

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: March 6, 2007

On February 27, 2007, Horizon Lines, LLC¹ and Matson Navigation Company, Inc. (jointly, Defendants) filed a request for an extension of time to file a reply to the Caribbean Shippers Association, Inc.'s (CSA) February 16, 2007 petition for reconsideration and clarification of the Board's February 2, 2007 decision (Phase II decision) in this proceeding. On February 22, 2007, the Government of the Territory of Guam (GovGuam) also filed a petition for reconsideration of the Board's Phase II decision. Defendants ask that the Board extend the deadline for their reply to CSA from March 8, 2007, to March 14, 2007, the date replies are due to GovGuam's petition. Defendants assert that, because the primary issue raised in CSA's petition is encompassed in GovGuam's petition, it would be more practical and efficient to prepare and submit a single reply addressing all of the issues raised in both petitions. Defendants state that they have conferred with counsel for CSA and CSA does not object to the extension. The request is reasonable. Accordingly, the Defendants' request to extend the time to file a reply to CSA's petition will be granted.

Defendants also request that the Board hold the procedural schedule established in the Phase II decision in abeyance until after the Board rules on the petitions for reconsideration. Under the current procedural schedule, Defendants' evidence on competition is due by March 19, 2007. As a practical matter, the Defendants assert that it is unlikely that the Board will issue a decision on the merits of the petitions for reconsideration before the Defendants evidence on competition would be due. Defendants assert that this will put them in a situation where they may have to supplement their filing if the Board alters its Phase II decision. The request to hold this proceeding in abeyance is reasonable. This proceeding, therefore, will be held in abeyance until the Board reaches a decision on the merits of the petitions for reconsideration. At that time, the Board will issue a revised procedural schedule.

¹ Horizon Lines, LLC is the successor-in-interest to Sea-Land Services, Inc.

It is ordered:

1. The time for Defendants to reply to CSA's petition is extended to March 14, 2007.
2. The procedural schedule is held in abeyance.
3. This decision is effective on the date of its service.

By the Board, Vernon A. Williams, Secretary

Vernon A. Williams
Secretary