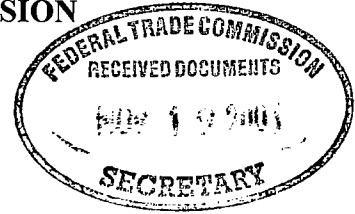


**COPY**

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



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

**Docket No. 9309**

**RESPONDENT'S FIRST REQUEST FOR ADMISSIONS**

Pursuant to Section 3.32 of the Commission's Rules of Practice, Respondent Kentucky Household Goods Carriers Association, Inc. hereby submits its First Request for Admission to Complaint Counsel. Complaint Counsel is requested to respond in writing to the following Requests for Admissions within twenty (20) days after service hereof.

**DEFINITIONS**

The following definitions shall apply herein:

- A. "FTC," "Commission," "Complaint Counsel," "you," or "your" means the U.S. Federal Trade Commission, including its employees, agents, attorneys, consultants, representatives, officers, and all other persons acting on its behalf.
- B. "Complaint" means the Complaint in this proceeding.
- C. "Person" means ant natural person, firm, partnership, corporation, incorporated association, organization, joint venture, cooperative, governmental body, agency instrumentality, and/or subdivision, or other form of legal entity.

- D. "Kentucky Association" means Kentucky Household Goods Carriers Association, Inc, the Respondent in this proceeding.
- E. "KTC" means Kentucky Transportation Cabinet.
- F. "Tariff" means KYDVR Tariff No. 5 and all Supplements thereto.
- G. "Mover" means a motor common carrier of household goods.

### **REQUESTS FOR ADMISSIONS**

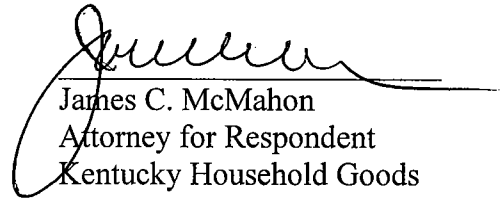
1. You have no knowledge of any harm suffered by any person as the result of the Kentucky Association's submission of proposed Tariff rates, charges, or other items to the Kentucky Transportation Cabinet.
2. You have no knowledge of any harm suffered by any person as the result of any conduct alleged in the Complaint.
3. You have no knowledge of any claim by any person alleging economic harm by reason of a rate, charge, or other item contained in the Tariff.
4. You have no knowledge of any complaint or claim by any governmental agency or subdivision arising out of or in any way connected to the conduct alleged in the Complaint.
5. You have no evidence that the rates established by KTC for the intrastate transportation of household goods in the Tariff are greater or different than such rates would be in the absence of the Tariff.
6. You have no evidence of any agreement among members of the Kentucky Association including, without limitation, any agreement to charge the rates and charges contained in the Tariff.
7. You have no evidence that KTC has failed to actively supervise the program of rate regulation which is the subject of the Kentucky Association's State Action Defense.
8. You have no evidence that any person has ever read a newspaper advertisement or other notice regarding tariff

rates published in connection with any proceeding before the Oregon Department of Transportation.

9. You have no evidence of the revenues charged or collected by Kentucky Association Members in connection with Kentucky intrastate transportation services which are listed in and/or subject to the Tariff.
10. At no time have you communicated with KTC in an effort to bring about any changes in the KTC regulation of household goods movers.
11. You have communicated with representatives of the Commonwealth of Kentucky and/or KTC in connection with this proceeding.
12. You are opposed to the intervention of KTC in this proceeding.
13. You have conducted no investigation of intrastate collective ratemaking by household goods movers in States other than OR, KY, AL, MN, MS, and IA within the last five (5) years.
14. You have communicated with no Member of the Kentucky Association or any person associated with any such Member in connection with this proceeding or the investigation which preceded it.
15. You intend to put an end to collective ratemaking activity in Kentucky by movers.
16. You have conducted no investigation which would disclose the harm to the Kentucky moving public which would result from the granting of the relief sought in the Complaint.

Dated: New York, NY  
October 31, 2003

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'James C. McMahon', with a long horizontal line extending to the right.

James C. McMahon  
Attorney for Respondent  
Kentucky Household Goods  
Carriers Association, Inc.  
60 East 42<sup>nd</sup> Street; Ste. 1540  
New York, NY 10165-1544  
212.973.4862

**CERTIFICATE OF SERVICE**

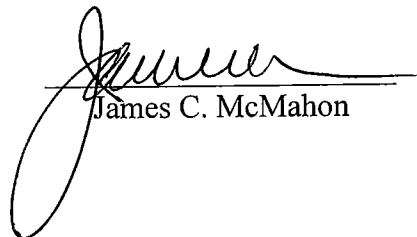
This is to certify that on November 17, 2003, I caused a copy of the attached **Respondent's First Request for Admissions** to be served upon the following persons by U.S. Express Mail:

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

Dana Abrahamsen, Esq.  
Bureau of Competition  
Federal Trade Commission  
601 New Jersey Avenue, N.W.  
Washington, D.C. 20580

Dated: New York, NY  
November 17, 2003

  
James C. McMahon