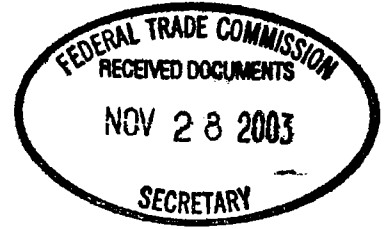


UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION



In the Matter of)
)
)

KENTUCKY HOUSEHOLD)
GOODS CARRIERS)
ASSOCIATION, INC.,)
)

a corporation.)
)

Docket No. 9309

COMPLAINT COUNSEL'S REQUESTS FOR ADMISSIONS

1. Admit that each document produced to Commission staff by Respondent during the investigation (Part II) (KEN-*Assoc*-0000001 - 0001003) and/or litigation (Part III) (KHGCA 0001-10256) phases of this matter (a "Respondent Document") is authentic, genuine, and a true and correct copy of what it purports to be.

Response: Admits.

2. Admit that each Respondent Document was prepared and kept in the regular course of business by Respondent.

Response: Admits.

3. Admit that each document produced to Commission staff by the Kentucky Transportation Cabinet during the investigation (Part II) (KEN-ST-0000001 - 0000118) and/or litigation (Part III) (KTC 0001 - 2318) phases of this matter (a "State Document") is authentic, genuine, and a true and correct copy of what it purports to be.

Response: Admits.

4. Admit that each State Document was prepared and kept in the regular course of business by the Kentucky Transportation Cabinet.

Response: Admits.

5. Admit that each document produced to Respondent by Complainant General from the

Oregon Draymen & Warehousemen's Association (ORE-*Assoc*-0000001 - 0001377) (an "Oregon Draymen Document") is authentic, genuine, and a true and correct copy of what it purports to be.

8. Admit that each Oregon State Document was prepared and kept in the regular course of business by the Oregon Department of Transportation.

Response: Denies.

9. Admit that the document attached in Appendix A constitutes KYDVR TARIFF NO.5 (KHGCA 6931-7054).

Response: Admits.

10. Admit that Respondent caused KYDVR TARIFF NO.5 to be prepared.

16. Admit that Respondent's KYDVR TARIFF NO.5 contains rates and charges for the intrastate and local transportation of household goods for the participating carriers listed in Appendix B.

Response: Admits.

17. Admit that the participating carriers listed in Appendix B have authorized Respondent to file with the Division of Motor Carriers of the Department of Vehicle Regulation of the Kentucky Transportation Cabinet the rates contained in Respondent's KYDVR TARIFF NO.5.

Response: Admits.

18. Admit that the participating carriers listed in Appendix B are required to charge the rates

contained in Respondent's KYDVR TARIFF NO.5.

Response: Admits.

19. Admit that the participating carriers listed in Appendix B have collectively established the rates contained in Respondent's KYDVR TARIFF NO.5.

Response: Denies; rates are established by KTC.

20. Admit that the participating carriers listed in Appendix B have agreed to have Respondent submit to the Division of Motor Carriers of the Department of Vehicle

Response: Deny; except Respondent reserves the right to admit after examination of these cases.

23. Admit that on or about October 13, 1999 Respondent, on behalf of its members (through

its Board of Directors), agreed to seek a 10% increase in the intrastate transportation rates and charges then in effect in Sections II and VI of KYDVR TARIFF NO.5. (See KHGCA 0295-96).

charges then in effect in Sections II and VI of KYDVR TARIFF NO.5. (See KHGCA 0295-96).

Response: Admit; Supplement No. 61; effective date 01/01/01; contained 10% increase in rates and charges in Sections II and VI of Tariff.

24. Admit that on or about October 11, 2000 Respondent, on behalf of its members (through its Board of Directors), agreed to seek an 8% increase in the intrastate transportation rates and charges then in effect in Sections II and VI of KYDVR TARIFF NO.5. (See KHGCA 0330-32).

Response: Admit; Supplement No. 66; effective 01/01/01; contained 8% increase in rates and charges in Sections II and VI of Tariff.

Appendix B, except Hammond-Pennyrite Mov/Stg. Co., Inc., have agreed to have Respondent submit to the Division of Motor Carriers of the Department of Vehicle Regulation of the Kentucky Transportation Cabinet a provision that defines their "peak" and "off-peak" as running from May 15th through September 30th.

Response: Deny; Pennyrite exception filed in Supplement No. 42; effective 04/01/96.

29. Admit that Respondent files KYDVR TARIFF NO.5 with the Division of Motor Carriers of the Department of Vehicle Regulation of the Kentucky Transportation Cabinet with the knowledge and understanding that all participating carriers listed in Appendix B, except Hammond-Pennyrite Mov/Stg. Co., Inc., define their "peak" and "off-peak" season as running from May 15th through September 30th, unless that provision is disapproved.

Response: Deny; only "peak" season is defined as indicated; except to extent that Respondent is aware that its member carriers are required to comply with applicable laws and regulations.

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Admitted that Respondent files KYDVR TARIFF NO. 5 with the Division of Motor Carriers of the Department of Vehicle Regulation of the Kentucky Transportation Cabinet with the knowledge and understanding that all participating carriers listed in Appendix B, except Hammond-Pennyrite Mov/Stg. Co., Inc., define their "peak" and "off-peak" season as running from May 15th through September 30th, unless that provision is disapproved.

Planes Moving and Storage, Inc. and CLA Enterprises, dba Moves Are Us, all participating carriers listed in Appendix B have authorized Respondent to file with the Division of Motor Carriers of the Department of Vehicle Regulation of the Kentucky Transportation Cabinet the rate of \$134.70 to move an automobile.

Response: Admit.

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Admitted that Respondent files KYDVR TARIFF NO. 5 with the Division of Motor Carriers of the Department of Vehicle Regulation of the Kentucky Transportation Cabinet with the knowledge and understanding that all participating carriers listed in Appendix B, except Hammond-Pennyrite Mov/Stg. Co., Inc., define their "peak" and "off-peak" season as running from May 15th through September 30th, unless that provision is disapproved.

Response: Deny

34 Admit that Permanent film KYDVP TA PIFE NO 5 with the Division of Motor Services

of the Department of Vehicle Regulation of the Kentucky Transportation Cabinet with the
knowledge and understanding that all participating agencies listed in Attachment D, and all

T. Peavler Mov. Sys., LLC

Sexton & Sons Mov/Stg., Inc.

Stevens Van Lines, Inc., dba Stevens Worldwide Van Lines

Whitis & Whitis, Inc., dba William H. Johnson Mov/Stg.

June Webb

Kimberley June Webb & Sharon Kay Webb (Webb Mov/Stg., dba).

Response: Admit

41. Admit that the carriers listed in Request for Admission number 40 are required to charge the intrastate transportation rates contained in Section II-B of KYDVR TARIFF NO.5.

Response: Admit

42. Admit that the carriers listed in Request for Admission number 40 have collectively set the intrastate transportation rates contained in Section II-B of KYDVR TARIFF NO.5.

Response: Denied: proposals are made by KHGCA; rates are set by KTC

43. Admit that the carriers listed in Request for Admission number 40 have agreed to have Respondent submit to the Division of Motor Carriers of the Department of Vehicle Regulation of the Kentucky Transportation Cabinet the intrastate transportation rates contained in Section II-B of KYDVR TARIFF NO.5.

Response: Admit

44. Admit that Respondent files KYDVR TARIFF NO.5 with the Division of Motor Carriers of the Department of Vehicle Regulation of the Kentucky Transportation Cabinet with the knowledge and understanding that the carriers listed in Request for Admission number 40

Response: Denied.

46. Admit that in preparing KYDVR TARIFF NO.5, Respondent, its members, its officers and directors entered into an agreement which hindered, restrained, restricted, suppressed or eliminated competition among household goods movers for the transportation of household goods between points within Kentucky.

Response: Denied.

47. Admit that Respondent, its members, its officers and directors, on occasion, by holding meetings of its board of directors, its general membership, and its tariff committee,

CERTIFICATE OF SERVICE

This is to certify that on November 26, 2003, I caused a copy of the attached **Respondent's Response to Complaint Counsel's Request for Admissions** to be served upon the following persons by fax and U.S. First Class Mail:

Hon. D. Michael Chappell
Administrative Law Judge
Federal Trade Commission

600 Pennsylvania Avenue, N.W.
Washington, DC 20580

Hon. Richard Dagen
Associate Director
Federal Trade Commission
601 New Jersey Ave. N.W.

Washington, DC 20580

Dana Abrahamsen Esq.

Bureau of Competition
Room 5229
Federal Trade Commission
601 New Jersey Avenue, N.W.

Washington, D.C. 20580

Dated: New York, NY

November 26, 2003