

Coda International Inc., 880 Bergen Avenue, Suite 604, Jersey City, NJ 07306

Officers: David Zong Wen Chen, President; Wai Ling C. Loke, Exec. Vice President

5 H Corporation d/b/a/ International Shipping, Inc., 6303 Little River Turnpike, Suite 310, Alexandria, VA 22312

Officers: Moses Housien, President; Ali Campos, Vice President

Team Air Express, Inc. d/b/a Team International Logistics, 639 West Broadway (P.O. Box 668), Winnsboro, TX 75494

Officers: Joe Earl Brunson, President; Bobby Joe Brunson, Vice President

Lilly & Associates—International Freight Forwarders, Inc., 14525 S.W. 152nd Terrace, Miami, FL 33177

Officers: Nelson R. Cabrera, President; Vilma L. Cabrera, Secretary

Dated: May 13, 1996.

Joseph C. Polking,
Secretary.

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BILLING CODE 6730-01-M

[Docket No. 96-10]

Seair Cargo Agency Inc. d/b/a Seair International Line; Possible Violations of Section 10(b)(1) of the Shipping Act of 1984; Order of Investigation

Seair Cargo Agency Ltd. d/b/a Seair International Line ("Seair") is a non-vessel-operating common carrier located in Hong Kong. Seair maintains a tariff on file with the Commission which provides for service between World Ports and the United States.

A review of Seair's tariff by the Commission's Bureau of Enforcement showed that the tariff contained only Cargo, N.O.S. rates. A review of shipping documents for shipments moving under Seair bills of lading from February 4, 1994 through January 28, 1995, and from December, 1995 through January, 1996, indicated that Seair was not charging its customers the Cargo N.O.S. rates contained in its tariff. To date, Seair has not populated its tariff with commodity rates.

Section 10(b)(1) of the Shipping Act of 1984 ("1984 Act"), 46 U.S.C. app. 1709, provides that no common carrier may charge, demand, collect, or receive greater, less, or different compensation for the transportation of property or for any service in connection therewith than the rates and charges in its tariffs.

Evidence provided by the Bureau of Enforcement with regard to the activities of Seair indicates that Seair

charged rates different from those contained in its applicable tariff for the transportation of at least 14 shipments between February 4, 1994 and January 28, 1995, and at least twelve additional shipments during the period December, 1995 through January, 1996.

Now therefore it is ordered, That pursuant to sections 10, 11, and 13 of the 1984 Act, 46 U.S.C. app. 1709, 1710, and 1712, an investigation is hereby instituted to determine:

1. Whether Seair violated section 10(b)(1) of the 1984 Act by charging, demanding, collecting, or receiving greater, less, or different compensation for the transportation of property or for any service in connection therewith than the rates and charges that are shown in its tariffs;

2. Whether, in the event Seair violated the 1984 Act, civil penalties should be assessed against Seair and, if so, the amount of such penalties;

3. Whether, in the event violations are found, an appropriate cease and desist order should be issued; and

4. Whether, in the event violations are found, Seair's tariff should be suspended for a period of time not to exceed 12 months.

It is further ordered, That a public hearing be held in this proceeding and that this matter be assigned for hearing before an Administrative Law Judge ("Presiding Officer") of the Commission's Office of Administrative Law Judges at a date and place to be hereafter determined by the Presiding Officer in compliance with Rule 61 of the Commission's Rules of Practice and Procedure, 46 CFR 502.61. The Hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only after consideration has been given by the parties and the Presiding Officer to the use of alternative forms of dispute resolution, and upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

It is further ordered, That Seair Cargo Agency Ltd. d/b/a Seair International Line is named Respondent in this proceeding;

It is further ordered, That the Commission's Bureau of Enforcement is designated a party to this proceeding;

It is further ordered, That notice of this Order be published in the Federal Register, and a copy be served on parties of record;

It is further ordered, That other persons having an interest in participating in this proceeding may file petitions for leave to intervene in accordance with Rule 72 of the Commission's Rules of Practice and Procedure, 46 CFR 502.72;

It is further ordered, That all further notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing conference, shall be served on parties of record;

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, and comply with Subpart H of the Commission's Rules of Practice and Procedure, 46 CFR 502.111-119, and shall be served on parties of record; and

It is further ordered, That in accordance with Rule 61 of the Commission's Rules of Practice and Procedure, 46 CFR 502.61, the initial decision of the Administrative Law Judge shall be issued by January 10, 1997, and the final decision of the Commission shall be issued by May 12, 1997.

By the Commission,
Joseph C. Polking,
Secretary.

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FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in