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MOTOR CARRIER
COMMISSION

THE WHITE HOUSE
WASHINGTON

February 4, 1983

MEMORANDUM FOR NANCY RISQUE

FROM: JOHN G. ROBERTS *JGR*
SUBJECT: Motor Carrier Ratemaking Study Commission

Attached is our suggested redraft of the proposed letter in response to correspondence concerning Michael Thometz and his eligibility to serve on the Motor Carrier Ratemaking Study Commission. The redraft incorporates our views and those of the Department of Justice.

Attachment

DRAFT: Motor Carrier Ratemaking Study Commission

Dear _____ :

Thank you for your letter to the President recommending the appointment of _____ to the Motor Carrier Ratemaking Study Commission.

As you know, this Commission was established by the Motor Carrier Act of 1980 to study ratemaking in the trucking industry and to make recommendations to Congress. There are ten members of the Commission, including four members of the public appointed by the President. Section 14(b)(3)(C) of the Act describes requirements for eligibility of the four members of the public for appointment to the Commission. Mr. Thometz fully met the requirements to be appointed as "a motor common carrier of property from the membership of a major regional motor common carrier rate bureau," and was duly appointed in November 1980. Compliance with the statutory requirements for appointment of members to the Commission ensured that the Commission would be composed of individuals with varying backgrounds and fields of expertise. Mr. Thometz did not suddenly cease to have the background and expertise which qualified him for appointment to the Commission simply because his original firm (Badger) went bankrupt. We

are advised by the Department of Justice that Mr. Thometz did not become ineligible to continue to serve on the Commission because of changes in the circumstances which originally qualified him for appointment. In addition, it is noteworthy that Mr. Thometz is presently associated with two trucking firms, Blakeman and S.T. Freight.

Finally, there is an important practical consideration to keep in mind. The official voting functions of the four public members of the Commission will soon expire (at the last meeting of the Commission, sometime next month). At this point, it would be extremely impractical to replace Mr. Thometz, who has been actively involved in the Commission's work from the beginning, with someone who has not been involved in the Commission's lengthy hearings and the substantial testimony that has been obtained to date.

We appreciate your interest in the Study Commission, and hope this information is helpful.

With best wishes,

Sincerely,

Kenneth M. Duberstein
Assistant to the President

The Honorable _____

cc: w/copy of incoming, Rosalie Vasiliou - FYI