



**UNITED STATES OF AMERICA  
BEFORE FEDERAL TRADE COMMISSION**

**In the Matter of**

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

**a corporation.**

**Docket No. 9309**

**PROPOSED INTERVENOR  
KENTUCKY TRANSPORTATION CABINET'S  
MOTION TO INTERVENE AS RESPONDENT**

Pursuant to Section 3.24 of the Commission's Rules of Practice, Proposed Intervenor Kentucky Transportation Cabinet ("KTC") submits its Motion seeking an Order (1) granting it leave to intervene in the within proceeding for the following purposes: (a) to permit KTC to offer evidence and testimony at the hearing in this proceeding; (b) to permit KTC to join in the Motion for Summary Decision submitted by the Respondent Kentucky Household Goods Carriers Association, Inc. which is presently pending before the Administrative Law Judge; and (c) to permit KTC to make, oppose, or join in such other applications or motions as may be necessary to protect (i) the interests of KTC; and (ii) the interests of consumers of Kentucky intrastate household goods transportation services; which KTC believes are unjustly threatened by the prosecution of

this proceeding and the relief sought in the Complaint herein; and (2) granting such other and further relief as may be appropriate.

The reasons supporting the within Motion and the position of KTC are set forth in the attached Declaration of Hon. Maxwell C. Bailey, Kentucky Secretary of Transportation.

Dated: Frankfort, KY  
February 18, 2004

Respectfully submitted,

Kentucky Transportation Cabinet

By: 

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**CERTIFICATE OF SERVICE**

This is to certify that on February 18, 2004, I caused a copy of the attached **Proposed Intervenor Kentucky Transportation Cabinet's Motion for Leave to Intervene as Respondent and Declaration of Hon. Maxwell C. Bailey in Support of Motion** 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.  
Room 6223  
Washington, DC 20580

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New York, NY 10165-1544

Dated: Frankfort, KY  
February 18, 2004



J. Todd Shipp  
Assistant General Counsel  
Office of Legal Services  
Transportation Cabinet

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**Docket No. 9309**

**DECLARATION OF MAXWELL C. BAILEY IN SUPPORT OF  
KENTUCKY TRANSPORTATION CABINET'S MOTION TO  
INTERVENE AS RESPONDENT AND FOR OTHER RELIEF**

Maxwell C. Bailey declares the following:


1. Your Declarant is the Secretary of Transportation of the Commonwealth of Kentucky and, as such, is the Chief Executive of the Kentucky Transportation Cabinet. ("KTC").
  
2. This Declaration is submitted in support of KTC's Motion seeking an Order (1) granting it leave to intervene in the within proceeding for the following purposes: (a) to permit KTC to offer evidence and testimony at the hearing in this proceeding; (b) to permit KTC to join in the Motion for Summary Decision submitted by the

Respondent Kentucky Household Goods Carriers Association, Inc. (“Kentucky Association” or “Respondent”) which is presently pending before the Administrative Law Judge; and (c) to permit KTC to make, oppose, or join in such other applications or motions as may be necessary to protect (i) the interests of KTC; and (ii) the interests of consumers of Kentucky intrastate household goods transportation services; which KTC believes are unjustly threatened by the prosecution of this proceeding and the relief sought in the Complaint herein; and (2) granting such other and further relief as may be appropriate.

3. In this proceeding, Complaint Counsel allege, among other things, that KTC has failed to act in a manner consistent with applicable law to “actively supervise” the Kentucky Association’s tariff filings, particularly as to collectively set rates.
4. KTC believes the record demonstrates otherwise.
5. Moreover, collectively set rates provide great benefit, as a matter of policy, to KTC, in its ability to promote and enforce compliance with rate requirements and other requirements imposed by Kentucky law and regulation on household goods movers which are contained in the record in this case.

6. It is the position of KTC that no competitive harm results from the process as a result of which KTC sets collectively proposed rates. Moreover, because of the manner in which KTC involves itself in the household goods transportation rate process, there is assurance that the public is paying a fair rate for a regulated service and an enhanced ability of KTC to ensure that the appropriate rate is charged by State's movers.
  
7. KTC now has the ability to regulate virtually the entire population of household goods carriers through one (1) Kentucky Association tariff - - with Movers entirely free to file for rates independently. If Complaint Counsel's erroneous legal theories prevail in this proceeding, the public will greatly suffer due to the multiplicity of both tariffs and rates, with no corresponding benefit to the public and a seriously reduced ability to enforce the applicable laws and regulations. There is no justification whatsoever for the destruction of highly successful regulatory program that has protected the public for over half a century.

Dated: Frankfort, KY  
February 18, 2004

  
Maxwell C. Bailey  
Secretary  
Transportation Cabinet