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SEC

SERVICE DATE - DECEMBER 5, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. WCC-105

DHX, INC.

v.

MATSON NAVIGATION COMPANY AND SEA-LAND SERVICE, INC.

Decided: December 4, 2003

This case involves a challenge by DHX, Inc. (DHX), a freight forwarder, to the reasonableness of certain rates and practices of Matson Navigation Company and Sea-Land Service, Inc., now known as Horizon Lines, Inc. (Horizon), two water carriers in the noncontiguous domestic trade between the United States mainland and Hawaii (defendants). The procedural schedule in this proceeding was revised in a decision served on October 16, 2003. Under the revised schedule, DHX's opening statement was due on October 28, 2003, reply statements are due on December 12, 2003, and the rebuttal statement is due on January 14, 2004.

DHX submitted its opening statement for filing on October 30, 2003. By separate request, DHX asks that its late-tendered opening statement be accepted for filing. DHX submits that, when the documents were picked up from the legal document production company that prepared them for filing, DHX discovered that some confidential documents were intermixed with public documents and that there were other pagination problems. DHX states that, as a consequence, most of the documents had to be redone. According to DHX, counsel for defendants agreed to a short delay in the filing. Neither defendant has objected to the request. DHX's request that its opening statement be accepted is reasonable and will be granted.

In a motion filed on December 2, 2003, Horizon requests that the due date for both defendants to file their reply statements be extended until December 23, 2003. Horizon submits that a brief extension of time is necessary based on the difficulty of preparing a response to the thousands of pages of material received from DHX over an extended period of time. According to Horizon, the final elements of DHX's statement were received on November 26, 2003. Horizon states that counsel for the other parties to the proceeding have authorized Horizon to state that they do not oppose the extension of time. The request is reasonable. Accordingly, the motion to extend the remainder of the procedural schedule will be granted.

It is ordered:

1. DHX's opening statement is accepted for filing.
2. Horizon's motion to extend the remainder of the procedural schedule in this proceeding is granted and the revised procedural schedule is as follows:

December 23, 2003
January 26, 2004

Reply statements due
Rebuttal statement due.

3. This decision is effective on its service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary