



reason to believe that Respondent has violated the said Act, and that a Complaint should issue stating its charges in that respect, and having accepted the executed Consent Agreement and placed such Consent Agreement on the public record for a period of thirty (30) days for the receipt and consideration of public comments, now in further conformity with the procedure described in Commission Rule 2.34, 16 C.F.R. § 2.34, the Commission hereby makes the following jurisdictional findings and issues the following Decision and Order (“Order”):

1. Respondent Indiana Household Movers and Warehousemen, Inc. is a corporation organized and existing under the laws of the state of Indiana with its principal office and place of business at 3039 West 39th Street, Indianapolis, Indiana 46228-3282.

2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of Respondent, and the proceeding is in the public interest.

## **ORDER**

### **I.**

**IT IS ORDERED**, that for the purposes of this Order, the following definitions shall apply:

- A. "Respondent" or "IHM&W" means Indiana Household Movers and Warehousemen, its officers, executive board, committees, representatives, agents, employees, successors and assigns;
- B. "Carrier" means a common carrier of property by motor vehicle;
- C. "Intrastate transportation" means the pickup or receipt, transportation and delivery of property hauled between points within the State of Indiana for compensation by a carrier authorized by the Indiana Department of Revenue to engage therein;
- D. "Member" means any carrier or other person that pays dues or belongs to IHM&W or to any successor corporation;
- E. "Tariff" means the publication stating the rates of a carrier for the transportation of property between points within the State of Indiana, including updates, revisions, and/or amendments, including general rules and regulations;
- F. "Rate" means a charge, payment or price fixed according to a ratio, scale or standard for direct

or indirect transportation service;

- G. "Collective rates" means any rate or charge established under any contract, agreement, understanding, plan, program, combination or conspiracy between two or more competing carriers, or between any two or more carriers and Respondent; and
- H. "Person" means both natural persons and artificial persons, including, but not limited to, corporations, unincorporated entities, and governments.

intrastate rates or rate proposals; and

6. Preparing, developing, disseminating or filing a proposed or existing tariff containing automatic changes to rates charged by two or more carriers.

### **III.**

**IT IS FURTHER ORDERED** that Respondent shall, within 120 days after service upon it of this Order:

1. Cancel all tariffs and any supplements thereto on file with the Indiana Department of Revenue that establish rates for transportation of property or related services, goods or equipment by common carriers in Indiana and take such action as may be necessary to effectuate cancellation and withdrawal;
2. Terminate all previously executed powers of attorney and rate and tariff service agreements, between it and any carrier utilizing its services, authorizing the publication and/or filing of intrastate collective rates within the State of Indiana;
3. Cancel those provisions of its articles of incorporation, by-laws and procedures and every other rule, opinion, resolution, contract or statement of policy that has the purpose or effect of permitting, announcing, stating, explaining or agreeing to any business practice enjoined by the terms of this Order; and
4. Amend its by-laws to require members of IHM&W to observe the provisions of the Order as a condition of membership in IHM&W.

### **IV.**

**IT IS FURTHER ORDERED** that, within fifteen (15) days after service upon it of this Order, Respondent shall mail or deliver a copy of this Order, under cover of the letter attached hereto as "Appendix," to each current member of Respondent, and for a period of three (3) years from the date of service of this Order, to each new member within ten (10) days of each such member's acceptance by Respondent.

### **V.**

**IT IS FURTHER ORDERED** that Respondent notify the Commission at least thirty (30) days prior

to any proposed change in Respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, or any other proposed change in the corporation which may affect compliance obligations arising out of the Order.

**VI.**

**IT IS FURTHER ORDERED** that Respondent shall file a written report within six (6) months of the date of service of this Order, and annually on the anniversary date of the original report for each of the five (5) years thereafter, and at such other times as the Commission may require by written notice to Respondent, setting forth in detail the manner and form in which it has complied with this Order.

**VII.**

**IT IS FURTHER ORDERED** that this Order shall terminate twenty (20) years from the date on which this Order was issued by the Commission.

By the Commission.

Donald S. Clark  
Secretary

SEAL  
ISSUED:

## APPENDIX

(Letterhead of the Indiana Household Movers and Warehousemen, Inc.)

Dear Member:

The Federal Trade Commission has ordered Indiana Household Movers and Warehousemen, Inc. (IHM&W) to cease and desist its tariff and collective rate-making activities. A copy of the Commission's Decision and Order is enclosed.

In order that you may readily understand the terms of the Order, we have set forth its essential provisions, although you must realize that the Order itself is controlling, rather than the following explanation of its provisions:

(1) IHM&W is prohibited from engaging in any collective rate-making activities, including the proposal, development or filing of tariffs which contain any collectively formulated rates for intrastate transportation services. Each member carrier must independently set its own rates for transportation of property or related services, goods or equipment between points within the State of Indiana, but may use IHM&W as a tariff publishing agent.

(2) IHM&W is prohibited from providing a forum for its members for the purpose of discussing rates.

(3) IHM&W is prohibited from urging, suggesting, encouraging or attempting to influence in any way the rates members charge for their intrastate transportation services; IHM&W may not provide non-public information to any carrier about rate changes ordered by another carrier.

(4) IHM&W is prohibited from maintaining any rate or tariff committee which discusses or  
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Enclosure