BEFORE THE
FEDERAL MARITIME COMMISSION

DOCKET NO. 17-10

AMENDMENTS TO REGULATIONS GOVERNING NVOCC NEGOTIATED RATE ARRANGEMENTS AND NVOCC
SERVICE ARRANGEMENTS

COMMENTS OF RICHARD J. ROCHE

I, Richard J. Roche, am employed as Vice President of International Transportation at Mohawk
Global Logistics Corp, OTI No. 00395NF, headquartered in North Syracuse, NY. We operate six
other branch locations across New York, and in New Jersey, Ohio, and Illinois.

Mohawk Global Logistics is a member of the NCBFAA where I serve as the NVOCC Sub-
Committee Chairman for the Transportation Committee. As such, I am quite familiar with tariffs,
NRAs and NSAs, and have used them all.

I previously provided a statement regarding Docket 17-04 on July 5, 2017 and stand by that
testimony. I also attended the Sunshine Meeting held by the FMC on November 18, 2017 and was
pleased to hear the direction the Commission is heading to ease the burden presented by the
regulations in their current form.
NRAs

Mohawk Global was an early adopter of issuing NRAs in lieu of tariff filing. We found that this process, while not perfect, allowed us to eliminate the costs associated with tariff filing in addition to streamlining our operational process internally. We remain grateful that we have this option, but know it could be even better. We therefore support further enhancements that include:

- Amending NRAs
- Acceptance deemed by receipt of cargo - instead of requiring a writing.
- Inclusion of broader economic terms such as
  - Surcharges
  - Credit terms
  - Minimum volume commitments
  - Demurrage, detention, per diem, free time, waiting time
  - Penalties and/or incentives
  - Service standards

We often find that our clients are looking to incorporate more into our NRAs than the current regulations allow, therefore we are hopeful that these broader economic terms can be approved. In many cases these same clients do not want to ship under an NSA.

NSAs

We support the elimination of the filing requirement for NSAs in SERVCON. While we are a current user of NSAs that appeal to certain clients, we find the 30-day advance filing requirements
burdensome, particularly with the VOCC practice of advance filing their GRIs, only to reduce them, or push out the effective dates, when they find the rates will not stick. This creates an unnecessary paper chase to update contracts and track down signatures before uploading into SERVCON. We will continue to offer NSAs complete with the appropriate signatures that memorialize these contracts with our clients, but are greatly relieved that the Commission will no longer require a formal filing of the essential terms.

**Tariffs**

Finally we strongly urge the Commission to eliminate the need for NVOCCs to file Rate Tariffs. We are happy to keep Rules Tariffs accessible on our website as part of the NRA conditions, but we have proven over the past decade that no shippers ever shop for rates in any of the remaining Rate Tariffs. Instead they ask for quotes via email or through web-based rate sourcing that have long ago stopped the need to look elsewhere. Tariffs are an archaic throwback to a time long gone, particularly as we have moved away from common carriage in favor of contract carriage in the post-OSRA age. We will not be saddened to lose this vestige of our past.

DATED: January 24, 2018

Richard J Roche  
Vice President of International Transportation

*filed electronically with [Secretary@fmc.gov](mailto:Secretary@fmc.gov)*