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NATIONAL MOTOR FREIGHT TRAFFIC ASSOCIATION, INC.

December 11, 2001

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W., Room 711
Washington, D.C. 20423-0001

ENTERED
Office of the Secretary

DEC 12 2001

Part of
Public Record



Re: SURFACE TRANSPORTATION BOARD DECISION of November 20th
2040487 in Section 5a Application No. 61 (Sub-No. 6) & Section 5a Application
2040497 No. 61 NATIONAL CLASSIFICATION COMMITTEE - AGREEMENT

REQUEST FOR EXTENSION OF TIME

Dear Secretary Williams:

Please find enclosed our resubmission of an original and ten copies of the National Motor Freight Traffic Association's Request for Extension of Time filed in the above-captioned proceeding.

This filing was originally sent to the STB, via the U. S. Postal Service, and served on all parties of record on December 6, 2001. We have since learned from an employee of the STB's Case Control Unit that our original filing has not been received, due to a backlog of undelivered mail.

Respectfully Submitted,

NATIONAL MOTOR FREIGHT TRAFFIC
ASSOCIATION, INC.

William W. Pugh,
Executive Director & General Counsel

BEFORE THE SURFACE TRANSPORTATION BOARD

Sec. 5a Application No. 61 (Sub-No.6) 7204048
NATIONAL CLASSIFICATION COMMITTEE - AGREEMENT

Sec. 5a Application No. 61 7204049
NATIONAL CLASSIFICATION COMMITTEE - AGREEMENT

REQUEST FOR EXTENSION OF TIME



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Office of the Secretary**

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William W. Pugh
2200 Mill Road
Alexandria, Virginia 22314

Counsel for the
NATIONAL CLASSIFICATION
COMMITTEE

BEFORE THE SURFACE TRANSPORTATION BOARD

Sec. 5a Application No. 61 (Sub-No.6)
NATIONAL CLASSIFICATION COMMITTEE – AGREEMENT

Sec. 5a Application No. 61
NATIONAL CLASSIFICATION COMMITTEE – AGREEMENT

REQUEST FOR EXTENSION OF TIME

By decision served November 20, 2001, the Surface Transportation Board (STB) ordered the National Classification Committee (NCC) to amend its Sec. 5a agreement as a condition to the STB's approval of the agreement.

The filing schedule specified by the Board's decision requires the NCC to submit a revised agreement within 60 days, or by January 22, 2002.¹ The National Motor Freight Traffic Association (NMFTA) and NCC respectfully request that the scheduled date for the NCC to submit its revised agreement be extended from January 22, 2001 to March 20, 2002. NMFTA's filing will then coincide with the rate bureau's filing in Section 5a Application No. 118 (Sub-No2), et al. – EC-MAC MOTOR CARRIERS SERVICE ASSOCIATION, INC., ET AL. NMFTA and NCC state the following in support of this request.

The STB's November 20th decision contemplates a substantial modification of the National Classification Committee Agreement, which sets forth the procedures by which freight classifications are collectively developed by the NCC. In conformance with the STB's decision, the procedures governing the NCC's classification making activities must be fundamentally changed. These changes will include the following:

¹ Other interested parties may respond by February 19, 2002 and the NCC may then file its reply by March 5, 2002.

1. The NCC's staff must be made available to: (a) assist shippers in conducting classification research and (b) report the results of such research to the NCC.
2. Notice of Classification review matters, research investigations, and proposals for change to a classification must be posted on the NMFTA's web site.
3. Whereas the NCC's existing procedures provide for the initial decision on a classification proposal to be made by a classification panel with the option for an appeal to the full NCC, this procedure must be fundamentally revised so as to remove the appeal hearing and, in its place, substitute a completely new arbitration process.
4. The NCC will establish procedures for the arbitration of its decisions.
5. Sixty (60) days in advance of considering a proposed classification change, the NCC must provide notice to all parties, including shippers and shipper associations that furnished information to assist the research supporting reclassification of the involved products.
6. Copies of the NCC's reports and analyses of classification proposals must be provided to any party that has participated in the corresponding research and the NCC must make available copies of all of its studies, work papers, supporting raw data and other information used in support of the proposal.
7. To complete the record, the opponents of any proposed classification change must submit any similar information that underlies their opposing statements.
8. All pertinent evidence and information must be included in the docket file.

9. After consulting with shipper groups, the NCC will specify procedures whereby parties may obtain access to the materials in the docket file.

10. The NCC will make its synopsis of classification opinions available to the public.

Obviously, such substantial changes to the NCC's Agreement must reflect thorough consideration of all of the available options by the parties affected. The amendments incorporating these changes will be prepared and presented for the NCC's review by its staff and its attorneys. However, inasmuch as the NCC's members will be bound to follow the new procedures, it is reasonable that they have the opportunity to thoroughly consider and vote on any amendments to their Section 5a agreement. Prior to filing with the STB, NMFTA's staff would like to present a comprehensive plan, incorporating alternative proposals, for the members' review and consideration. It is apparent that such consideration will require considerable planning and coordination, including consultation and coordination with shipper organizations, as well as its own members. The Board's decision requires NCC to consult with shipper organizations prior to developing its procedures governing public access to NCC files.² Developing these procedures will require a considerable amount of time and effort on the part of both NMFTA and shipper organizations. NMFTA will need to meet with shipper representatives, as the STB has directed.³ And, before considering the amendments to the NCC procedures, shipper representatives may, in turn, need additional time to consult with their members. The

² The decision provides that the NCC must "consult with shipper organizations in developing the procedures and in determining the amount of time the other material in the public docket must be available prior to the NCC taking any action on a classification proposal. The NCC shall then propose appropriate changes to its agreement to incorporate these procedures" (see pg. 14, STB decision Sec. 5a Application No. 61 (Sub-No.6) and NATIONAL CLASSIFICATION COMMITTEE – AGREEMENT).

³ Section VIII – Conclusion and Outline of Future Proceedings in This Matter - the STB's November 20, 2001 decision, the STB, referring to the changes required as a condition of its approval of our 5a agreement, concluded that: "Some of the changes will require the NCC to propose certain procedures after consultation with shippers."

present schedule as set forth in the decision provides that the NCC will submit its amended agreement within 60 days or on January 22, 2002. We would note that this 60-day interval includes Thanksgiving and Martin Luther King's birthday and all the holidays in between. Another limiting factor is that many businesses schedule a variety of administrative tasks to be performed at year's end, so the time that would actually be available for consultation with carrier or shipper personnel would be minimal.

NMFTA's next scheduled general meeting will be held on January 31, 2002. This would be the best and, indeed, the only feasible time for the NCC's carrier members to meet and discuss these extremely important matters. The requested extension of time would provide a reasonable period beyond that meeting so that the required changes to the NCC's Agreement may be fully considered by the affected parties and amendments can be drafted and redrafted as necessary to reflect these discussions.

The renewal of the NCC's 5a agreement is a matter of crucial importance for NMFTA/NCC, just as renewal is a matter of great importance for the rate bureaus. However, in its decision of November 20, 2001, Section 5a Application No. 118 (Sub-No2), et al. – EC-MAC MOTOR CARRIERS SERVICE ASSOCIATION, INC., ET AL., the parallel proceeding dealing with the Sec. 5a agreements of various rate bureaus, the STB granted the bureaus 120 days to submit their amended agreements, although the amendments were needed only to provide a "truth in rates" notice and a prohibition against using collectively set rates as a basis for late payment penalties. The additional time requested would allow NMFTA to fulfill the far more complex requirements the STB set forth in its decision and develop an amended 5a agreement that is suitable to the NCC and furthers the public interest.

For the foregoing reasons, in order to provide the time necessary to respond to this matter of vital importance to NMFTA and NCC, the STB is respectfully requested to extend the date for filing the NCC's revised proposed agreement from January 22, 2002 to March 20, 2002. We have been authorized by counsel for the Health and Personal Care Distribution Conference, Inc., National Small Shipments Traffic Conference and National Industrial Transportation League to state that they do not oppose the requested extension.

It is submitted that no person would be prejudiced by granting the relief sought.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "William W. Pugh".

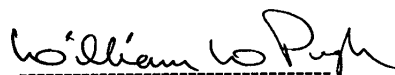
William W. Pugh

Counsel for the
NATIONAL CLASSIFICATION COMMITTEE
NATIONAL MOTOR FREIGHT TRAFFIC
ASSOCIATION, INC.

Dated: December 6, 2001

CERTIFICATE OF SERVICE

I hereby certify that I have this 6th day of December 2001 served a true and correct copy of the foregoing **Request for Extension of Time** upon all parties of record by first class mail, postage prepaid.



William W. Pugh