

CORPORATE OFFICE

P.O. Box 630

Lebanon, Pennsylvania 17042-0630

717-274-2521

FAX 717-274-5593

ENTERED
Office of the Secretary

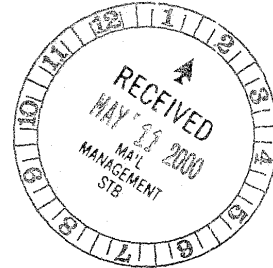
MAY 12 2000

Part of
Public Record



May 9, 2000

The Honorable Linda Morgan, Chairman
U.S. Surface Transportation Board
1925 K Street, N.W., Suite 600
Washington, D.C. 20412



RE: Section 5a Application No. 61 (sub. No. 6)
National Classification Committee – Agreement

Dear Chairman Morgan:

My name is Joel R. Spotts, Director of Traffic, of New Penn Motor Express, Inc. at 625 South Fifth Avenue, Lebanon, PA 17042. New Penn Motor Express, Inc. is a motor carrier of general commodities operating in interstate and intrastate commerce. New Penn participates in the National Motor Freight Classification (NMFC). I have been a representative for New Penn serving on the National Classification Committee (NCC) for two (2) years. I am totally familiar with the NMFC and the classification system. I am writing on behalf of New Penn Motor Express, Inc. to support the NCC's classification process.

In contrast to the allegations of a number of shipper trade groups who contend that the NCC process is not "shipper friendly," I have personal knowledge that the NCC encourages shippers to participate in the classification process and urges them to attend and participate in our meetings. Nevertheless, this erroneous accusation of "shipper unfriendliness" appears to be at the heart of the STB's inquiry in the present proceeding. I personally have witnessed numerous instances where members of this organization or its staff have gone out of their way to assist shippers in exercising their right to participate fully in the NCC's classification process. Shippers have always been welcome to attend and participate in the open sessions of the classification meetings where any potential amendments to the NMFC are discussed. Further, the NCC offers its services to shippers free of charge, while carrier members support the classification system by paying an annual participation fee.

The classification is essential to the motor carriers' pricing systems and I take my responsibility as a NCC member very seriously. In its consideration of a classification matter, the NCC carefully evaluates all of the pertinent information that is presented without regard to whether the facts were submitted by carriers, shippers or the NCC. In fact, classification panels or the NCC usually look for ways to help the proponents obtain the result their proposals are seeking. However, assistance to proponents can not compromise the basic principle of classification making, i.e., to group each product with other commodities having comparable transportation characteristics, so as to promote the equitable distribution of the transportation burden.

We perform. You perform.

The NCC's staff of Classification Specialists are available for assistance to the shipping public, as well as to the NCC membership. It has always been my experience that the staff is available and willing to help member carriers and the public with research on any given commodity, advice on packaging and interpretations of classification provisions. Shippers frequently take advantage of their option to docket proposals for amendment to the NMFC. Our staff is available to provide them with technical assistance in developing their proposals, advise them regarding the applicable classification guidelines and assist in structuring their proposals in the proper tariff format. Our staff has been directed to provide notice to shippers and get them involved in the classification process as early as possible. However, I would strongly urge shippers to be proactive and supply pertinent data so that the NCC's classification decisions can be made on the basis of the best possible information.

In this proceeding there have been some suggestions that the reports and analyses that are prepared by our staff are not intended to provide an accurate representation of the data that has been assembled. This notion is completely false. I cannot overemphasize that the staff is fully aware that a failure to provide anything but a completely accurate representation of the facts would be unacceptable. It is absolutely necessary for the NCC's members to receive unbiased information in order for them to properly discharge their responsibilities on behalf of the NCC. Moreover, I would state categorically that I've never solicited, nor would I tolerate, any alteration, slanting or manipulation of the data by our staff, and I resent any suggestion that such a clearly dishonest practice is condoned by our organization.

Finally, the suggestion that the NCC is unwilling to consider change is completely unfounded. As a member of the NCC, I'm always willing to consider any improvements in the process, provided they don't compromise the integrity of the classification system. I would support the methodologies for increasing shipper participation that have been presented in the comments the NCC has filed in this proceeding.

Very truly yours,

NEW PENN MOTOR EXPRESS, INC.



Joel R. Spotts,
Director of Traffic