

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

STB FINANCE NO. FD35039

**IN RESPONSE TO
HORIZON LINES, LLC
MOTION TO EXPEDITE JUDGEMENT ON PETITION FOR
DECLERATORY ORDER**

August 22, 2007

**SUBMITTED BY:
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American Seafoods Company LLC (“ASC”) urges the Surface Transportation Board (“the Board”) to reject the motion to expedite judgment on the petition for a declaratory order filed by Horizon Lines, LLC (“Horizon”) on August 16, 2007. Horizon fails to provide a compelling reason why the Board, which has not yet accepted Horizon’s petition, should expedite its judgment on the petition. We point out that Horizon did not request expedited treatment in its original petition and has not alleged any changed facts that would now warrant an expedited review. Further in this regard, Horizon fails to identify any date before which it would be critical to Horizon for the Board to reach a decision.

Horizon offers no evidence or allegation of any specific immediate and irreparable injury as justification for an expedited review. Instead Horizon simply repeats the unsubstantiated assertion in its Petition that “[f]urther delays are injurious to Horizon, which faces unfair competition from foreign carriers claiming the Jones Act exception”. *See* Horizon Petition at p. 2 (“Horizon faces unfair and injurious competition from foreign carriers claiming to qualify for the Jones Act exception ...”).

For these reasons ASC respectfully requests that the Board deny Horizon’s motion, allowing for complete deliberation on the issues presented.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Casey K. Richter, certify that I have this day served copies of this document upon all parties of record in this proceeding, electronically.

/s/ Casey K. Richter
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August 22, 2007