

STB SPECIAL TARIFF AUTHORITY NO. 6

ELECTRONIC FILING OF NONCONTIGUOUS  
DOMESTIC TRADE TARIFFS

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*Decided April 28, 1999*

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The Board permits carriers operating in the noncontiguous domestic trades and those filing tariffs on their behalf to file tariffs electronically rather than on paper.

BY THE BOARD:

By application filed April 21, 1999, D.X.I. Incorporated (DXI) requests special tariff authority to permit it to file tariffs electronically with the Board, in lieu of filing printed tariffs as specified in part 1312 of the Board's regulations (49 CFR 1312). Carriers currently have the option to file tariffs with the Board electronically through the Federal Maritime Commission (FMC) Automated Tariff Filing and Information System (ATFI); however, the FMC is terminating ATFI on May 1, 1999, so that system will cease to be available for electronic tariff filings after April 30, 1999. In its decision eliminating ATFI as a tariff filing option,<sup>1</sup> the Board invited special tariff authority requests for alternative electronic tariff filing systems that individual carriers wish to pursue. DXI states that several major carriers will utilize the system it proposes.

We have carefully reviewed DXI's application and conclude that the electronic tariff filing system it proposes will meet all substantive statutory and regulatory requirements for filed tariffs. The nucleus of DXI's system is an online tariff data base that DXI currently maintains for domestic and international ocean rates, including rates currently published in ATFI. DXI will make online (dial-up) access available from the Board's offices to all of its tariffs that are filed electronically with the Board, and DXI will notify the Board on the day of filing (through one or more electronically-submitted transmittal letters) of all tariff changes being filed with the Board that day. The Board and the public will be able to immediately access those filings and determine the exact rates and other tariff provisions that are being proposed. DXI software licensed to FMC's

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<sup>1</sup> *Publication, Posting and Filing of Tariffs — Water Carrier*, 4 S.T.B. 1 (1999) (*Tariffs*).

ATFI contractor is currently used in ATFI, and access to the system DXI proposes is very similar to that provided by ATFI.

DXI's proposed system will also provide online access to currently effective and past tariff rates.<sup>2</sup> For tariff inquiries, the system default is "current day;" however, a different "access date" can be specified and the system will display the rates and other tariff provisions in effect on the specified date. The process, which is similar to the process used in ATFI, is generally much simpler and more "user friendly" than searching for current and historical rates in the printed tariffs filed with the Board.

The Board has entered into a formal agreement with DXI, in which DXI agrees, among other things, to: (1) provide the public and the Board's staff with access to filed tariff data from the Board's offices at no cost to the public or the Board; and (2) to ensure that no changes will be made in the data filed with the Board except in accordance with the procedures authorized by 49 CFR 1312 and DXI's application as approved by the Board. Additionally, DXI will provide the Board with a machine readable copy of all its online tariff changes, which will permit the Board to independently verify the accuracy of rates and other tariff provisions included in DXI's online tariff data base.

We will initially assess the same filing fees for DXI electronic tariff filings (20 cents per object filed) as we currently assess for ATFI filings, except that we will also apply the minimum charge of \$16.00 per filing that we currently apply for printed tariff filings. The minimum charge (which is not currently applied to ATFI filings) will be applied to DXI electronic tariff filings because we will be required to separately assess and record the fees for each filing, as we do for printed tariffs.<sup>3</sup> The "initial" DXI electronic tariffs will represent merely a transfer of currently effective ATFI tariffs, without substantive change, and we will not assess any fees for the initial tariffs; however, the fees noted above will be assessed for subsequent filings.

All of the requirements set forth in our tariff filing regulations (49 CFR 1312) will continue to apply to DXI's electronic tariffs, except that the tariffs will be filed electronically as requested in DXI's special tariff authority application. Thus, the requirements for advance notice of rate increases, tariff posting at carriers' offices, furnishing of tariffs to subscribers, etc., will continue

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<sup>2</sup> Although ATFI is the official source of electronically-filed tariff data in effect prior to May 1, 1999, information regarding those rates is also available through the DXI system.

<sup>3</sup> ATFI fees do not require separate billing by the Board; they are automatically accumulated through FMC's system and remitted to the Board through the Federal Government's inter-agency settlement system.

to be in effect.<sup>4</sup> DXI advises the Board that they offer both printed and electronic subscriptions and copies of their tariffs to requesters.<sup>5</sup>

The authority granted herein will permit a largely seamless transition from ATFI tariffs to the electronic tariffs proposed by DXI. Were printed tariffs to be required, DXI estimates that it would be required to file in excess of 50,000 pages just to handle the carriers for whom it will initially file electronic tariffs. We believe that the electronic tariff filing system DXI proposes will be superior to printed tariffs, and that it is in the public interest to permit a continuation of electronic tariff filing.<sup>6</sup> As indicated in our previously cited decision in *Tariffs*, we will, of course, also consider electronic tariff filing proposals from other filers.

*It is ordered:*

DXI's request to depart from the terms of 49 CFR 1312 is granted to the extent necessary to permit it to file noncontiguous domestic trade tariffs with the Board electronically, as provided in its Special Tariff Authority Application and the Electronic Tariff Filing Integrity, Maintenance and Security Agreement between DXI and the Board. The filing fees described in this decision will apply to all such tariffs, unless and until changed by the Board.

By the Board, Chairman Morgan, Vice Chairman Clyburn and Commissioner Burkes.

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<sup>4</sup> Since DXI's electronic tariffs will not require a "physical delivery" to the Board, they can be filed at any time, as can ATFI filings. Printed tariffs, on the other hand, which do require a physical delivery, are accepted only during the Board's normal business hours.

<sup>5</sup> Unlike ATFI, in which persons desiring to access ATFI tariffs from remote locations obtained user IDs (and paid access fees) to the Federal Government, persons desiring remote access to DXI electronic tariffs should contact the filer (as they do to obtain copies of or subscriptions to the printed tariffs filed with the Board).

<sup>6</sup> When jurisdiction over port-to-port water carrier transportation in the noncontiguous domestic trade was transferred from the FMC to the Board, the Congress urged the Board "to continue the FMC's practice of allowing carriers to file their tariffs electronically." H. R. Rep. No. 422, 104<sup>th</sup> Cong., 1<sup>st</sup> Sess. 206 (1995). Approval of DXI's request will assure that carriers continue to have an option to file their tariffs electronically.