

Before The  
Surface Transportation Board

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STB Ex Parte No. 656  
Motor Carrier Bureaus – Periodic Review Proceeding

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Reply Comments  
Of  
Acuity Brands Lighting

Acuity Brands Lighting  
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PO Box A  
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Dated 21 April 2005

April 21, 2005

Mr. Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, NW  
Washington, DC 20423-0001

Reference STB Ex Parte No. 656

Dear Mr. Williams:

After reviewing the initial comments and replies, my original position calling for the termination of antitrust immunity for the National Classification Committee ("NCC") and the Regional Rate Bureaus remains unchanged.

The proponents of continued immunity seem to feel that another five year extension is warranted because all of the current guidelines as previously established have been complied with. Another primary argument of the proponents centers on the issue of lack of participation by motor carriers if immunity is not granted. These arguments do not fulfill the criteria required to consider renewal of antitrust immunity. As stated in the U.S. Department of Transportation letter of 1 April on this matter, "It is thus clear that the 'public interest' is the touchstone for the STB's consideration of motor carrier agreements like these. The burden of showing that an agreement meets the public interest standard is on the party seeking approval and antitrust immunity". I am also in agreement in the US Department of Transportation's position as stated in the same letter that "The supporters of the agreements at issue have not satisfied the statutory standard". There has been no factual evidence provided that continued collective classification-setting or rate-setting serves the public interest better than competition in an open marketplace.

In the current deregulated environment, the original reason for extending antitrust immunity to the NCC and the regional rate bureaus no longer exists. We urge you to deny the continuance of this collective agreement.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Scott Anderson". The signature is fluid and cursive, written in a professional style.

Scott Anderson  
Director of Transportation  
Acuity Brands Lighting