BEFORE THE
U.S. FEDERAL MARITIME COMMISSION

Ref.: DOCKET NO. 17-10
Amendments to Regulations Governing NVOCC
Negotiated Rate and Service Arrangements

Dear FMC,

Express Logistics Services, LLC, fully supports the National Customs Brokers and Freight Forwarders Association’s (NCBFAA) efforts to reduce or outright eliminate burdensome and unnecessary regulations affecting our community, particularly non-vessel operating common carriers (NVOCCs). Additionally, we applaud and thank the U.S. Federal Maritime Commission (FMC) for undertaking this review to modernize the regulations consistent with commercial practice. For many years, Express Logistics Services has aligned with industry representatives advocating that tariff and rate filing requirements no longer serve a functional purpose. There are three (3) main regulatory activities for which we support full reform.

1. The FMC should entirely exempt NVOCCs from publishing negotiated rate arrangements (NRAs) and filing requirements.

2. If the FMC will not repeal NRA publication, it should remove the significant limitation that precludes NVOCCs from amending NRAs and from including economic terms such as credit, minimum quantities, liquidated damages, etc. Additionally, acceptance and booking of cargo should suffice as acceptance of the rate, in lieu of a written agreement.

3. The FMC should repeal its existing requirement for NVOCCs to file negotiated service arrangements (NSAs) or to publish essential terms of NSAs in their tariffs as this process is extremely cumbersome and is not used by the trade in day to day business as it does not reflect the realities of international trade and commerce.

Thanks for your attention,

Express Logistics Services, LLC

Carlos Novoa
Managing Director