

SEP 30 2019

Rachel E. Dickon, Secretary; Phone: (202)  
523-5725; Email: [secretary@fmc.gov](mailto:secretary@fmc.gov)

**RE: “Docket 19-05, Demurrage & Detention Comments.”**  
**Interpretive Rule on Demurrage and Detention under the Shipping Act**

Dear FMC/Ms Dickon

We, Wheaton Grain Inc. are responding to the Federal Maritime Commission (FMC) pursuant to 46 C.F.R Section 545 regarding free time/per diem charges ocean carriers as well as other costs we the shipper have to deal with that result from circumstances outside of our control.

We are a small to medium shipper/exporter. I have been in the AGRI container export industry for about 10 years and we load in land and different cities/ramps across the Midwest, e.g. Chicago, Columbus, Minneapolis, to name a few.

The essence of the hindrance we have is that we are unable to return containers either according to the SSL ERD and Cut date or the per diem allowed by the carriers because of something with the Railroads. RRs can implement a reservation system where the trucker has to obtain RV from the RR in order to bring the containers back within a given time window (CN Railroad does this all the time where we load and I have seen NS do it at times as well when the market is busy). Technically the SSL will give us 3-5 day window to return containers back which lets assume is fine, but what happens is the RR may say, you have to get all containers back by XX date which may only be one day and the cargo may not be ready to return that day or our trucking capacity may be limited to a set amount. We certainly try to return but if we are unable we are a situation where we still have the container and have to wait to get an RV from the SSL which can end up resulting in container missing the cut window and/or per diem depending on how the dates play out. Even though we hate disputes with the SSLs due to their poor service in resolution in a timely manner and disconnect with their AR group that will keep sending invoices and/or threaten to put our account on hold unless we pay we have no choice but get in a dispute with them. We can reach out to sales for assistance but often times their response is limited and from what we hear from them they also have to get many approvals from busy people to waive an invoice that is not our fault.

Im not sure what the FMC can do but if you could do something that would say the shipper shall not be responsible for per diem whatsoever if the RR changes cut dates or if the RR restricts the return of the container in any way.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jon Miller', with a stylized flourish at the end.

Jon Miller  
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