

**BEFORE THE  
FEDERAL MARITIME COMMISSION**

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**Comments on Notice of Proposed Rulemaking regarding  
Carrier Automated Tariffs**

**Docket No. 21-03; RIN 3072-AC86**

**Dated May 6, 2022**

July 8, 2022

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**COMMENTS OF SHANNON DILLINGER**

I, Shannon Dillinger, am employed as Director, International Services at UWL, Inc, OTI No. 026282NV, headquartered in Rocky River, OH. We operate offices in Ohio, Illinois, Oklahoma, Texas, Washington, and California.

UWL Inc. is a member of the NCBFAA where I serve on the NVOCC Sub-Committee as well as the Export Compliance Sub-Committee. I am a licensed customs broker and am the permit holder for our organization. I've been in the industry for over 20 years in various roles responsible for both import and export compliance.

While I do represent these groups, it is anticipated that each will be submitting comments under their own name. The comments recorded here are my own, and reflective of my opinions, and those of UWL Inc.

We have reviewed and prepared comments on several of the matters raised by the Commission in the NPRM, including:

- The prohibition on administrative fees connected with pass-through charges
- The new co-loading definition

**A. Charges passed through by VOCCs - Clarify the ability for NVOCCs to reflect increases in certain charges passed-through by other entities without notice.**

We agree with the concept that NVOCCs should be able to pass through charges not under the control of ocean carriers in the same manner they pass through other such charges. We agree that the charges themselves should not be marked up. We do however wish to note that when paying charges on our client's behalf, we often extend credit to those clients and allow them an amount of time to pay under credit terms. It is a common practice to apply a disbursement fee to cover the cost of this outlay. This disbursement fee is not intended to be a mark-up of charges, but rather to cover the cost of the outlay. We feel these are reasonable, but the NPRM is not clear on this. We respectfully requests the proposed language for § 520.8(b)(4) be revised to clarify that nominal and reasonable administrative fees are excluded from the scope of the FMC's prohibition against "mark[ing] up these charges above cost."

**B. Definition of Coloading = Update the definition of co-loading to apply only to less than container loads**

The Commission has allowed the definition of coload to evolve and become universally understood to include both LCL and FCL shipments. Companies such as ours coload FCL transactions and a regular part of our NVOCCs' business operations. It has clearly become part of the forwarding industry as it has been in constant use that way for some time. In today's environment of VOCCs withholding allocations from the smaller of forwarders such as us, and limiting allocations for larger forwarders and coloaders, it is more important now than ever before, that NVOCCs cooperate with each other on FCL. The elimination of the ability to coload FCL shipments would be detrimental to our business under the current market conditions.

The methodology for this cooperation has never been explicitly spelled out since the inception of the Shipping Act. If the definition of coload is to be narrowed to mean less-than-container-load only, then we recommend a new definition be created to define FCL cooperation. Some ideas come to mind:

- a. FCL Coloading (changing also LCL Coloading)
- b. Chain Loading

Our first choice above would be to separating coload definitions into LCL coload and FCL coload so the departure from the current industry-wide usage will need only the prefix to determine what kind of coload or coloader is referred to.

In conclusion, we support the FMC's efforts to update US shipping laws and regulations;

however, we respectfully note that some of the proposed regulatory changes would create complications and negatively impact the existing business practices and operations of NVOCCs such as ours.

Respectfully Submitted,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Shannon Dillinger

Director International Services