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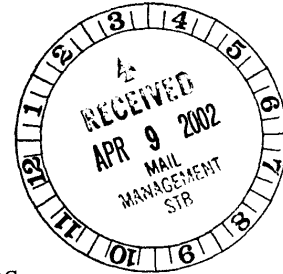
ORIGINAL

BEFORE THE
SURFACE TRANSPORTATION BOARD

AMENDMENT NO. 4
TO
RELEASED RATES DECISION NO. MC-999

RELEASED RATES OF MOTOR COMMON CARRIERS
OF HOUSEHOLD GOODS

PETITION FOR CLARIFICATION



ENTERED
Office of the Secretary

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HOUSEHOLD GOODS CARRIERS'
BUREAU COMMITTEE

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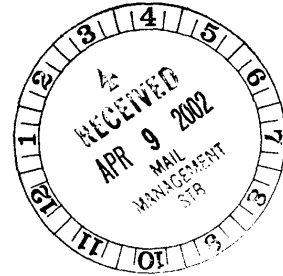
Counsel for Household Goods Carriers'
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DATED: APRIL 9, 2002

BEFORE THE
SURFACE TRANSPORTATION BOARD



AMENDMENT NO. 4
TO
RELEASED RATES DECISION NO. MC-999

RELEASED RATES OF MOTOR COMMON CARRIERS
OF HOUSEHOLD GOODS

PETITION FOR CLARIFICATION

Comes now the Household Goods Carriers' Bureau (HGCBC or Petitioner) on behalf of its approximately 1,900 member carriers and, pursuant to 49 C.F.R. § 1117.1, files this Petition to request clarification of the Board's decision served December 21, 2001, in this proceeding. The requested clarification is necessary (1) to ensure that all motor common carriers of household goods that are licensed by the Federal Motor Carrier Safety Administration to engage in the transportation of these commodities conform to the requirements of the Board's decision when limiting their liability for loss or damage, and, (2) to confirm the continued effectiveness of independently announced Full Value Protection (FVP) tariff provisions presently maintained by a number of HGCBC carriers.

I.

The HGCBC Application to amend Released Rates Order No. MC-999 was filed on August 5, 1999, on behalf of HGCBC carriers seeking amendment of Released Rates Order No. MC-999 by authorizing cancellation of the \$1.25 per pound depreciated value basis for limitation of carrier liability for loss or damage. In addition, the Application sought authority to establish a full value protection basis for shipper recovery for loss or damage. Following receipt of comments from HGCBC and other interested parties¹ addressing a number of questions posed by the Board related to the relief sought, the decision served December 21, 2001, granted the HGCBC Application. The result is HGCBC carriers are authorized to limit their liability in a manner consistent with the Board's decision. This authority, however, does not extend to all motor common carriers of household goods meaning, of course, that non-HGCBC carriers are not authorized or required to conform to the requirements of the Board's decision when limiting their liability.

The Interstate Commerce Commission decision in Released Rates Decision No. MC-999, decided March 30, 1993, presented a similar situation, i.e., the application filed in that proceeding on behalf of HGCBC carriers was granted authorizing those carriers to limit their liability consistent with the requirements of the Commission's decision. To ensure industry wide compliance with its requirements, Amendment No. 1 to Decision No. MC-999 was served on June 15, 1994, extending application of that decision to all motor common carriers of household goods.

¹ National Association of Consumer Agency Administrators and Inland Marine Underwriters Association.

The Board should take similar action with respect to Amendment No. 4 to Decision No. MC-999 clarifying that application of that decision also extends to all motor common carriers of household goods. Entire industry compliance with the Board's decision is essential to ensure uniform treatment of consumer shippers when they evaluate carrier shipment valuation options and limitations of liability.

II.

The Board's December 21 decision makes it clear that, in order to invoke the authority conferred, HGCBC carriers must (1) include an appropriate notice on their bills of lading and/or orders for service informing shippers of their shipment valuation options; (2) furnish shippers with a unique brochure explaining their valuation options and carrier liability for loss or damage under those options; (3) obtain the shipper's written declaration of shipment value or bear the consequence of actual depreciated value settlement of claims for failure to do so. While these points are clear, the status of currently effective individual carrier independently announced FVP tariff provisions is not as clear.

Since 1980 numerous HGCBC carriers have maintained independently announced FVP tariff provisions. See *Ex Parte No. MC-19 (Sub-No. 39), HHG Carriers Bills of Lading Provisions Concerning Full or Replacement Value Protection Tariff Items*, 1982 Fed.Car.Case ¶ 37,003 (1982). Certain of those tariff items are discussed in the Board's December 21 decision since their contents formed the basis for the Full Value Protection authority sought in the HGCBC Application. (Decision, p. 9). Questions have been raised concerning continued application of these provisions in light of the FVP authority

granted to HGCBC carriers by the Board's decision. While the Board's decision does not specifically address their continued effectiveness, all such provisions were established pursuant to the authority conferred by Section 13703(a)(4) of the Act and the authority and procedures contained in HGCBC Section 5a Application No. 1. Specific Board advice concerning carrier authority to retain these provisions in light of the December 21 decision is necessary to avoid future interpretation controversies.

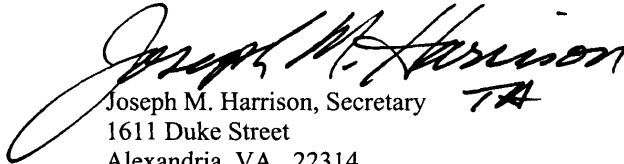
III.

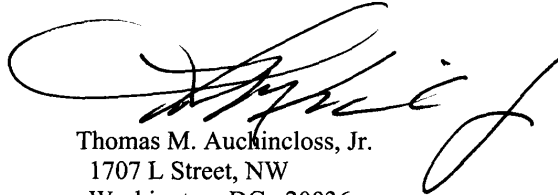
The Board's December 21 decision marks a major change in the valuation options available to consumer shippers and the requirements HGCBC carriers must conform to in order to limit their liability for loss or damage. Since it is the first such change in several decades, the HGCBC staff has been publicizing the terms of the Board's decision to its member carriers through frequent question and answer bulletins, regional seminars throughout the Country for industry personnel and by responding to individual carrier requests for interpretation of the Board's decision. Each of these steps is necessary to ensure accurate industry compliance during the impending moving season and beyond. The HGCBC tariff containing the changes necessary to implement the requirements of the Board's decision will bear an effective date of May 12, 2002. All HGCBC carriers have been advised that shipments that are subject to those tariff provisions and are transported on and after that date must comply with the Board's decision.

Accordingly, the Board is requested to address the questions posed in this Petition
in a manner that clarifies the effect of its December 21, 2001, decision.

Respectfully submitted,

HOUSEHOLD GOODS CARRIERS'
BUREAU COMMITTEE


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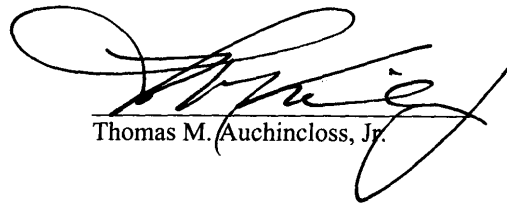
Dated: April 9, 2002

CERTIFICATE OF SERVICE

I hereby certify that I have this 9th day of April 2002 served the foregoing Petition
for Clarification upon the following by first class mail, postage prepaid:

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