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July 25, 2003

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Public Record

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

Re: Section 5a Application No. 118 (Amendment No. 2), EC-MAC Motor Carriers Service Association, Inc.

**Submission of EC-MAC Motor Carriers Service Association, Inc.
Bylaw Amendments**

Dear Secretary Williams:

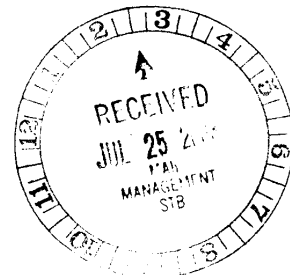
Enclosed for filing please find an original and 10 copies of the EC-MAC Motor Carriers Service Association, Inc. Bylaw Amendments.

Respectfully,

David H. Coburn
Attorney for EC-MAC Motor Carriers
Service Association, Inc.

Enclosure

cc: All parties of Record



WASHINGTON

PHOENIX

LOS ANGELES

LONDON

BRUSSELS

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

SECTION 5A APPLICATION NO. 118 (AMENDMENT NO. 2)

EC-MAC MOTOR CARRIERS SERVICE ASSOCIATION, INC.

**SUBMISSION OF EC-MAC MOTOR CARRIERS SERVICE ASSOCIATION, INC.
BYLAW AMENDMENTS
IN CONFORMITY WITH NOVEMBER 21, 2001 BOARD DECISION**

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David H. Coburn
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Attorney for EC-MAC Motor Carriers
Service Association, Inc.

July 25, 2003

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

SECTION 5A APPLICATION NO. 118 (AMENDMENT NO. ~~3~~²)

EC-MAC MOTOR CARRIERS SERVICE ASSOCIATION, INC.

**SUBMISSION OF EC-MAC MOTOR CARRIERS SERVICE ASSOCIATION, INC.
BYLAW AMENDMENTS
IN CONFORMITY WITH NOVEMBER 21, 2001 BOARD DECISION**

The EC-MAC Motor Carrier Services Association, Inc. ("EC-MAC") hereby submits for approval the attached amendment to its bylaws concerning the truth-in-rates notice requirement and the loss of discount provision that are addressed in, and required by, the Board's November 21, 2001 Decision, affirmed March 27, 2003, in STB Section 5a Application No. 118 (Sub No. 2), *et al.*, *EC-MAC Motor Carriers Service Association, Inc., et al.* Those decisions provide that amendments conforming with the decisions be submitted no later than July 25, 2003.

The first part of the bylaw amendment attached hereto would implement the Board's requirement that EC-MAC revise its ratemaking agreement to conform to the truth-in-rates notice requirement described in the above decisions. The amendment tracks precisely that notice requirement as set forth in the above decisions, and provides that EC-MAC member carriers must give the notice every time that they list a collectively set rates or provide a rate quote that references a collectively made rate. Further, EC-MAC has previously conducted the required annual survey of its member carrier discounts and will do so annually as required by the Board's decisions referenced above.

The second part of the attached bylaw amendment is designed to implement the requirement that EC-MAC member carriers certify that they will not apply loss-of-discount provisions that would reinstate an undiscounted bureau class rate as a late payment penalty. This requirement was also imposed by the above-referenced decisions, which required that a conforming amendment be filed.

EC-MAC accordingly requests that the Board approve these amendments to its bylaws.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David H. Coburn", with a long horizontal flourish extending to the right.

David H. Coburn
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202/429-8063

Attorney for EC-MAC Motor Carriers
Service Association, Inc.

July 25, 2003

Section 5a Application no. 118
EC-MAC Motor Carriers Service Assn., Inc.

PROPOSED NEW BYLAWS

Article XIV

Member carriers shall give the following truth-in-rates notice every time they list collectively set rates or otherwise give a rate quote that references a collectively set rate.

Notice: The class or benchmark rate that was used as a reference point in determining this rate (or rate Quotation) was set collectively by motor carrier competitors acting under immunity from the antitrust laws. The class rate is not necessarily the prevailing market rate, and there are generally a wide range of discounts available. Motor carriers that are members of (xxx) typically offer discounts ranging from (xx% to xx%).

Member carriers of this organization shall certify that they will not apply loss-of-discount provisions that would reinstate the undercounted bureau class rate as a penalty for late payment.

Certificate of Service

I hereby certify that I have this 25th day of July 2003 served a copy of the foregoing Submission of Bylaw Amendments upon all parties of record in Section 5a Application No. 118 (Sub No. 2), *et al.*, *EC-MAC Motor Carriers Service Association, Inc., et al.* by first class mail, postage prepaid.



David H. Coburn