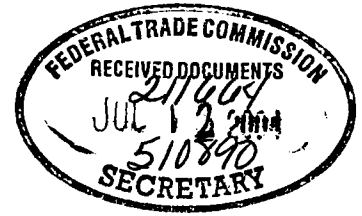


ORIGINAL



UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

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

In the Matter of)
)
KENTUCKY HOUSEHOLD GOODS CARRIERS)
ASSOCIATION, INC.)
a corporation)

Docket No. 9309

NOTICE OF APPEAL

Pursuant to Section 3.52(a) of the Commission's Rules of Practice, Counsel for Intervenor-Respondent Kentucky Transportation Cabinet hereby gives notice that it will appeal against Complaint Counsel from (1) the Initial Decision & Order entered in this proceeding on June 21, 2004, in its entirety, with the exception of that part of the Initial Decision which determined that the activities challenged in the Complaint satisfied the first prong of the so-called *Midcal* test, and (2) an evidentiary ruling at trial which precluded a statement of the Kentucky Secretary of Transportation from being received in evidence.

Dated: Frankfort, KY
July 7, 2004

Respectfully submitted,

J. Todd Shipp, Assistant General Counsel
Susan P. Chaplin, Staff Attorney
Kentucky Transportation Cabinet
200 Mero Street
Frankfort, KY 40601
(502) 564-7650
(502) 564-5238

CERTIFICATE OF SERVICE

This is to certify that on July 7, 2004, I caused a copy of a Post Trial Brief to be served upon the following persons by US Mail:

The Honorable D. Michael Chappell
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

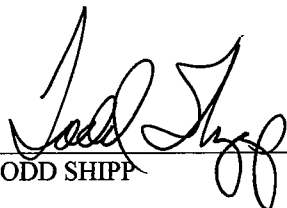
James C. McMahon
Brodsky, Altman & MaMahon, LLP
60 East 42nd Street, Suite 1540
New York, NY 10165-1544

Hon. Dana Abrahamsen
Federal Trade Commission
601 New Jersey Avenue, N.W.
Room 6209
Washington, DC 20580

Hon. Richard Dagen
Assistant Director
Room 6223
Federal Trade Commission
601 New Jersey Avenue, N.W.
Washington, DC 20580

James Dean Liebman, Esquire
Liebman and Liebman
403 West Main Street
Frankfort, KY 40601

Office of the Secretary
Federal Trade Commission
Room 159
600 Pennsylvania Ave., NW
Washington, DC 20580
FAX (202) 326-2496
Original and three (3) copies



J. TODD SHIPP