

## SURFACE TRANSPORTATION BOARD

## DECISION

Sec. 5a Application No. 118 (Amendment No. 1), et al.<sup>1</sup>

EC-MAC MOTOR CARRIERS SERVICE ASSOCIATION, INC., ET AL.

Decided: August 14, 1997

By petition filed July 18, 1997, the Transportation Consumer Protection Council and the Health & Personal Care Distribution Conference have asked us to expand these proceedings to consider whether antitrust immunity should be continued for the classification and other functions performed by the National Motor Freight Traffic Association/National Classification Committee (NMFTA/NCC). Petitioners assert that these proceedings should be expanded because NMFTA/NCC's antitrust immunity, like the antitrust immunity of the rate bureaus that is the subject of these proceedings, will expire on December 31, 1998, unless it is renewed.

Replies in opposition to the petition were filed on August 5, 1997, by NMFTA/NCC and by the Distribution and LTL Carriers Association. The replies asserted, among other things, that the issues associated with continuation of the antitrust immunity of NMFTA/NCC are different from those involved in these proceedings, and that the petitioners waited too long to seek to include NMFTA/NCC in these proceedings.<sup>2</sup>

The petition will be denied. We intend, in the near future, to address whether we should continue the antitrust immunity of NMFTA/NCC beyond its statutory expiration date. Combining the NMFTA/NCC issues with the issues in these proceedings, however, would be counterproductive at this late date.

It is ordered:

1. The petition is denied.
2. This decision is effective on its date of service.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams  
Secretary

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<sup>1</sup> This decision embraces six other motor carrier rate bureau applications: Sec. 5a Application No. 34 (Amendment No. 8), Middlewest Motor Freight Bureau, Inc.; Sec. 5a Application No. 46 (Amendment No. 20), Southern Motor Carriers Rate Conference, Inc.; Sec. 5a Application No. 22 (Amendment No. 7), Pacific Inland Tariff Bureau, Inc.; Sec. 5a Application No. 60 (Amendment No. 10), Rocky Mountain Motor Tariff Bureau, Inc.; Sec. 5a Application No. 45 (Amendment No. 13), Niagara Frontier Tariff Bureau, Inc.; and Sec. 5a Application No. 25 (Amendment No. 8), The New England Motor Rate Bureau, Inc.

<sup>2</sup> Our decision establishing a 3-month comment period was issued on May 20, 1997. The petition to expand the proceedings was not filed until nearly 2 months later, on July 18, 1997. Comments in these proceedings are due on August 18, 1997.