

UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION

COMMISSIONERS:

Timothy J. Muris, Chairman
Mozelle W. Thompson
Orson Swindle
Thomas B. Leary
Pamela Jones Harbour

<p>In the Matter of</p> <p>MINNESOTA TRANSPORT SERVICES ASSOCIATION,</p> <p>a corporation.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Docket No. C-4097</p>
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COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act (15 U.S.C. § 41, et seq.) and by virtue of the authority vested in it by said Act, the Federal Trade Commission, having reason to believe that Minnesota Transport Services Association (hereinafter sometimes referred to as “respondent” or “MTSA”), a corporation, has violated and is now violating the provisions of Section 5 of said Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint stating its charges as follows:

PARAGRAPH 1. Respondent Minnesota Transport Services Association is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Minnesota, with its office and principal place of business located at 1821 University Avenue, Suite S-213, St. Paul, Minnesota 55104.

PARAGRAPH 2. Respondent is an association organized for and serving its members' interests, including their economic interests, by promoting, fostering, and advancing the household goods moving industry in the State of Minnesota. One of the primary functions of respondent is the initiation, preparation, development, dissemination, and filing with the Minnesota Department of Transportation of tariffs and supplements thereto on behalf of and as

agent for its members. Said tariffs and supplements contain rates and charges for the intrastate and local transportation of household goods and for related services, including, among other things, transporting bulky articles; packing boxes and crates; and extra charges for elevator, stair, and long distance carrying of items. (For purposes of this complaint, the term "tariff" means the publication stating the rates of a carrier for the transportation of property between points within the State of Minnesota, including updates, revisions, and/or amendments, including general rules and regulations.)

PARAGRAPH 3. Pursuant to Minnesota state law, each household goods mover is required to file a tariff with the Minnesota Department of Transportation containing the carrier's rates, fares, or charges for the intrastate transportation of household goods.

PARAGRAPH 4. Members of respondent are engaged, among other things, in the business of providing transportation and other services for compensation as household goods movers between points within the State of Minnesota. Except to the extent that competition has been restrained as herein alleged, members of respondent have been and are now in competition among themselves and with other household goods movers.

PARAGRAPH 5. The membership of MTSA consists of approximately 89 household goods movers that conduct business within the State of Minnesota. MTSA members receive compensation for intrastate and local moves. Members of MTSA are entitled to and do, among other things, vote for and elect the trustees who elect officers of the association. The control, direction and management of MTSA are vested in the trustees and officers, including a President, several Vice Presidents, a Secretary and a Treasurer to carry on the day-to-day administration and management of MTSA.

PARAGRAPH 6. The acts and practices of respondent set forth in Paragraph 7 have been and are now in or affecting commerce as "commerce" is defined in the Federal Trade Commission Act, as amended, and respondent is subject to the jurisdiction of the Federal Trade Commission. Among other things, the aforesaid acts and practices:

- (A) Affect the flow of substantial sums of money from the federal government, business, and other private parties to the respondent's members for rendering transportation services, which money flows across state lines;
- (B) Affect the purchase and use of equipment and other goods and services by respondent's members that are shipped in interstate commerce;

WHEREFORE, THE PREMISES CONSIDERED, the Federal Trade Commission on this fifteenth day of September, 2003, issues its complaint against MTSA.

By the Commission, Commissioner Harbour not participating.

Donald S. Clark
Secretary

SEAL