

38428
SEC

SERVICE DATE – LATE RELEASE OCTOBER 12, 2007

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. WCC-101

GOVERNMENT OF THE TERRITORY OF GUAM

v.

SEA-LAND SERVICE, INC., AMERICAN PRESIDENT LINES, LTD., AND MATSON
NAVIGATION COMPANY, INC.

Decided: October 12, 2007

By complaint in this proceeding, the Government of the Territory of Guam (GovGuam) challenged the reasonableness of the rates, rules, classifications, and practices for all transportation by water (including the water portion of intermodal transportation) provided by Sea-Land Service, Inc. (now Horizon Lines, LLC) (Horizon), American President Lines, Ltd. (APL), and Matson Navigation Company, Inc. (Matson), in the noncontiguous domestic trade to and from Guam.

In a decision served on February 2, 2007 (February 2007 Decision), the Board addressed the appropriate procedures and methodological approach for handling this case. In the February 2007 Decision, the Board decided that it would first examine whether transportation alternatives constrain each of the defendant carriers (Horizon and Matson, as APL had previously been dismissed as a defendant) from exercising market power before ruling on the underlying complaint. Both GovGuam and the Caribbean Shippers Association, an intervenor in this proceeding, filed petitions for reconsideration of the February 2007 Decision. The petitions for reconsideration were denied in a decision served on August 30, 2007.

On September 18, 2007, GovGuam filed a motion requesting that this proceeding be dismissed. The motion to dismiss will be granted and this proceeding will be discontinued.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The complaint is dismissed, and the proceeding in STB Docket No. WCC-101 is discontinued.

2. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary