

**SURFACE TRANSPORTATION BOARD PROPOSES REPEALING ELECTRONIC TARIFF FILING RULES, BUT
ALLOWING INDIVIDUAL WATER CARRIERS TO APPLY FOR ELECTRONIC FILING AUTHORITY**

Surface Transportation Board (Board) Chairman Linda J. Morgan announced today that the Board has proposed to modify its tariff-filing regulations to eliminate the option of filing tariffs with the Board electronically through the Federal Maritime Commission's (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.

The Board noted that ATFI has served well as an electronic filing option for Board tariffs, but 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. The Board pointed out that Board tariff filings constitute less than 5 percent of total ATFI tariff filings and, absent the 95-plus percent of the filings accounted for by the FMC's requirements, it will not be economically feasible to operate and maintain the ATFI system or any similar system solely for Board tariffs. Therefore, the Board proposed repealing the electronic tariff filing rules, while still permitting any water carrier that wishes to do so to continue to file tariffs electronically by obtaining "special tariff authority" from the Board. The Board noted that ATFI filings were initially accepted pursuant to special tariff authority, and it indicated that it would encourage such filings so long as the carrier involved explains how its proposed system will fulfill all of the various needs for tariff information.

The Board's decision, in response to which comments are due on **January 4, 1999**, was issued on December 2, 1998, 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**.

###