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Comments of the
The Pasha Group

ENTERED
Office of Proceedings
February 4, 2019
Part of
Public Record

Submitted to the
Surface Transportation Board

In the Matter of

**Notice of Proposed Rule Making: New procedure
for water carriers operating in the noncontiguous
domestic trade to electronically publish, file and keep
tariffs available for public inspection.**

Docket No. EP 743

January 26, 2019



The Pasha Group (“TPG”) files these comments in response to the Board’s Notice of Proposed Rulemaking (“NPRM”), Docket Number EP 743, published on December 26, 2018 (83 Fed. Reg. 66229). For the reason described below, TPG supports the proposed rule and asks that the Board vote to finalize.

The Pasha Group, a family owned, third generation company, is a diversified global logistics and transportation company, that provides creative solutions and unmatched expertise with global service offerings that are cost-effective and offer a single point of responsibility to meet the needs of the mobile population of the 21st century. Pasha Hawaii, an independent operating subsidiary of TPG, is one of the nation’s leading domestic ocean shipping companies serving the Hawaii trade lanes between the continental United States and Hawaii. The company owns a fleet of six fully Jones Act-qualified vessels and provides reliable containerized and roll-on/roll-off cargo services. Pasha Hawaii leverages its unique combination of ocean transportation and inland distribution capabilities to deliver goods that are vital to the people of the State of Hawaii and the prosperity of the Hawaii market it serves. Pasha Hawaii would directly benefit from the regulatory relief proposed if the Board votes to finalize.

As noted by the Board in the NPRM, the new procedures would significantly reduce the costs and burdens that water carriers incur in complying with the tariff-related statutory requirements. Under the current regulations and practice of the Board, carriers are permitted to apply for Special Tariff Authority under 49 CFR 1312.2(e) to file tariffs in “alternative electronic format” with such applications approved by the Board on a case-by-case. This procedure is burdensome, time consuming and costly to carriers. Additionally, once an “alternative electronic format” is approved, carriers are unlikely to make a change, even if a beneficial new format is available, in order to avoid the Special Tariff Authority application and approval process.

Under the Board’s proposed new procedure, carriers like Pasha Hawaii will be allowed to maintain a publicly-available version of its current and historical tariffs on the internet, while providing the Board information on where to find them that includes an annual certification that the carrier is in compliance with the requirements of 49 CFR part 1312. This streamlined process avoids the time and expense associated with the utilization of Special Tariff Authority. It accomplishes a reduction in regulatory burden that benefits Pasha Hawaii and TPG.

For this reason, The Pasha Group respectfully urges the Board’s adoption of the new regulations proposed in the NPRM, Docket Number EP 743.