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BEFORE THE
FEDERAL MARITIME COMMISSION

PETITION OF **SINOTRANS** CONTAINER LINES CO., LTD. FOR A FULL EXEMPTION FROM
THE FIRST SENTENCE OF SECTION Q(c) OF THE SHIPPING ACT OF 1984, AS AMENDED.

FMC Petition No. **P6-03**

PETITION OF CHINA OCEAN SHIPPING (GROUP) COMPANY FOR A PARTIAL EXEMPTION
FROM THE CONTROLLED CARRIER ACT

FMC Petition No. **P3-99**

PETITION OF CHINA SHIPPING CONTAINER LINES CO., LTD. FOR PERMANENT FULL
EXEMPTION FROM THE FIRST SENTENCE OF SECTION Q(c) OF THE SHIPPING ACT OF
1984

FMC Petition No. **P4-03**

COMMENTS OF UNAFFILIATED SHIPPERS OF AMERICA, INC.
AND SHIP **UsofA.COM**, LLC

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Date: February 23, 2004

Unaffiliated Shippers of America, Inc. (“USA”) and Ship USofA.Com, LLC (“ShipUSofA”) hereby submit their comments on the above-referenced Petitions pursuant to orders of the Commission served on January 22, 2004 in each of the three Dockets. USA and ShipUSofA are non-profit shippers’ associations whose members ship goods in the trades between Asia and the United States. Therefore, they have a vital interest in promoting competition in ocean transportation services in these trades to the fullest possible extent. For the reasons set forth below, USA and ShipUSofA fully support all three petitions, each which requests an exemption from Section Q(c) of the Shipping Act of 1984.

The three carriers of the Peoples Republic of China that have tiled these petitions offer a substantial amount of capacity in the Trans-Pacific trade lanes. They are, however, constrained in their ability to compete with other carriers by the controlled carrier provisions of Section Q(c) of the Shipping Act 46 App. U.S.C. §1708, which prohibit them from reducing their tariff rates on less than thirty days advance notice.’ As a practical matter, this means they cannot react quickly to changing market conditions to match, or better, rates offered by their competitors. This acts to the detriment of consumers of ocean transportation services in these trade lanes who are deprived of the benefits that full and free competition by these carriers would provide. Eliminating this competitive barrier will enhance rate competition in this marketplace, which will inevitably benefit shippers and their customers, including consumers in the United States, by providing them with opportunities to obtain lower transportation rates.

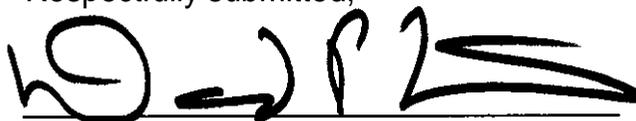
Moreover, the original purpose of the Controlled Carrier Act no longer appears to have relevance. At the time these competitive restrictions on government-owned and operated carriers were promulgated, Congress was attempting to protect American carriers from unfair competition by carriers owned by foreign governments. It was feared that these governments would subsidize below-cost rate decreases by their carriers with no concern for profits. However, as there are no longer any substantial

¹ China Ocean Shipping (Group) Company has previously been granted a limited exemption from this provision to file decreases in tariff rates on less than thirty days notice to meet lower rates of competitors.

American-owned carriers operating in the Trans-Pacific trades, the interests of transportation consumers must now be paramount. Even to the extent there are any remaining American carrier interests to protect, the harm caused U.S. shippers, importers and consumers by continuing foreclosure of an important source of rate competition far outweighs any possible benefits to such carriers. Further, there has never been compelling evidence presented that any of the Chinese government affiliated carriers has engaged in the type of below cost, unfair rate competition that Congress sought to prevent in the Controlled Carrier Act.

Finally, since the governments of the United States and the PRC have recently reached agreement on a new Maritime Services Agreement to regulate their mutual commerce in ocean shipping, there should no longer be any impediment to granting these petitions arising from foreign policy considerations. For the foregoing reasons, USA and ShipUSofA urge the Commission to grant all three of these exemption requests as expeditiously as possible so that American shippers and consumers can begin enjoying the beneficial results of increased competition in these trade lanes as soon as possible.

Respectfully submitted,



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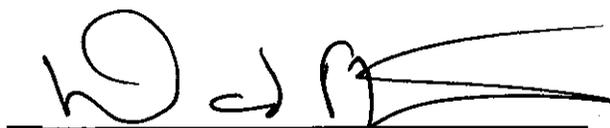
CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 23rd day of February 2004, a true and correct copy of the foregoing Comments of Unaffiliated Shippers of America, Inc. and ShisUSofA.Com, LLC was served via U.S. Mail, postage prepaid, upon the following:

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A handwritten signature in black ink, appearing to read 'David P. Street', is written over a horizontal line. The signature is stylized and includes a long, sweeping flourish extending to the right.

David P. Street