

# Memorandum

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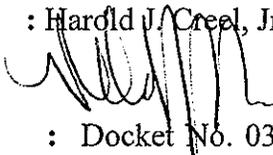
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OFFICE OF THE SECRETARY  
FEDERAL MARITIME COMM

**TO** : Bryant L. VanBrakle, Secretary

**DATE:** Feb. 3, 2004

**FROM** : Harold J. Creel, Jr.



**SUBJECT** : Docket No. 03-15, Ocean Common Carrier and Marine Terminal Operator Agreements Subject to the Shipping Act of 1984

On January 29, 2004, I met with Eliot J. Halperin, Esq. of Manelli, Denison, and Setler, PLLC, to discuss the above-referenced rulemaking proceeding. Also present was my counsel, David R. Miles. Mr. Halperin represents Tram-Net, Inc., a licensed and bonded NVOCC from Washington state. He made the following points on behalf of Trans-Net:

It is only interested in that part of the proposed rule dealing with transshipment agreements. Tram-Net is in complete agreement with the Commission's proposal. It takes into account the changes in the ocean transportation industry since the Ocean Shipping Reform Act of 1998, while allowing carriers flexibility to conduct their operations.

Tram-Net contends that the Commission needs to know what's going on in the industry. It further contends that most current transshipment agreements are "non-exclusive" and are consequently not filed with the FMC. Trans-Net also suggests that NVOCCs have an interest in knowing who is actually carrying their cargo.

Trans-Net also contends that the Commission's proposal should not interfere with a carrier's ability to transship. The requirement to file such arrangements allegedly should not create any additional burdens.