

**SURFACE TRANSPORTATION BOARD REPEALS ELECTRONIC TARIFF FILING RULES; WILL ALLOW INDIVIDUAL WATER CARRIERS TO APPLY FOR ELECTRONIC FILING AUTHORITY**

Surface Transportation Board (Board) Chairman Linda J. Morgan announced today that the Board has modified its tariff filing regulations to eliminate the option of filing tariffs with the Board electronically through the Federal Maritime Commission (FMC) Automated Tariff Filing and Information System (ATFI), which is being phased out effective May 1, 1999. The Board indicated, however, that it will entertain special tariff authority requests by individual carriers seeking to file their tariffs electronically.

The ICC Termination Act of 1995 transferred from the FMC to the Board the responsibility for regulating port-to-port water carriage in the noncontiguous domestic trade (movements between U.S. mainland points and ports in Alaska, Hawaii, or U.S. territories or possessions such as Puerto Rico, Guam, etc.). In connection with the transfer of jurisdiction, the Board entered into an interagency agreement with the FMC and modified its requirements to allow carriers to continue to utilize the FMC's ATFI system to file their tariffs electronically with the Board. The recently enacted Ocean Shipping Reform Act of 1998 (OSRA) will, however, eliminate the requirement that ocean carriers file their tariffs with the FMC effective May 1, 1999, and, in these circumstances, the FMC will not be accepting new ATFI tariff filings on or after that date.

While ATFI has served well as an electronic filing option for Board tariffs, the Board noted that its feasibility has always been predicated upon the basic system being operated and maintained by the FMC to support its own tariff filing requirements. Although the FMC will adopt new rate publication rules, it will not adopt specific tariff filing rules, and thus the Board saw no basis to wait for the FMC to issue rules before finalizing its own position as to tariff filing. The Board noted that it would relax tariff filing and publishing burdens to the extent possible, and that it would permit any water carrier that wishes to do so to continue to file tariffs electronically by obtaining "special tariff authority" from the Board.

The Board's decision was issued on February 3, 1999, in *Regulations For the Publication, Posting and Filing of Tariffs For the Transportation of Property By or With a Water Carrier in the Noncontiguous Domestic Trade*, STB Ex Parte No. 580. The decision is available on the Board's web site at [www.stb.dot.gov](http://www.stb.dot.gov).

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