

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. WCC-101

GOVERNMENT OF THE TERRITORY OF GUAM

v.

SEA-LAND SERVICE, INC., AMERICAN PRESIDENT LINES, LTD., AND MATSON
NAVIGATION COMPANY, INC.

Decided: November 3, 2004

In a decision served on October 19, 2004, the Board stated it would hold an oral argument on November 10, 2004, to address the appropriate rate reasonableness standard to be applied in this rate case involving the non-contiguous domestic water carrier trade to and from Guam.

On October 26, 2004, the Government of the Territory of Guam (Complainant) filed a motion for an extension of time for oral argument until May 10, 2005. Complainant asserts that such an extension is necessary to allow for the new administration in Guam to become familiar with the many issues of this proceeding and to allow the parties to prepare for this complex case of first impression. Complainant also asserts that the new administration is willing to explore settlement options and an extension of time would allow for settlement discussions. Also, Complainant states that communication with, and travel to and from, Guam is difficult, and time consuming because of its remote location, making preparation for oral argument with 3 weeks notice practically impossible for a new administration.

On October 29, 2004, and November 2, 2004, respectively, Caribbean Shippers Association, Inc. (CSA), the intervenor in this proceeding, and jointly, Horizon Lines, LLC (formerly Sea Land Services, Inc.) and Matson Navigation Company, Inc., the defendants in this proceeding, filed replies in opposition to the Complainant's motion for an extension of time. CSA maintains that Complainant does not need 6 months to prepare for the hearing and that a 30-45 day extension is more than enough time to allow the parties appropriately to prepare their presentations. Defendants, while opposing a 6-month extension, do not object to a 60-day extension to facilitate efforts to settle this matter.

All parties agree that an extension of time for oral argument is justified. An extension of 3 months should be sufficient to allow Complainant to address the concerns raised in its motion. Accordingly, Complainant's motion for a 3-month extension, until February 10, 2005, for oral argument will be granted. The parties may conduct negotiations to settle this matter in the interim; and Complainant may seek a further extension if necessary.

It is ordered:

1. The date of the oral argument in this proceeding will be moved to February 10, 2005.
2. This decision is effective on its service date.

Vernon A. Williams
Secretary