

207918

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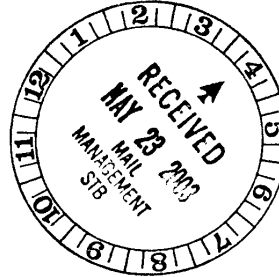
WASHINGTON, D.C. 20007

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May 23, 2003

Vernon A. Williams
Secretary
Surface Transportation Board
The Mercury Building
1925 K Street, NW #700
Washington, DC 20423



Re: Section 5a Application No. 70 (Sub-No. 12)
Range of Discounts

Dear Secretary Williams:

Enclosed please find the original and ten copies of the range of discounts filing of Western Motor Tariff Bureau, Inc. (WMTB) in response to the Surface Transportation Board's (STB) Decision served on March 27, 2003, in Section 5a Application No. 118 (Sub-No. 2), et al, EC-MAC Motor Carriers Service Association, Inc., Et Al.

An additional copy of the range of discounts is enclosed which it is requested be date-stamped or receipt otherwise acknowledged, and returned to me. A self-addressed, stamped envelope is enclosed for your convenience.

Thank you for your assistance in this matter.

Sincerely,

A handwritten signature in cursive script that reads "John R. Bagileo".

John R. Bagileo
Counsel for Western Motor Tariff Bureau,
Inc.

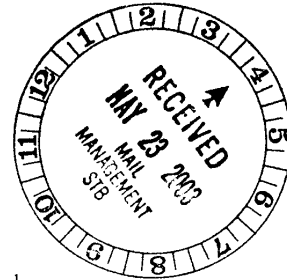
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Office of Proceedings
MAY 28 2003
Part of
Public Record

Enclosures

Cc: Robert E. Lewis

207918

Before The
Surface Transportation Board



Section 5a Application No. 70 (Sub-No. 12)
Western Motor Tariff Bureau, Inc. - Agreement¹

Range of Discounts

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Counsel for Western Motor Tariff
Bureau, Inc.

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Dated: May 23, 2003
Due: May 27, 2003

¹ This application has been consolidated with those of other motor carrier rate bureaus in STB Section 5a Application No. 118 (Sub-No. 2), et al., EC-MAC Carriers Service Association, Inc., Et Al.

Before The
Surface Transportation Board

Section 5a Application No. 70 (Sub-No. 12)
Western Motor Tariff Bureau, Inc. - Agreement

Range of Discounts

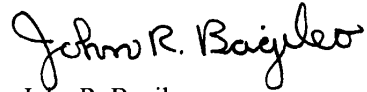
Western Motor Tariff Bureau, Inc. (WMTB), by its counsel, files this response to the Surface Transportation Board's (STB) Decision served on March 27, 2003 in STB Section 5a Application No. 118 (Sub-No. 2), et al., EC-MAC Motor Carriers Service Association, Inc., Et Al., directing the rate bureaus to submit the range of discounts of their respective member motor carriers from their collectively-made class rates.

Appended is the Statement of Robert E. Lewis, WMTB's General Manager. As indicated by Mr. Lewis, WMTB's member motor carriers currently have no discounts established on collectively-made class rates having application on transportation within the United States that does not involve water carriage. Moreover, no discounts are provided on the collectively-established joint and proportional class rates used in prescribing their joint motor-water rates. Accordingly, WMTB has no range of discounts to report in response to the STB's Decision.

As Mr. Lewis further indicates, WMTB will amend its Section 5a Agreement to include the truth-in-rates requirement and the certification regarding the loss-of-discount prohibition. Should discounts involved in the truth-in-rates notice be published by

WMTB's member motor carriers, the STB will be notified of that fact in accord with the requirements in the Decision served on March 27, 2003.

Respectfully submitted,

A handwritten signature in black ink that reads "John R. Bagileo". The signature is written in a cursive style with a large, stylized "J" and "B".

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Counsel for Western Motor Tariff
Bureau, Inc.

Statement Of
Robert E. Lewis

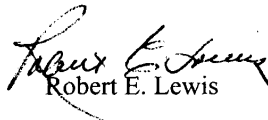
My name is Robert E. Lewis. I am the General Manager of the Western Motor Tariff Bureau, Inc. (WMTB), and have filed statements on behalf of WMTB at various stages in this consolidated proceeding. My business address is P.O. Box 30268, 2635 Waiwai Loop, Honolulu, HI 96819. My telephone number is (808) 836-5874. I have reviewed the Surface Transportation Board's (STB) decision served on March 27, 2003 in the consolidated proceeding in STB Section 5a Application No. 118 (Sub-No. 2), et al., EC-MAC Motor Carriers Service Association, Inc., Et Al., particularly as it applies to my organization in Western Motor Tariff Bureau, Inc.—Agreement, Section 5a Application No. 70 (Sub-No. 12).

As the STB concluded in its Decision, when WMTB's members list or quote a rate that is for the Hawaii trade or for the United States-Mexico trade, and there is no possibility of the carrier offering or negotiating a discount from bureau-set class rates, a truth-in-rates notice need not be provided. If, however, its member carriers list or quote a rate for motor carrier transportation within the United States that does not involve water carriage, and the rate is expressed as a discount or percentage off a class rate that was set collectively, the members must provide the truth-in-rates notice. (See STB Decision, pp. 8-9.)

There are no discounts provided on the rates applicable on noncontiguous domestic trade shipments or on U.S.-Mexico traffic. Also, there is not any traffic presently handled by WMTB member carriers which involve discounts or percentages off collectively-made class rates. Also, WMTB does not publish any loss-of-discount provisions on behalf of its member carriers.

The STB's Decision requires rate bureaus to submit the identified range-of-discounts of their member carriers by May 27, 2003. Inasmuch as WMTB's member carriers do not establish such discounts off collectively-made class rates on traffic moving within the United States, there is no range to report at this time. Should this change in the future, the STB and the parties to this proceeding will be promptly so notified. WMTB will, nevertheless, incorporate the truth-in-rates notice in its amended agreement to be submitted by July 25, 2003, and will have its member carriers execute the required certification that they would not apply a loss-of-discount provision that would reinstate a collectively set rate as a penalty for late payment. Those actions will ensure future compliance with the STB's decision should discounted collectively-made class rates be applied by member carriers on shipments within the United States, or loss-of-discount provisions be established.

Respectfully submitted,

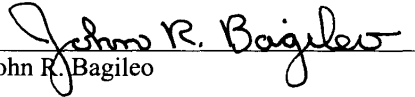


Robert E. Lewis

Dated: May 2, 2003

Certificate of Service

I hereby certify that I have this 23rd day of May 2003, served a true and correct copy of the foregoing document and attachment by first class mail, properly addressed and with postage prepaid upon all parties of record in the consolidated proceeding.


John R. Bagileo