com
Subject: Docket No. P1-08

from:
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ORIGINAL

**BEFORE THE
FEDERAL MARITIME COMMISSION
WASHINGTON, D.C.**

**PETITION OF NATIONAL CUSTOMS BROKERS AND FORWARDERS
ASSOCIATION OF AMERICA FOR EXEMPTION
FROM MANDATORY RATE TARIFF PUBLICATION
DOCKET NO. P1-08
VERIFIED SUPPORTING STATEMENT OF HANS MIKKELSEN**

I am Hans Mikkelsen, Regional Managing Director North America of NACA Logistics (USA), Inc. dba Vanguard Logistics Services.

NACA Logistics (USA), Inc. is a US based licensed Non-Vessel-Operating Common Carrier under OTI# 017237. The company is the U.S. Agent for a number of foreign NVOCCs, namely Brennan International Transport (Hong Kong) Limited, Conterm Hong Kong Limited, DCL Hong Kong Limited, Ocean World Shipping (Hong Kong) Limited, Vanguard Logistics Services (Hong Kong) Limited, Vanguard Logistics Services Limited dba Box Consolidators, VLS Investments SA dba Mercosur Container Line, Global Consolidation Services (HKG) Limited, Ocean Express (Hong Kong) Limited and Vanguard Logistics Services (Japan) Limited. The company is affiliated with over 60 offices in more than 40 countries around the world and employs approximately 800 people in the USA. NACA's corporate office is located at 857 E. 230th Street, Carson, CA 90745.

NACA services over 6,720 active export Customers.

NACA is a member of the NCBFAA. We are very familiar with issues relating to the requirements for mandatory publication of ocean rate tariffs and are supporting the Association's petition to exempt NVOCCs from having to memorialize rates that have been negotiated with Shippers in rate tariffs.

NACA has a total of 38 service contacts with 35 Carriers in the USA export trade.

Based on changes in buy rates with the Carriers, our sell rates are constantly changing for both our LCL and FCL products. Examples of these rate changes are Bunker Adjustment Factors, Currency Adjustment Factors, Fuel Adjustment Factors and other surcharges that Carriers are applying in the market place. The tariff filing burden is heavy due to the high number of Customers and ongoing rate changes being applied by the vessel operators.

Rates and Services negotiated with Shippers are memorialized in writing via softcopy rate agreements, rate quote confirmations, etc.

NACA is able to track the frequency with which Shippers or other persons attempt to access our tariffs. It would appear that Shippers do not rely upon rate tariffs as we can confirm that there have been no attempts to access our tariffs by any Shippers in either 2007 or 2008. As information, NACA has an established charge for Tariff Subscription, and its monthly fees are USD 350.00 per user. The amount that has been collected for tariff subscription in 2007 and 2008 is zero.

In view of the large number of Shippers that we service and the large number of Carriers that we use, the publication process becomes a very cumbersome and costly endeavor, and is devoid of use by our Customers.

With regards to NSAs, we find that they are infrequently used, at best. Besides a general lack of awareness of NSAs by the marketplace, the NSA is too formal a process, and is especially so for small to medium size Customers. Shippers prefer to use less formal rate agreements without the necessary MQCs required.

Utilizing NSAs continues the burden of tariff filing and ensuing amendments must still be filed with the FMC. Additionally, our Freight Forwarder Customer base is excluded from shipping under NSAs.

The full costs of establishing a tariff website, rate tariff publication, maintenance of same, internal IT development and the costs of personnel assigned to tariff compliance is estimated at \$100,000 annually in resources. We feel this to be a high cost for a system that is not utilized by the shipping public.

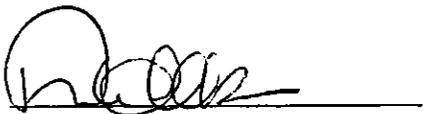
NACA Logistics (USA), Inc. is in full support of the NCBFAA's petition for exemption from mandatory rate tariff publication.

In our view, the benefits of exemption from mandatory rate filing would include a reduction of cost, less administration, closer alignment with the practices of our overseas partners and the ability to respond promptly to dynamic changes in the market place.

It is our belief that today's shipping public is more efficiently served with rate agreements, rather than with published tariffs which are rarely, if ever, accessed.

I, Hans Mikkelsen, declare under penalty of perjury that the foregoing is true and correct. Further I certify that I am qualified and authorized to file this verified statement.

Executed on September 25, 2008



p.p. Hans Mikkelsen, Regional Managing Director North America