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January 27, 2006

Hon. Vernon A. Williams  
Secretary  
Surface Transportation Board  
The Mercury Building  
1925 K Street, N.W.  
Room 888  
Washington, DC 20423



Office of the Secretary

**Re: Section 5a Application No. 46 (Sub-No. 20)  
Southern Motor Carriers Rate Conference, Inc.**

Dear Secretary Williams:

The above-styled proceeding was initiated by an application for nationwide collective ratemaking authority filed on December 19, 1996, by Southern Motor Carriers Rate Conference, Inc. (SMC) with the Surface Transportation Board (STB). SMC respectfully requests that it be advised of the status of the Board's decision in this proceeding, and whether there is a time frame within which the agency will act on this important and longstanding matter.

Because of the provision in former subsection (d) of Section 13703 of 49 U.S.C., the Board was prohibited from granting applications authorizing regional rate bureaus to conduct collective ratemaking activities on a nationwide basis. That prohibition previously was identified by the Board as the reason for not going forward and acting on SMC's pending nationwide collective ratemaking application. However, in Section 354 of the Omnibus Appropriations Act FY 2003, Pub. L. No. 108-7 (Feb. 20, 2003) that prohibition was stricken.

On November 5, 2003, SMC filed a petition requesting, in part, that the Board reopen the above-styled proceeding predicated on that change in the law which restored to the agency the authority to consider rate bureau applications for nationwide collective ratemaking authority, which request was granted by the Board. SMC was required to update the record and the evidentiary phase of the reopened proceeding was concluded with the filing of rebuttal comments on June 7, 2004. Oral argument on the application was held on October 27, 2004.

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At the oral argument, former Chairman Nober indicated that a decision in this proceeding would not await final action on the periodic review of the extant rate bureau agreements required during each five-year period commencing with the enactment of the Motor Carrier Safety Improvement Act of 1999. It was noted that then almost eight years had elapsed since SMC filed its application seeking nationwide collective ratemaking authority. The final evidentiary pleadings in the periodic review proceeding were filed with the Board on April 21, 2005.

Some 15 months have passed since the oral argument was held and, as yet, a decision on the application has not been issued. Because of the critical importance of this matter to SMC and its member carriers, some indication of the prospect of Board action on SMC's application would be appreciated.

Respectfully submitted,



John R. Bagileo  
Counsel for Southern Motor Carriers  
Rate Conference, Inc.

cc: Parties of Record