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SEC

SERVICE DATE - LATE RELEASE JANUARY 6, 1999

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: January 6, 1999

On December 1, 1998, the parties submitted their joint report and proposed procedural schedule pursuant to 49 CFR 1111.10(a). The proposed schedule is intended to take into account the necessity of first resolving a number of threshold legal and policy issues.¹ Accordingly, the parties propose three procedural phases: (1) disposition of motions to dismiss or for judgment as a matter of law; (2) determination of an appropriate standard of rate reasonableness; and (3) consideration of the merits. The phases are to occur sequentially; accordingly, a fixed schedule is proposed for the first phase and a relative schedule for the second phase. A schedule for the third phase, if necessary, will be proposed under the procedures in section 1111.10(a).

The parties' proposal is reasonable and will be adopted. The procedural schedule is set forth below.

¹ This proceeding involves a complaint by the Government of the Territory of Guam and the shippers that it represents seeking: (1) the establishment of reasonable rates, rules, classifications and practices for all transportation by water (including the water portion of intermodal transportation) provided by defendants in the domestic offshore trade to and from Guam; and (2) reparations and damages for all sums assessed and collected by defendants for that transportation.

It is ordered:

1. The following procedural schedule applies in this proceeding:

February 15, 1999	Defendants' motions to dismiss or for judgment as a matter of law.
April 1, 1999	Complainant's response. ²
April 15, 1999	Defendants' reply or replies.
April 22, 1999	Complainant's rebuttal.
Day 0	Board's decision in Phase I.
Day 55	Simultaneous initial submissions on rate reasonableness standard.
Day 110	Simultaneous replies.
Day 0	Board's decision in Phase II.
Day 0+7	Parties meet pursuant to 49 CFR 1111.10(a).
Day 0+14	Parties report to the Board.

2. This decision is effective on its date of service.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary

² Reply dates will be extended by 29 days if defendants file more than a single joint motion.