

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

GOVERNMENT OF THE TERRITORY OF GUAM,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Docket No. WCC-101
	)	
SEA-LAND SERVICE, INC.; AMERICAN PRESIDENT LINES, LTD; AND MATSON NAVIGATION COMPANY, INC.,	)	
	)	
Defendants.	)	
	)	

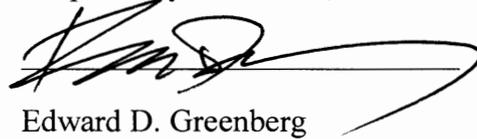
**MOTION TO DISMISS**

The Government of the Territory of Guam (“GovGuam”) moves to dismiss its complaint in this proceeding originally filed on September 10, 1998. GovGuam has determined that it can no longer proceed with its rate challenge in light of the Board’s decisions of February 2 and August 30, 2007, which established a bifurcated procedural schedule and imposed a market dominance threshold requirement on rate challenges in the Guam trade. Guam has reluctantly concluded, based on these decisions and the high costs of litigating the market dominance test, that no effective regulatory remedy is available to GovGuam and its citizens despite the fact that the Federal Maritime Commission, which no longer has jurisdiction over these issues, found rates to Guam to be unlawfully excessive.

Counsel for GovGuam has already advised counsel for the defendants of its intent to dismiss this proceeding in order to eliminate the work effort that would have otherwise been necessary for the parties to prepare evidence responding to the Board’s questioning of whether there is effective competition in the Guam market.

Accordingly, GovGuam requests that this proceeding be dismissed.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'E. Greenberg', written over a horizontal line.

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September 18, 2007

## CERTIFICATE OF SERVICE

I hereby certify that I have this 18<sup>th</sup> day of September, 2007, served a copy of the foregoing document on the following persons listed below via first-class mail:

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