



HECNY TRANSPORTATION, INC.
HECNY BROKERAGE SERVICES, INC.

(A Division of Hecny Group)

19550 S. Dominguez Hills Drive, Rancho Dominguez, CA 90220 (Corporate Office)
Phone: (562) 616 7888 / Fax: (562) 616 7893



IATA No. 01-3014
FMC License No. 1599
NVOCC

Customhouse Broker
License No. 5201

November 7, 2019

NCBFAA
1200 18th Street, NW, #901
Washington, DC 20036

Dear Mr. Mathers,

Hecny Brokerage Services, Inc., on its own behalf and that of its affiliates (“Hecny”), hereby requests that the NCBFAA file comments with the Federal Maritime Commission opposing a change in the current regulations that now requires a licensed agent for registered NVOCCs in the United States. Hecny makes its request on the following grounds:

1. As the FMC itself states in its rulemaking, the LoBiondo Act only “arguably” broadens the holding in *Landstar Express Am. v. Federal Maritime Commission*, 569 F.3d 493 (D.C. Circuit 2009) to exclude any agent of any OTI from the licensing and financial responsibility requirements. The focus of the LoBiondo Act was on carrier alliances and the recent carrier consolidation in the maritime industry and the need to provide additional powers to the FMC to protect marine terminal service providers as well as other U.S. marine equipment and services providers. At the same time it was intended to make cosmetic changes to the OTI FMC regulations to reflect the *Landstar* decision. There is no history that would indicate that a major change in the requirements to be a U.S. agent for a registered NVO was intended.
2. Hecny is unaware of any problems with the current system in which a licensed agent must act for a registered NVO. Rather there are ample reasons that support why this requirement was put in the regulations in the first place. Under the current FMC regulations, the licensed agent must produce the records of its registered NVO principal upon request by the FMC. This requirement enhances the FMC’s ability to timely receive responses to its requests as (a) the licensed agent is well aware of this requirement and the types of records responsive to the request and (b) could place its own license in jeopardy if it fails to act responsibly to the request. No such experience, knowledge or requirement to adhere to the FMC regulations would exist if just anyone could be the agent. Further, customers of NVOs are given confidence that they are being treated properly if they know that a licensed entity is responsible for handling their goods and held to the standards of the FMC regulations.

Hecny sees no reason for changing the current requirements and indeed, believes that serious problems can arise if agents in the U.S. are not licensed OTIs. Please have the NCBFAA file comments by the November 8th deadline to reflect its concern with the possible change to the licensed agent requirement.

Thank you.

Sincerely,

Carlos Tseng
Vice President