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FEDERAL MARITIME COMM

May 13, 2010

Karen Gregory, Secretary
Federal Maritime Commission
800 North Capitol Street, NW
Washington, D.C. 20573

Re: Docket No. 10-03, NVOCC Negotiated Rate Arrangements

We would like to take this opportunity to express our gratitude to the FMC for having considered the various comments in the proceeding and granting the exemption that was requested by the NCBFAA.

The need for the proposed NVOCC tariff exemption is real. The administrative burden associated with the filing of rates cost our organization is approximately $32,000.00 per annum. In most instances rates are negotiated privately with customers. In today's environment the rates are changing constantly due to space constraints which force us to change routings and carrier selections. In turn, rates are in a continual state of flux. While we cannot verify with absolute certainty we do know that our customers never ask about or refer to our tariff during any of our rate negotiations with them, nor do they in the course of day to day business.

CDS Global Logistics, Inc. is in support of the proposal. Rates are currently negotiated with our customers privately and are already memorialized in writing via email and in hard copy retained in the customer file. It would be a straightforward solution to simply add a disclaimer onto our existing email format indicating that the exempt rates (the Negotiated Rate Agreements or NRAs) are subject to the company's rules tariff and that the company will eliminate any access fee for its rules tariff.

CDS Global Logistics, Inc. is of the opinion that the exemption as proposed should be available to all lawful NVOCCs, including foreign registered, not just licensed companies. While we are a US company incorporated in New York, we are wholly owned by a foreign entity. We utilize a group bill of lading issued by our overseas affiliate, which is a lawful tariffed, bonded and registered NVOCC in its own right, for our inbound shipments that is utilized by all CDS companies in some 14 countries around the world. For some unexplained reason, we would not be eligible for the exemption using the services of our affiliated foreign domiciled NVOCC unless we were to use our own bill of lading for these import transactions as well. But, being required to do that would upset and disturb a large number of commercial relationships with customers that have done business with our group for many years. It is our belief that it could create a discriminatory situation as the exemption was intended to be for the entire industry. In addition, we are concerned that other foreign governments might take retaliatory action against US licensed NVOCC's if unjustified burdens were left on registered NVOCCs.

Lawful NVOCCs should be able to amend rates at any time, as long as their agreement to do so is memorialized in writing by both parties. Otherwise, the parties will not have the necessary flexibility to react to changes in the carrier' rates when dealing with an agreement covering multiple shipments. As mentioned above, we are constantly changing our routings and carrier selection to meet our customer's service needs.

"I declare under penalty of perjury that I have read the foregoing and it is true and correct to best of my knowledge, information and belief"

Henry Wiseman

Henry Wiseman, President
CDS Global Logistics, Inc.