

A. Scope.

1. Should the Commission include both VOCCs and NVOCCs in a proposed regulation on demurrage and detention billing?

Yes, both VOCC's and NVOCC's should be regulated as far as demurrage and detention billing. The charge per day needs to be lowered and the free time extended.

2. Should the Commission include MTOs in a proposed demurrage billing regulation?

MTO's should also be regulated as they are the carrier of the good throughout the transportation process. There would be no reason for demurrage accrual if they are responsible for the entire carriage.

3. Should a proposed demurrage billing regulation distinguish between the demurrage MTOs charge to shippers and the demurrage MTOs charge to VOCCs? That is, should the Commission regulate the format in which MTOs bill VOCCs?

N/A

4. What percentage of demurrage and detention bills contain inaccurate information, and which information is most often disputed?

Most disputed information is the number of days that are claimed for demurrage/detention charges.

5. How much does the type of information included on or with demurrage and detention billings vary among common carriers, among marine terminal operators, and between VOCCs and NVOCCs?

N/A

B. Minimum billing information.

6. What type of information should be required on billings. Should the Commission require certain essential information included on invoices such as: **ALL of the below should be included/required on billing relevant to import and/or export shipments.**

a. Bill of lading number

b. Container number

c. Billing date

d. Payment due date

e. Start/end of free time

f. Start/end of demurrage/detention/per diem clock

g. Demurrage/detention/per diem rate schedule

h. Location of the notice of the charge (i.e., tariff, service contract number and section or MTO schedule)

i. For import shipments:

i. Vessel arrival date

ii. Container availability date

j. For export shipments:

i. Earliest return date, including identifying any modifications to the earliest return date

k. Any intervening clock-stopping events, for example:

i. Unavailability of container / Unavailability of chassis

ii. Unavailability of pickup or return locations

iii. Unavailability of appointments (where applicable)

iv. Restrictions on chassis accepted

v. Force majeure-related events

l. Please note if any portion of the charge is a pass-through of charges levied by the MTO or Port.

C. Billing practices.

7. What information or timeframes should be required for VOCC and NVOCC demurrage and detention bills? Should the Commission require different types of information or timeframes?

The billing for detention/per diems should be done no more than 5 days after the empty container is returned to the port. It shouldn't take 6 months for a VOCC to issue a detention/per diem bill or any charges for that matter.

8. Do common carriers invoice multiple parties for demurrage and/or detention charges? If multiple parties are invoiced for charges, should the billing party be required to identify all such parties receiving an invoice for the charges at issue?

Yes, absolutely they must. It is best practice for an accounting department to post an invoice billed directly to the payor for audits, payment tracking etc.

9. Should the billing party be required to identify the basis of why the invoiced party is the proper party in interest and therefore liable for the charges? (i.e., as shipper, consignee, beneficial cargo owner,

motor carrier or an agent, or as a party acting on behalf of another party pursuant to the common carrier's merchant clause in its bill of lading.)

N/A

10. Should the Commission, for purposes of clarity and visibility of charges, require MTOs to bill demurrage directly to shippers (rather than billing VOCCs who then bill shippers for demurrage)? In that scenario, MTOs would bill shippers directly for demurrage, and carriers would continue to bill detention to shippers.

N/A

11. How long from the point of accrual of a demurrage or detention charge does it typically take to receive a demurrage or detention invoice or billing?

It all depends on the carrier. Evergreen Lines takes a while (over 3 months) to send out a billing invoice. MSC takes weeks and so does CMA CGM.

12. Should the Commission require demurrage and detention invoices to be issued within 60 days of date when the detention/demurrage/per diem stops accruing?

Billing should be issued 5-10 days after per diems/detention/demurrage stops accruing.

13. Should the Commission require specific information be included on the invoice regarding how to dispute a charge? If so, what information should be required? For example, should the Commission require invoices to include contact information for disputing charges, identify circumstances for when a charge may be waived, or identify the billing parties' evidentiary requirements sufficient to support a waiver of the charges?

N/A

14. How long from the point of dismissal of a charge does it typically take to receive a refund? Should the Commission require that refunds of demurrage or detention bills be issued within a certain time period and what should that timeframe be?

N/A

15. How would a regulation on demurrage and detention billing requirements impact, conflict with, or preempt any other applicable laws, regulations, or arrangements (such as the UIIA)?

N/A

16. Please provide any other views or data you believe would help inform the Commission's decision whether to pursue a proposed regulation on demurrage and detention billing information and practices.

Per diems should not be charged on empties unable to be returned to the terminal due to lack of space. It is unethical that such charges are passed down to the consignee.