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ORIGINAL



August 18, 2003

Honorable Bryant L. Van Brakle  
Secretary  
Federal Maritime Commission  
800 North Capitol Street, N. W.  
Washington, D.C. 20573

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FEDERAL MARITIME COMMISSION  
SECRETARY

Re: Petition of National Customs Brokers and Forwarders Association of America, Inc.  
For a Limited Exemption From Certain Tariff Requirements of the Shipping Act of 1984

Dear Secretary Van Brakle:

I am Pat Fosberry, Corporate Export Manager of John S. James Co. and manage our NVOCC, Eur-A-Med Shipping Ltd. Eur-A-Med is a small NVOCC with about 50 transactions per month. Our OTI license number is 163 19N. We operate from two offices and have agents in almost every country in the world.

We have always been in favor of carriers and NVOCC's publishing tariffs; however, the changes in the Shipping Act of 1984 under OSRA has changed the cost of our operations and has put us in an unfair advantage against the carriers and our large competitors. Considering that not one of our customers has ever accessed our public tariff, our 'confidential' rates, commodities and our point-to-point shipment details are only being viewed by our competitors. This information can and is being used to solicit our customers away from us.

NVOCC's cannot enter into confidential, non-publicly filed contracts with our clients; however, the carriers seldom file tariff rates and only offer contracts with shippers and NVOCC's, with some as small as ONE container. Since today's role of the NVOCC is to combine services with basic ocean freight, the carriers can access our rates, services and margins. Since NVOCC's file most rates on a door-to-door basis along with the commodity, the carriers have access to exactly who our customers are. With that information, the carrier can then approach our customers with lower rates, which usually do not include the same value-added, personal services offer by the NVOCC's. In the end, the shipper loses, which is in direct contradiction to the purpose of tariff tiling.

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The cost of establishing and maintaining a public tariff is much more than previously when we filed our rates with the FMC. We certainly understand cost-cutting measures, but most of the expense was put in the hands of the NVOCC's, not the carriers. We are currently spending over \$4,000.00 per year filing rates in our tariff. Since the market is constantly fluctuating and carriers are changing surcharges, NVOCC's must continually update rates in their tariffs.

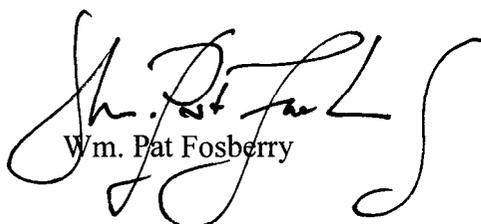
Eur-A-Med spends about 8 hours per week on tariff filing. At a rate of \$20.00 per hour, that results in \$8,320.00 invested.

We would like to see that carriers and OTI's still publicly file their tariff rules, trade lanes and even possibly a rate range. It is important that the integrity of our industry be kept, and by having tariff rules published will support that. With all of the checks in place, I have not seen an instance where there was not a rate in place at time of cargo receipt, so there is not danger to the shipper of being overcharged.

I hope the Federal Maritime will carefully and thoroughly review this. As a member of the NCBFAA, I appreciate your listening to our concerns.

I, Wm. Pat Fosberry 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 August 18, 2003



Wm. Pat Fosberry