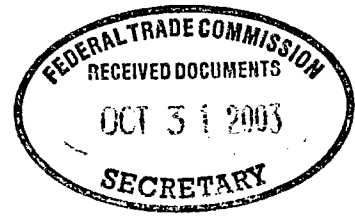


UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION



In the Matter of )  
)  
)

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

a corporation. )  
)

Docket No. 9309

**COMPLAINT COUNSEL'S INTERROGATORIES**

Pursuant to the Federal Trade Commission ("FTC") Rules of Practice for Adjudicative Proceedings § 3.35, and the Scheduling Order issued in this matter, Complaint Counsel submits these interrogatories to Respondent Kentucky Household Goods Carriers Association, Inc. ("KHGCA").

**DEFINITIONS**

For the purpose of these interrogatories, the following definitions apply:

- A. "Kentucky Household Goods Carriers Association" or "KHGCA" means the Kentucky Household Goods Carriers Association, Inc., its directors, officers, employees, committees, boards, offices, departments, chapters, and affiliates.
- B. "KYDVR TARIFF NO.5" means the Kentucky Household Goods Carriers Association tariff applicable to Kentucky intrastate traffic issued 3-1-88 with an effective date of 4-1-88 and all supplements thereto.
- C. The term "rates contained in KYDVR TARIFF NO.5" means the rates in effect in that tariff at any given point in time as well as any proposal to supplement the tariff to increase or decrease the rates in effect in the tariff.

- D. As to any Interrogatory to which an objection is made, provide answers to the extent that the Interrogatory is not objectionable.

### INTERROGATORIES

1. Do you contend that in the absence of a valid State Action Defense, Respondent's activities in preparing and filing tariffs, including but not limited to KYDVR TARIFF NO.5 (KHGCA 6931-7054), do not constitute an agreement on price in violation of Section 5 of the Federal Trade Commission Act, as amended?
2. Do you contend that the Division of Motor Carriers of the Department of Vehicle Regulation of the Kentucky Transportation Cabinet engaged in Active Supervision of the rates contained in Respondent's tariffs, including but not limited to KYDVR TARIFF NO.5?
3. If Respondent's response to Interrogatory Number 2 is in the affirmative, identify each step taken by the Division of Motor Carriers of the Department of Vehicle Regulation of the Kentucky Transportation Cabinet that constitutes Active Supervision of the rates contained in Respondent's KYDVR TARIFF NO.5.
4. Identify each instance where notice was given to the general public that the Division of Motor Carriers of the Department of Vehicle Regulation of the Kentucky Transportation Cabinet was considering the rates contained in Respondent's KYDVR TARIFF NO.5.
5. Identify each hearing held by the Division of Motor Carriers of the Department of Vehicle Regulation of the Kentucky Transportation Cabinet to consider the rates contained in Respondent's KYDVR TARIFF NO.5.
6. Identify each written decision issued by the Division of Motor Carriers of the Department of Vehicle Regulation of the Kentucky Transportation Cabinet approving the rates contained in Respondent's KYDVR TARIFF NO.5.
7. Identify each written decision issued by the Division of Motor Carriers of the Department of Vehicle Regulation of the Kentucky Transportation Cabinet disapproving the rates contained in Respondent's KYDVR TARIFF NO.5.
8. Identify all information provided to the Division of Motor Carriers of the Department of Vehicle Regulation of the Kentucky Transportation Cabinet that purports to justify the rates contained in Respondent's KYDVR TARIFF NO.5.
9. Identify all instances where the Division of Motor Carriers of the Department of Vehicle Regulation of the Kentucky Transportation Cabinet verified (e.g. by on-site inspection or

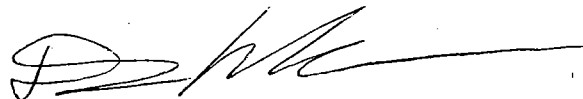
by auditing business books or records) financial data of household goods movers in conjunction with a decision whether to approve the rates contained in Respondent's KYDVR TARIFF NO.5.

10. Identify each Economic Study provided to the Division of Motor Carriers of the Department of Vehicle Regulation of the Kentucky Transportation Cabinet in conjunction with a decision whether to approve the rates contained in Respondent's KYDVR TARIFF NO.5.
11. Identify each Economic Study prepared by the Division of Motor Carriers of the Department of Vehicle Regulation of the Kentucky Transportation Cabinet in conjunction with a decision whether to approve the rates contained in Respondent's KYDVR TARIFF NO.5.
12. Identify each Economic Study relied on by the Division of Motor Carriers of the Department of Vehicle Regulation of the Kentucky Transportation Cabinet in conjunction with a decision whether to approve the rates contained in Respondent's KYDVR TARIFF NO.5.
13. Identify all economic data provided to the Division of Motor Carriers of the Department of Vehicle Regulation of the Kentucky Transportation Cabinet in conjunction with a decision whether to approve the rates contained in Respondent's KYDVR TARIFF NO.5.
14. Identify all economic data prepared by the Division of Motor Carriers of the Department of Vehicle Regulation of the Kentucky Transportation Cabinet in conjunction with a decision whether to approve the rates contained in Respondent's KYDVR TARIFF NO.5.
15. Identify all economic data relied on by the Division of Motor Carriers of the Department of Vehicle Regulation of the Kentucky Transportation Cabinet in conjunction with a decision whether to approve the rates contained in Respondent's KYDVR TARIFF NO.5.
16. Identify all quantitative analyses (e.g., calculation of the operating ratio household goods movers would achieve charging the rates proposed by Respondent) performed by the Division of Motor Carriers of the Department of Vehicle Regulation of the Kentucky Transportation Cabinet in conjunction with a decision whether to approve the rates contained in Respondent's KYDVR TARIFF NO.5.
17. Identify all quantitative analyses (e.g., calculation of the operating ratio household goods movers would achieve charging the rates proposed by Respondent) provided to the Division of Motor Carriers of the Department of Vehicle Regulation of the Kentucky Transportation Cabinet in conjunction with a decision whether to approve the rates contained in Respondent's KYDVR TARIFF NO.5.

18. Identify the staff employed by the Division of Motor Carriers of the Department of Vehicle Regulation of the Kentucky Transportation Cabinet to evaluate whether to approve the rates contained in Respondent's KYDVR TARIFF NO.5.
19. Identify the amount of state funds expended annually by the Kentucky Transportation Cabinet.
20. Identify the amount of state funds expended annually by the Division of Motor Carriers of the Department of Vehicle Regulation of the Kentucky Transportation Cabinet.
21. Identify the amount of state funds expended annually by the Division of Motor Carriers of the Department of Vehicle Regulation of the Kentucky Transportation Cabinet in conjunction with the regulation of household goods carriers.
22. Identify the amount of state funds expended annually by the Division of Motor Carriers of the Department of Vehicle Regulation of the Kentucky Transportation Cabinet in conjunction with decisions whether to approve the rates contained in tariffs file by household goods carriers.
23. Identify the amount of state funds expended annually by the Division of Motor Carriers of the Department of Vehicle Regulation of the Kentucky Transportation Cabinet in conjunction with decisions whether to approve the rates contained in Respondent's KYDVR TARIFF NO.5.
24. Identify the standard the Division of Motor Carriers of the Department of Vehicle Regulation of the Kentucky Transportation Cabinet applies when considering whether to approve the rates contained in Respondent's KYDVR TARIFF NO.5.
25. Identify the steps taken by the Division of Motor Carriers of the Department of Vehicle Regulation of the Kentucky Transportation Cabinet to apply the standard identified in response to Interrogatory Number 24 when considering whether to approve the rates contained in Respondent's KYDVR TARIFF NO.5.
26. Identify all information Respondent provided to the Division of Motor Carriers of the Department of Vehicle Regulation of the Kentucky Transportation Cabinet when the state was applying the standard identified in response to Interrogatory Number 24 in conjunction with a decision whether to approve the rates contained in Respondent's KYDVR TARIFF NO.5.
27. Identify all instances where a decision by the Division of Motor Carriers of the Department of Vehicle Regulation of the Kentucky Transportation Cabinet regarding whether to approve the rates contained in Respondent's KYDVR TARIFF NO.5 has been the subject of judicial review.

- 28 Do you contend that the rates contained in Respondent's KYDVR TARIFF NO.5 have been approved by the United States Government?
29. If Respondent's response to Interrogatory Number 28 is in the affirmative, identify each United States Government decision that constitutes such approval.

Respectfully submitted,



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Washington, D.C. 20580  
(202) 326-2096  
Facsimile (202) 326-3496

Dated: October 31, 2003

**CERTIFICATE OF SERVICE**

This is to certify that on October 31, 2003, I caused a copy of the attached Complaint Counsel's Interrogatories to be served upon the following persons by facsimile, U.S. Mail or Hand-Carried:

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Counsel for the Respondent.



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Dana Abrahamsen