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Before the

DEPARTMENT OF TRANSPORTATION

23/868

SURFACE TRANSPORTATION BOARD

HOUSEHOLD GOODS CARRIERS

Amendment No. 5 to  
Released Rates Decision No. RR 999

PETITION FOR POSTPONEMENT  
OF THE EFFECTIVE DATE OF THE DECISION

ENTERED  
Office of Proceedings

FEB 17 2012

Part of  
Public Record

JOE HARRISON CONSULTING

Joe Harrison, President

P.O. Box 149, Lewes, DE 19958

Dated: February 16, 2012

Respectfully submitted via facsimile,

JOE HARRISON CONSULTING

By: Joe Harrison, President

Dated: February 16, 2012

I, Joe Harrison, declare under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this pleading. As executed on February 16, 2012.

JOE HARRISON CONSULTING

By: Joe Harrison, President

I further certify that I have on this 16<sup>th</sup> day of February 2012 served all parties of record in this proceeding with this document by facsimile.

JOE HARRISON CONSULTING

By: Joe Harrison, President

My name is Joseph M. Harrison and I am an active party of record in this proceeding.

First, I want to commend the Surface Transportation Board for an excellent January 10, 2012 decision as set forth in Amendment 5 to Released Rates Order 999. The decision struck a reasonable balance between enhancing consumer's knowledge of the economic consequences of choosing Full Value Protection versus 60 cents per lb. per article and the interstate moving industry's paperwork and educational burdens associated with the decision's compliance requirements. Also, I appreciate the fact that the decision addressed in a positive way many of the clarifications that I referenced in my comments.

I am aware that the American Moving and Storage Association (AMSA) has requested that the January 10, 2012 decision's effective date of April 2, 2012 be extended to November 1, 2012. AMSA's reasons for the extension were essentially the same reasons all parties of record, including myself, articulated on two separate occasions, that is, movers and vendors (tariff publishers, software firms) need as much time as possible to amend their affected transportation documents and educate their staffs. These continue to be viable reasons for an extension of the April 2, 2012 date.

AMSA also raised the issue of the Federal Motor Carrier Safety Administration's (FMCSA) Rights and Responsibility Booklet (RRB) which will have somewhat different language associated with movers' liability requirements than those that will be required by the Board on April 2 which could result in possible consumer confusion on and after April 2. AMSA concluded that a November 1 date will allow time for FMCSA to make required changes to the RRB to comport with the Board's Amendment 5 decision.

As a party of record I have no problem with an extension of the April 2 date. However, it's my opinion that a November effective that is based, in part, on a final decision to be issued by the FMCSA regarding changes to the RRB may have to be well beyond November 1 given the fact that even uncomplicated and uncontested FMCSA rulemakings take at least 22 months to conclude.

It is ironic that I was the party of record that raised the issue of possible consumer confusion between the Board's decision and the current RRB provisions. At that time I was aware there would certain language differences but I was also concerned about specific "value" references in the RRB that would differ from the Board's decision; however, those concerns were misplaced because I was focusing on a previous version of the RRB that had very specific references to liability values. When the January 10 decision was issued I reviewed in detail the FMCSA's current RRB for the purpose of developing a summary explanation of the Board's decision and discovered that there were no specific references to values or liability levels, other than 60 cents per lb. Therefore, while some of the RRB language should be amended by the FMCSA to reflect the Board's decision, it is my opinion that consumer confusion will be minimal due to the FMCSA's current general explanation of movers liability options in the current RRB. In other words, while the language in the RRB differs to some extent from Amendment 5, the general liability explanation remains accurate. Also, there are no conflicts or problems with the RRB language dealing with the required changes to the estimate form. FMCSA may in the future address the warning notice requirement to be placed on the estimate form but the current language in the RRB dealing with the required written estimate presents little, if any problems.

Given the aforementioned, the Board should consider reviewing the RRB's liability provisions for the purpose of determining the extent of any consumer confusion that may occur, as well as the timing issue associated with a future FMCSA rulemaking proceeding.

As indicated, movers and vendors need as much time as possible to comply with paperwork and education requirements of the decision. However, relocating consumers also deserve the opportunity to benefit from the Board's decision within a reasonable time frame. Therefore, if the Board determines that FMCSA's current RRB presents minimal confusion, it is suggested that consideration be given to extending the April 2 date until May 15, 2012, the beginning of moving industry's peak moving season. This date ensures consumers will benefit from the Board's decision during the 2012 peak moving season, while at the same time, giving the moving industry more time to comply with the requirements of the decision. The more time granted to make the required regulatory changes will result in a much higher compliance rate.

In conclusion, it is important that the Board make a decision on an extension date as soon as possible so affected parties can continue to expedite their compliance efforts. Also, while I have suggested a May 15, 2012 effective date I am not opposed to an extension of the date until after the moving peak season (September 30); however an extended effective date should not be pegged to the effective date of a final FMCSA rulemaking decision regarding the RRB unless the Board determines that the current RRB will in fact create meaningful consumer confusion.

It is important to stress that my firm does not represent thousands of affected movers like AMSA. My clients tend to be small movers, some consumers and certain other relocation-type entities. Therefore, my comments should probably not carry as much weight as those submitted by AMSA.

Thank you for the opportunity to comment on this important decision.

