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**CALIFORNIA ASSOCIATION OF PORT AUTHORITIES**

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December 8, 2017

Rachel E. Dickon  
Assistant Secretary  
Office of the Secretary, Federal Maritime Commission  
800 North Capitol Street, N.W.  
Washington, D.C. 20573

RE: Docket P4-16 – Petition for Rulemaking by the Coalition for Fair Port Practices

Dear Assistant Secretary Dickon:

On behalf of the California Association of Port Authorities (CAPA), which is comprised of California's eleven publicly owned commercial ports, we appreciate the opportunity to respond to the Notice of Filing and Request for Comments regarding Petition P4-16 filed by the Coalition for Fair Port Practices. This petition requests FMC rulemaking relating to just and reasonable rules and practices for the assessment of demurrage, detention and per diem charges.

Our members recognize that a number of challenges can interfere with, delay, or prevent cargo delivery and retrieval at marine terminals, which may, depending on circumstance, be beyond the control of the carrier, the terminal operator, the shipper, or all three entities.

As the FMC considers this petition, we request careful consideration of the important role demurrage plays in assuring the efficient flow of cargo and guarding against the use of very limited waterfront properties for inappropriate storage or staging. Demurrage is an important tool for assuring our ports are not used as warehouses.

While demurrage is particularly important where limited land is available for terminal use, all ports are not the same, and broad national standards may be inappropriate and likely unworkable given the very different nature of our ports and related facilities. A one-size-fits-all regulatory framework would likely diminish flexibility and interfere with appropriate competition.

We appreciate the opportunity to provide these comments and encourage your careful review of related issues and concerns.

Sincerely,

Tim Schott  
Executive Director