



# MEDITERRANEAN SHIPPING COMPANY

December 8, 2017

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

By email: [secretary@fmc.gov](mailto:secretary@fmc.gov)

Re: **Petition No. P4-16**; Petition of the Coalition for Fair Port Practices for Rulemaking; Statement of  
Intent to Testify of Paolo Magnani, Mediterranean Shipping Company USA

Dear Ms. Dickon:

Please accept this notice of intent to testify at the Commission's public hearing on Petition P4-16, scheduled for January 16 and 17, 2018. I am Executive Vice President for Quality Control and Marketing for Mediterranean Shipping Company USA. My address is 420 5<sup>th</sup> Avenue, 8<sup>th</sup> Floor, New York, NY 10018. My telephone number is (212) 764-4800, and my email address is [paolo.magnani@msc.com](mailto:paolo.magnani@msc.com)

I intend to testify about the functions of detention, demurrage, and free time in maintaining efficient use of maritime terminal facilities and intermodal equipment, as well as the risk allocation purposes associated with detention and demurrage charges. I will discuss our company's policies and practices in implementing detention and demurrage rules, including those situations in which we may mitigate charges under circumstances that are consistent with our tariff and service contract provisions. The facts are often complicated in those situations in which there are disputes about detention and demurrage, but there are ways today to address those disputes when they arise, and imposing the kinds of fixed rules that the petition asks for would not be an improvement on the current situation. In fact, such rules would reduce flexibility and competition with respect to detention and demurrage practices.

Please let me know if you have any questions, and also please let me know as soon as it is convenient what day and time the Commission would like for me to appear.

Sincerely,

  
Paolo Magnani  
Executive Vice President