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April 20, 2006

The Honorable Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423

Re: Ex Parte No. 656 (Sub-No. 1)
Investigation into the Practices of the
National Classification Committee

Dear Secretary Williams:

National Motor Freight Traffic Association, Inc. (NMFTA) and the National Classification Committee (NCC) submit this response to the April 17, 2006 motion/petition of NASSTRAC, Inc. seeking to respond to a letter posted on the Surface Transportation Board's (STB) website in this proceeding on March 27, 2006, which was submitted by the Honorable Nick J. Rahall. NASSTRAC was provided a full opportunity to make its views known in this matter in its comments filed on December 2, 2005, and it has no standing or right to submit a further reply at this time, or to suggest that the NCC should not reply to NASSTRAC's letter motion/petition because NASSTRAC did not respond to the NCC's March 24, 2006 Supplemental Reply.

The NCC's March 24, 2006 Supplemental Reply to the letter dated February 21, 2006 submitted by five Congressmen opposing the continuance of the NCC's collective classification-making agreement, was approved for filing by the STB. The NCC predicated the request to submit that filing on the fact that this is an adjudicatory proceeding and, as respondents who have a statutory right which is at risk, pursuant to the dictates of due process should have the right to close the record by responding to that solicited, late-filed letter without notice to the NCC. Contrary to NASSTRAC's contention, the basis for the NCC's filing does not provide any precedent or standing for NASSTRAC to respond to Congressman Rahall's letter concerning allegations made in the letter from the five Congressmen.

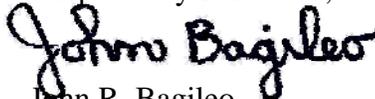
Moreover, NASSTRAC mischaracterizes the NCC's objections to that letter which obviously was prompted by candy manufacturers party to this proceeding. In addition to that letter not being timely filed, the NCC objected to the letter as constituting an ex parte communication and an intentional effort to bring political influence on the STB in its decision-making process. Those are serious allegations which were not lightly made.

NASSTRAC also mischaracterizes Congressman Rahall's letter by insinuating that the Congressman suggested that the "Board lacks statutory authority under the Act to terminate NCC's antitrust authority...." (NASSTRAC Letter, pg. 2) That self-serving and incorrect statement is untrue. Nowhere in Congressman Rahall's letter does he imply, much less make, that assertion.

Further, NASSTRAC's argument that shippers and carriers could bilaterally negotiate classifications or that motor carriers could collectively establish classifications without antitrust immunity, is ludicrous. The lamps and lighting manufacturers and the candy manufacturers leave no doubt about the outcome of any attempted bilateral negotiations of the classification of their products. Classification standards would be rendered meaningless. Motor carriers simply would not and could not engage in collective classification activities without antitrust immunity, and the record in Ex Parte No. 656 fully addresses that issue. NASSTRAC's purported solutions to the termination of antitrust immunity are baseless.

NMFTA and the NCC submit that NASSTRAC's motion/petition should be denied as without justification, and its self-serving and inaccurate letter removed from the record and given no consideration by the STB in its deliberations in this proceeding. The efforts of the candy manufacturers, and now NASSTRAC, to interject comments into the record after it has long closed is a disservice to the integrity of the agency's procedural rules which are intended to ensure fairness and to preserve the rights of respondents to due process.

Respectfully submitted,



John R. Bagileo
Counsel for National Motor Freight
Traffic Association, Inc. and the
National Classification Committee