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OFFICE OF THE SECRETARY
FEDERAL MARITIME COMMISSION

2/24/17

Ms. Rachel E. Dickon
Assistant Secretary
Federal Maritime Commission
800 North Capitol Street N.W.
Washington, DC 20573-0001

RE: Petition of the Coalition for Fair Port Practices for Rulemaking [Petition No. P4-16]

Dear Assistant Secretary Dickon:

J.R. Simplot Company is pleased to respond to the Federal Maritime Commission (FMC) *Federal Register* notice published on December 28, 2016 concerning a petition for rulemaking from the Coalition for Fair Port Practices. J.R. Simplot Co. fully supports the policy statement requested by the Coalition, which would help bring about more reasonable demurrage and detention practices for cargo moving through our nation's seaports. We urge the FMC to begin a formal rulemaking on this matter as soon as possible.

I am the Sr. Director of Distribution of the J.R. Simplot Company, and as such oversees all exports for the Food Group Division. My company ships approximately 12,000 plus 40-foot refrigerated containers of frozen food products all over the world. In addition, we ship approximately 1,800 dry 40-foot containers of fertilizers and other chemical products.

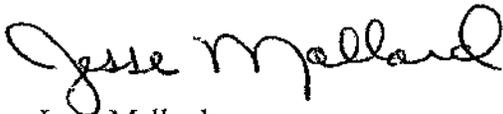
Our company has experienced repeated incidents of severe congestion at container terminals in U.S. ports on the West Coast, which have prevented us from picking up our cargo/returning empty containers. Whether those incidents involved weather, labor contract negotiations, the arrival of very large ships or other disruptions, the port delays were beyond our control. All too frequently shippers and truckers are being charged demurrage and detention penalties for late pickup or return of containers when it is not their fault. When a terminal is closed during normal working hours, or if a container is unavailable for pickup during the free-time period due to congestion or other disruption at the port, carriers and terminals should not assess demurrage. The same is true for detention charges when attempts to return an empty container are frustrated. These real costs hurt American businesses and American competitiveness.

The Coalition for Fair Port Practices has proposed a policy statement that would help to stop this unfair practice. The FMC has the authority to ensure that demurrage and detention practices are fair and reasonable and it needs to act to address this problem.



The FMC has taken important steps to examine port congestion issues challenging carriers, shippers, terminals and intermediaries. As the next step, we urge you to grant the petition and open a rulemaking on the Coalition's policy statement to ensure that U.S. imports and exports are not burdened with unfair demurrage and detention charges. Thank you for considering our views.

Respectfully,

A handwritten signature in black ink that reads "Jesse Mallard". The signature is written in a cursive, flowing style.

Jesse Mallard

