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ORIGINAL

UNITED STATES DEPARTMENT OF TRANSPORTATION
SURFACE TRANSPORTATION BOARD

Government of the Territory of Guam,
Complainant,

v.

AMERICAN PRESIDENT LINES, LTD.,
MATSON NAVIGATION COMPANY, and
SL SERVICE, INC. F/K/A SEA-LAND
SERVICE, INC.,

Defendants.

STB Docket No. WCC-1001
(PHASE II)



ENTERED
Office of Proceedings

OCT 29 2004

Part of
Public Record

INTERVENOR CARIBBEAN SHIPPERS ASSOCIATION' OPPOSITION
TO COMPLAINANT'S MOTION FOR EXTENSION OF TIME
FOR ORAL ARGUMENT

COMES NOW, Caribbean Shippers Association, Inc., Intervenor herein, by and through its counsel, (hereinafter "CSA") and submits this Opposition to Complainant's Motion For Extension of Time For Oral Argument. The justification submitted by Complainant, Government of Guam (hereinafter "GovGuam"), is insufficient on its face. The CSA does not object to a reasonable period of time in which to prepare for oral argument. However, six months as requested by GovGuam is beyond what could be construed as reasonable.

The instant proceeding was commenced on September 10, 1998. CSA filed a Petition to Intervene on March 10, 1999. The CSA, at page 4 of its Petition, noted that the establishment of rate reasonableness standards was of importance to shippers in all of the domestic offshore trades. The Board granted the CSA petition and the CSA is a fully vested participant in all aspects of Phase II of this proceeding. The Board set a schedule

for the submission of argument regarding Phase II. All parties submitted the necessary materials and resolution of Phase II has been pending since June 2002. This represents a period of 28 months and over six (6) years since the date of the original complaint to the Board.

The Board, as a successor to the Interstate Commerce Commission, has chosen to use the vehicle of administrative adjudication rather than rulemaking in regard to rate and practice issues in the domestic offshore trades. It must be pointed out that the Phase II decision may very well be used in the other trades—including by the CSA in the Puerto Rico trade. There is a significant PUBLIC INTEREST in timely resolution of these basic regulatory issues. Six years is more than long enough and the matter was extensively briefed. The Board has been vested with exclusive jurisdiction in the domestic offshore trades since January 1996. There have been five (5) water carrier complaint cases during that period of time. As of this date, only ONE case has reached any actual final decision. The continued uncertainty, not only as to the rights and remedies available, but the standards by which conduct (including rate levels) is to be judged is detrimental to all parties concerned. The apparent parochial or self-interests of GovGuam and its counsel may not take precedence over the greater public interest which this proceeding involves. The complaint by GovGuam represents that shippers to Guam have been overcharged by approximately \$150,000,000 Dollars between 1991 and 1998. It does not appear however, that GovGuam is interested in aggressively prosecuting that claim. That decision, by GovGuam, should not become an obstacle to resolution of Phase II of this proceeding.

As noted above, a six month extension is not warranted. However, CSA has no objection to an extension of time, not to exceed 30-45 days, for review and preparation for the involved oral presentations. It is also respectfully submitted that the Board could expedite and significantly enhance the parties presentations by issuance of an order in which the Board's specific areas of interest and inquiry arise. The parties will be better able to prepare and to provide greater specificity to Board Members' questions and requests for comment.

WHEREFORE, it is hereby respectfully requested that the Board deny GovGuam's request for a six month extension of time and instead continue the scheduled oral argument to December 9, 2004. Further that the Board include in its Order a brief identification of the area or areas of specific interest of the Board Members.

Dated: 29 October 2004

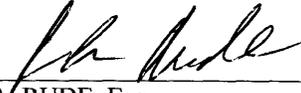


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CERTIFICATE OF SERVICE

I hereby certify that a copy of this document was served, by first class mail, postage prepaid, and by telefax of a copy of the same, upon the below listed counsel. Dated this 29th day of October 2004 at Falls Church, VA. 22046.



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