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U.S. DEPARTMENT OF TRANSPORTATION
SURFACE TRANSPORTATION BOARD

DHX, INC.,

Complainant,

v.

MATSON NAVIGATION COMPANY
and SL SERVICE, INC.,
f/k/a SEA-LAND SERVICE,
INC. and Now Trading As
CSX LINES, LLC,

Defendants.

205280
STB Docket No. WCC-105

ENTERED
Office of the Secretary

APR 29 2002

Public Record



AMENDED COMPLAINT

Comes Now, DHX, Inc., Complainant herein, by and through its counsel, and submits this Amended Complaint pursuant to the Order of the Surface Transportation Board served March 28, 2002.

The original complaint in this proceeding was filed on October 1, 1999 and is, to the extent not inconsistent herewith, incorporated herein. The claims and averments contained herein have been submitted to this Board pursuant to the provisions of sections 13701(c), 13702(b)(6) and 14701(b), 49 United States Code, (2001 Supp.). Complainant hereby seeks damages in an amount to be determined by the Board, after due hearing, and for such other and further relief as the Board deems just and appropriate in the circumstances. Complainant hereby complains individually and further jointly as to these above named defendants as more fully set forth herein.

The Board, by Order served March 28, 2002, directed DHX to submit an amended complaint in which DHX "identified the grounds for action and the relief sought" (Order at page 3). The Board likewise noted that the gist of the DHX original complaint was that defendants were engaging in "unreasonable practices in order to put consolidators such as DHX out of business". Id. In response, DHX hereinafter states as follows:

The Market

The instant complaint involves the provision of transportation services between the United States mainland on the one hand, and on the other the State of Hawaii. The defendants provide a vessel operating ocean common carrier service between the major ports on the West Coast of the United States and Honolulu, Hawaii. These carriers have arrangements for transfer of cargo to "feeder" tug and barge operations for onward movement to the various islands (other than Oahu) that make up the State of Hawaii.

The Market is subject to service restrictions by way of limitation of ownership, operation, control, cargo capacity pursuant to the Jones Act and the Maritime Security Act of 1996. (46 App.U.S.C. §§883 and 46 App.U.S.C. §§1187 respectively). In addition, the ocean trade to and from Hawaii is further limited to service using ships built in the United States, operated/manned by crews from the United States, and operating under the United States flag. The named defendants do qualify under the above cited requirements.

The Parties

1. Complainant, DHX, Inc. (hereinafter referred to as "DHX") conducts business as a freight forwarder in the United States domestic offshore trades further known as the "Noncontiguous Domestic Trade(s)" as defined in section 13102(15), 49 United States Code (2001 Supp.).
 2. Complainant, DHX, Inc. further is registered and licensed as a motor common carrier pursuant to section 13902(a), 49 United States Code (2001 Supp.).
 3. DHX maintains its principal place of business as 19201 Susana Road, Rancho Dominguez, California 90221.
 4. DHX maintains terminal facilities at Rancho Dominguez as well as terminal facilities located in Oakland, California, Portland, Oregon, Seattle, Washington, Honolulu, Hawaii, and on the territory of Guam.
 5. DHX further provides motor transportation from, to and between points and places in California, Oregon and Washington.
 6. Defendant, Matson Navigation Company (hereinafter referred to as "Matson") conducts business as a vessel operating ocean common carrier between ports located in California, Oregon and Washington, on the one hand, and on the other ports in Hawaii and Guam.
 7. Matson, at all times material to this complaint, was a carrier defined by section 13102(22), 49 United States Code (2001 Supp.).
 8. Matson, at all times material to this complaint, was conducting business and operating as a water common carrier
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subject to the provisions of sections 13701 and 13702, 49 United States Code (2001 Supp.).

9. Matson, in furtherance of its operations as a water common carrier, maintains ocean marine terminals at Terminal Island, Los Angeles, CA., the Seventh Street Terminal, Oakland, CA., and Terminal No. 25, Seattle, WA.

10. Matson holds itself out to provide ocean common carrier services to and from the port of Portland, Oregon but does not make vessel calls at Portland.

11. Matson holds itself out to provide ocean common carrier services to and from the port of Tacoma, Washington but does not make vessel calls at Tacoma.

12. Matson, in furtherance of its operations as a water common carrier maintains an ocean terminal at Sand Island Terminal, Honolulu, Hawaii.

13. Matson provides its ocean common carrier transportation services between the United States mainland and Hawaii through the use of containerships.

14. Defendant, Sea-Land Service, Inc., on or about December 9, 1999 sold certain assets to A.P. Moller - Maersk Line which assets included ships and Sea-Land's foreign trade business.

15. On or about January 5, 2000, Sea-Land Service, Inc. filed with the Surface Transportation Board, 7th Revised Page 2,110,001 in which defendant represented that it was now operating under the name "CSX Lines, LLC". See Attachment "A" hereto.

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16. Defendant Sea-Land Service asset sale to Maersk included ocean terminal facilities at Long Beach, California and Tacoma, Washington.

17. Defendant, subsequent to the sale to Maersk of the terminals identified in paragraph 16 above, is now one of a number of users of the above mentioned ocean terminal facilities.

18. Defendant, Sea-Land Service, Inc., now known as CSX Lines, LLC, at all times material to this complaint, held itself out as a vessel operating ocean common carrier in the United States domestic offshore trades further known as the "Noncontiguous Domestic Trade(s)" as defined in section 13102(15), 49 United States Code (2001 Supp.).

19. Defendant, Sea-Land Service, Inc., now known as CSX Lines, LLC, conducts business as a vessel operating ocean common carrier between ports located in California, Oregon and Washington, on the one hand, and on the other ports in Hawaii and Guam.

20. Defendant, Sea-Land Service, Inc., now known as CSX Lines, LLC, at all times material to this complaint, was a carrier defined by section 13102(22), 49 United States Code (2001 Supp.).

21. Defendant, Sea-Land Service, Inc., now known as CSX Lines, LLC, holds itself out to provide ocean common carrier services to and from the port of Portland, Oregon but does not make vessel calls at Portland.

22. Defendant, Sea-Land Service, Inc., now known as CSX Lines, LLC, holds itself out to provide ocean common carrier services to and from the port of Seattle, Washington but does not make vessel calls at Seattle.

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23. DHX, at all times material to this complaint, was a customer of both defendants and tendered freight to both defendants for transportation between points and places in California, Oregon and Washington, on the one hand, and Hawaii and Guam on the other.

The Tariffs In Issue

24. Matson has published and filed with the Surface Transportation Board more than one tariff that contains rates and charges applicable on the services provided by Matson in the involved Noncontiguous Domestic Trade(s) between the mainland United States and both Hawaii and Guam.

25. Matson has published and filed with the Surface Transportation Board tariff STB MATS No. 34 (also identified as Matson "Tariff 14-F") which represents that Tariff 14-F contains Local Commodity Rates applicable on an all water service identified as a "CY to CY" or "Container Yard to Container Yard" service.

26. Matson Tariff 14-F contains rates and charges which reflect a "port-to-port" ocean transportation service and such Tariff 14-F was filed an in effect at all times material to this complaint.

27. Matson Tariff 14-F includes rates and charges for Matson's port-to-port services between the ocean terminals identified in paragraphs 9 and 12 of this complaint.

28. Matson has published and filed with the Surface Transportation Board tariff STB MATS 2016-D (also identified as Matson "Tariff 2106-D") which represented that Tariff 2016-D contained

Joint Motor-Water Commodity Rates applicable from shipper "Store-door" locations in California, Oregon and Washington, on the one hand, and points in Hawaii on the other.

29. Matson Tariff 2016-D constructed the joint rates by use of or identification of a "base" rate that was equal to the all water port to port rates contained in Tariff 14-F.

30. Matson Tariff 2016-D provided that a shipper determine the applicable joint motor-water rate by reference to Rule 750 of that tariff which contained a "zone arbitrary" charge which was to be added to the identified base rates in order to determine the joint motor-water rates.

31. Matson Tariff 2016-D was published and in effect at all times material to this complaint.

32. Matson Tariff 14-F contained a "Section 7" which in turn contained a charge for "Wharfage" to be applied on and added to the port to port rates contained in Tariff 14-F.

33. Matson Tariff 2016-D contained a "Section 7" which in turn contained a charge for "Wharfage" to be applied on and added to the joint motor-water rates contained in Tariff 2016-D.

34. Matson Tariff 2016-D, Rule 750, contained a statement of rates and charges which reflected a motor carrier pickup and delivery service between inland locations and Matson's port terminal facilities for ocean transport to Hawaii.

35. The charges contained in Rule 750 of Matson Tariff 2016-D, at all times material to this complaint, did not increase nor decrease simultaneously with Matson's filing and publication of rate increases or decreases in Tariff 2016-D with the Surface Transportation Board.

36. That Matson, at all times material to this complaint, did not negotiate the joint motor-water rates contained in Matson Tariff 2016-D with the motor carriers listed as participating in Tariff 2016-D.

37. Matson Tariff 2016-D represents Matson's unilateral representation that Tariff 2016-D contains jointly agreed upon rates but that the charges contained in Rule 750, at all times material to the complaint, were actually local motor carrier pickup and delivery charges that were established without any agreement between Matson and the motor carriers to which Tariff 2016-D ascribes as jointly agreed motor-water rates.

38. Matson has published and filed with the Surface Transportation Board tariff STB MATS 2034-E (also identified as Matson "Tariff 2034-E") which was in effect at all times material to this complaint.

39. Matson Tariff 2034-E represents that it contains rates and charges that are applicable between points in the mainland United States, on the one hand, and on the other, points in Hawaii.

40. Matson Tariff 2034-E represents that it contains joint rates and proportional rates applicable between points and ports in the mainland United States, on the one hand, and on the other points and ports in Hawaii.

41. Matson Tariff 2034-E is divided into "sections" which include as follows:

- Section 2 - Dry Cargo Commodity Rates-Motor-Water
- Section 3 - Refrigerated Cargo Rates-Motor-Water
- Section 4 - Motor Vehicles-Motor-Water
- Section 5 - Joint Dry Cargo Proportional Commodity Rates--Motor-Water
- Section 6 - Joint Refrigerated Cargo Proportional Commodity Rates-Motor-Water
- Section 7 - Joint Motor Vehicle Proportional Rates-Motor-Water
- Section 8 - Routes

42. The sections of Matson Tariff 2034-E existed as described in paragraph 41 above at all times material to this complaint.

43. Matson Tariff 2034-E also contained a "Section 1" which contained the Rules and Regulations applicable to Tariff 2034-E.

44. The application and geographical scope of Matson Tariff 2034-E is contained in Section 1, Rule 150 and Rule 750 of that tariff.

45. Matson Tariff 2034-E Rule 150 represents that the rates in Tariff 2034-E apply "westbound" "from shipper's premise at a named origin" to a Container Yard at a Hawaii Port, subject to Rule 750.

46. Matson Tariff Rule 750 of Tariff 2034-E states that when service under rates contained in Tariff 2034-E apply to or from "shipper's or consignee's premises" then such service "will apply at any location within the limits of the cities, town or villages from or to which the rate applies".

47. Matson Tariff 2034-E Rule 150 further states that the definitions of service in Rule 150 may be modified by

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specific provisions in a commodity rate item.

48. Matson Tariff 2034-E represents that it names proportional rates that apply, on a westbound basis, as follows:

"From Container Yard at a Pacific Coast Port to
Container Yard at a Hawaii Port".

This language, as contained in Tariff 2034-E Rule 150 was in effect at all times material to this complaint.

49. Matson Tariff 2034-E, sections 2, 3, contain joint motor water rates and contain a statement of the through routes over which the rates in those sections apply.

50. Matson Tariff 2034-E, section 5, does not contain any reference to nor state any through routes over which such rates as are contained in section 5 are to be applied.

51. Matson Tariff 2034-E, section 5, states that the rates contained in section 5 apply as follows:

"Commodity Rates On Non-Refrigerated Cargo-Motor-
Water
Rates in dollars per container to Hawaii CY unless
otherwise stated.
Rates are proportional and apply only on shipments
having a prior or subsequent movement by a motor
carrier and apply from origin CY and to destina-
tion CY only"

Such application of rates contained in Matson Tariff 2034-E, section 5, was in effect at all times material to this complaint.

52. Matson Tariff 2034-E, at all times material to this complaint, did not contain a rule, provision, or "section" which included a charge for mainland wharfages nor Honolulu destination wharfage.

53. Matson, pursuant to the rates and charges in Matson Tariff 2034-E did not assess but Matson absorbed in its rates, all charges that would have been included in Sections 7 of Matson Tariff 14-F and Tariff 2016-D.

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54. Matson Tariff 14-F and Tariff 2016-D, at all times material to this complaint, contained a Governing Publication provision which stated that the tariff was subject to and governed by the Uniform Freight Classification tariff ICC UFC 6000-H.

55. Defendant, Sea-Land Service, Inc., now known as CSX Lines, LLC, published and filed with the Surface Transportation Board tariff STB SEAU 468 that was in effect from October 1, 1997 to June 13, 2001.

56. Defendant, Sea-Land Service, Inc., on June 14, 2001 did publish and cause to be filed with the Surface Transportation Board tariff STB CSXL 468. See Attachment "B" hereto.

57. Tariff STB CSXL 468 was published and filed in the name of "CSX Lines, LLC" but the tariff contained the same provisions, rules and rates as existed in Tariff STB SEAU 468 on June 13, 2001.

58. Defendant Sea-Land Service, Inc., upon complainant's best information and belief, caused the transfer of its business and operations from defendant Sea-Land Service, Inc. (also known as SL Service, Inc.) to a new and separate company now known as CSX Lines, LLC.

59. Complainant, upon best information and belief, states that the transfer of the business and operations stated in paragraph 58 above occurred between January 5, 2000 and June 13, 2001.

60. Complainant, upon best information and belief, states that CSX Lines, LLC is the successor in interest to Sea-Land Service, Inc. (also known as SL Service, Inc.).

61. Tariff STB SEAU 468 represented that it contained rates and charges reflecting "Joint, All-Water and Proportional Commodity Rates" that applied on services between ports and points in the Mainland United States, Alaska, Puerto Rico, Canada and Mexico, on the one hand, and on the other ports and points in the State of Hawaii.

62. Tariff STB CSXL 468 represents that it contains rates and charges reflecting Joint through intermodal and all-water movements of container freight.

63. Rule 160 of STB CSXL 468 represents that defendant's all-water service applies between defendant's terminals that are identified in Rule 940 of STB CSXL 468.

64. Rule 940 of STB CSXL 468 consists of two parts--Rule 940-A and 940-B which were in effect from June 14, 2001 to the date of this amended complaint, and limit the application to those ports stated therein. See Attachment "C" hereto.

65. Rule 160 of STB CSXL 468 further represents that it contains "Storedoor" rates which are determined by identification of a "base" rate which is then added to a "Zone Arbitrary" to determine the "joint rate".

66. Defendant CSX Lines pricing structure in construction of such "joint rates" is the same as set forth by Matson in Matson Tariff 2016-D.

67. Defendant CSX Lines, LLC in both STB SEAU 468 and STB CSXL 468 maintains a separate charge section identified as "Wharfage" charges.

68. Defendant's provisions contained in Rule 998, sub-parts 998(A) through 998(H) reflect the same level of rates and charges for Wharfage, except as to charges applicable on 24 foot size equipment by Matson, as those published by and applied by defendant Matson.

69. CSX Tariff 468, and its predecessor SEAU 468, contain commodity rates and charges based upon weight and measure and based upon "per container" or "PC" ratings.

70. Matson Tariff 2034-E contains a series of rate items that are specifically stated as applying on cargo of named shippers.

71. CSX Tariff 468, and its predecessor SEAU 468, contains and contained a series of rate items that contain restrictions on the rate items as applying to or from identified street address locations.

72. CSX Tariff 468, and its predecessor SEAU 468, does not contain, nor incorporate by reference, any participating carriers nor through routes identified as being applicable on the joint rates identified in the identified tariffs--SEAU 468 and CSXL 468.

73. That all times material to this complaint, neither Tariff SEAU 468 nor Tariff CSXL 468 contained a statement of through routes nor participating carriers for either the alleged joint rates nor proportional rates published in Tariff SEAU 468 and subsequently CSXL 468.

74. Defendant, Sea-Land Service, Inc., now known as CSX Lines, LLC, does not issue through bills of lading for shipments that are moved and rated under the Joint rates or Proportional rates

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stated as contained in Tariff SEAU 468 or Tariff CSXL 468.

75. Tariff SEAU 468, from October 1, 1997 through June 13, 2001 contained rate items identified as being applicable on the shipments of named shippers.

76. Matson, at all times material to this complaint, did not issue through bills of lading for shipments received by Matson and rated under the Proportional rates contained in Matson Tariff 2034-E.

77. Matson, at all times material to this complaint, did issue freight invoices that reflected a "CY to CY" service and not a through route service for shipments rated under the Proportional rates in Tariff 2034-E.

78. Matson, at all times material to this complaint, did not publish nor identify any through routing applicable on the shipments rated by Matson under the Proportional rates in Matson Tariff 2034-E.

79. Defendant, Sea-Land Service, Inc., now known as CSX Lines, LLC, at all times material to this complaint, issued freight invoices that stated defendant's services under the Proportional rates in Tariff SEAU 468 and CSXL 468 were "TT" meaning that the service involved was between defendant's terminals as identified in Rule 940 and contained in Attachment "C" hereto.

80. That, upon information and belief, defendant Sea-Land Service, Inc., now known as CSX Lines, LLC, published its tariff in a manner such that defendant's tariff would match the rates, charges, and represented services in the tariffs filed by Matson.

The Statutory Structure

Complainant, DHX, Inc., hereby identifies the statutes and regulations that Defendants have violated and which are the subject of this complaint proceeding.

Defendants are carriers subject to regulation pursuant to the provisions of the ICC Termination Act of 1995 (ICCTA), 49 U.S.C. §§13101 et seq. (1996 Supp.). Defendants have violated sections 13701(a), 13702(a) and 13702(b) as well as sections 1312.2(a), 1312.2(b), 1312(3)(a), 1312.3(c), title 49 Code of Federal Regulations. Defendant Sea-Land Service, Inc., now known as CSX Lines, LLC has further violated section 1312.14(a) and section 1312.14(b) in that defendant's tariff contains the representation that it provides for "joint rates" but that the tariff contains no identification of any participating carrier other than defendant nor any "through routes" as required for a joint rate.

In addition to the above, both defendants have published tariffs which attempt to utilize non-transportation factors as a basis of ratemaking and which result in a pattern of numerous duplicating and conflicting rates through out the involved tariffs.

Section 13701(a) requires that a regulated carrier's rates, classifications and practices be 'reasonable'. Section 13702(a) requires carriers to provide service only if the carriers rates and charges for the carrier's services are contained in a filed tariff. Section 13702(b) provides the

minimum statutory requirements for the contents of a tariff. These minimum requirements include the identification of the carriers that are parties to the tariff (§§13702(b)(1)(A)), the privileges given and facilities allowed (§§13702(b)(1)(D)) and any rules that change, affect, or determine any part of the published rate (§§13702(b)(1)(E)).

Defendants have a duopoly in the subject market. They exercise a form of price leadership or conscious price parallelism through the public exchange of price information which results in the matching of rates and charges. These carriers further publish rates and charges on commodities that are not subject to regulation in order to maintain the exchange of such information. These carriers likewise publish the purported inland divisions of motor carrier portions of purported "through joint rates" which are not required to be public pursuant to 49 U.S.C. §§13702(b)(3). These carriers further publish the names and some of the information related to their services for "major" or large shipper accounts which is not required by the ICCTA. These carriers, however, appear to withhold or fail to publish all service terms and conditions which include the apparent existence of cargo volume commitments by these large customer accounts. The carriers decline to make volume pricing available to freight forwarders and the complainant in particular, based upon the representation that neither carrier participates in any form of volume pricing nor service contract arrangements in the subject domestic offshore trade.

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In addition to the above, these carriers have entered into a capacity rationalization agreement which has been implemented as a reciprocal "shipper-carrier" arrangement and is being conducted by the carriers in apparent violation of section 13702(b)-(1), 49 U.S.C. (1997 Supp.). The pattern of price parallelism and elimination of service competition represents a breakdown of competition in or a "market failure" in the Noncontiguous Domestic Trade to and from Hawaii.

The Board's Rules of Practice and Procedure permit the submission of claims against carriers individually and jointly. Complainant hereinafter sets forth its claims against each of defendants individually and thereafter those claims that may be made against defendants jointly.

(I)
COMPLAINANT'S CLAIMS AS TO DEFENDANT
MATSON NAVIGATION COMPANY

Count 1

81. Complainant hereby incorporates the averments contained in paragraphs 1 through 80 as if set forth in full.

82. Matson, in its tariffs 14-F and 2016-D, at all times material to this complaint, has published 'minimum revenue' rates in freight classification rules.

83. Matson, Rule 31(a)(2) of Tariff 14-F, and Rule 884(a) of Tariff 2016-D, impose upon shippers a minimum revenue charge on containers classified by the Rules as "Overflow" containers.

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84. The minimum revenue charges in Matson's Tariff 14-F and 2016-D are stated on a 'last container' basis and are applied on containerload freight rated under Rule 30 of Tariff 14-F and Rule 646 of Tariff 2016-D.

85. Rule 30 of Tariff 14-F and Rule 646 of Tariff 2016-D are Mixed Shipment provisions that are used by complainant to tender consolidated containers to Matson.

86. Rule 30 of Tariff 14-F and Rule 646 of Tariff 2016-D require that each commodity in a Mixed Shipment be rated at the applicable 'per hundred weight("CWT")' stated in the tariff for the identified commodities.

87. The publication of a minimum revenue per container rate, applicable upon rates stated and required to be applied on a CWT basis represents not only incompatible forms of rates, but represents an intent to deprive shippers of the ability to challenge the 'minimum revenue container charges' on reasonableness grounds as applied to Mixed Shipments.

88. The publication of a minimum container rate in a tariff rule, rather than in a rate item, does not comply with the requirement that tariffs be clear, simple and unambiguous as applied to Mixed Shipments.

89. The publication of a rate in a rule further represents a 'misplacement' with the intent to mislead the shipper as to the applicable rates and charges on any given individual commodity.

90. The publication of a minimum revenue "per container" or a containerload rate in a tariff rule constitutes an unreason-

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able practice and a violation of 49 CFR 1312.3(c)(1999 ed.).

91. Commodities shipped under a Mixed Shipment rule, and rated on a CWT basis, should be rated on a CWT basis and not on a 'partial' CWT and a 'Container' minimum revenue basis.

92. Complainant has been damaged by the application of the minimum revenue provisions in Tariff 14-F Rule 31 and Tariff 2016-D Rule 884 to the extent that Complainant's Overflow Container cargo has been made subject to a Containerload minimum revenue charge rather than being rated on a CWT basis for the actual amount of the cargo contained in the Overflow Shipment.

Count 2

93. Complainant hereby incorporates the averments contained in Paragraphs 1 through 92 as if set forth in full.

94. Matson, from at least October 1, 1997 through June 2, 2001, maintained Rule 31(a)(1) and Rule 31(a)(2) in tariff 14-F.

95. Rule 31 of Tariff 14-F is denominated as an "Overflow Cargo" rule but it represents a rule of freight classification.

96. Rule 31(a)(1) of Tariff 14-F provides that shippers that tender Overflow Cargo directly to Matson are assessed rates "based upon the total weight of the shipment".

97. Shippers that tender their Overflow Cargo to Matson under Rule 31(a)(1) are not subject to the minimum revenue charge in Rule 31(a)(2) but are charged only for the weight of the cargo actually shipped.

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98. The contents of Matson Tariff 14-F Rule 31 reflects that it is discriminatory on its face and in its application dependent upon the identity of the party 'loading' the container.

99. The provisions of Rule 31(a)(2) are applied as to freight forwarders that tender Overflow Cargo to Matson while proprietary shippers that tender Overflow Cargo are not subjected to the minimum revenue container charge.

100. The discriminatory application of a tariff rule, which is not based upon legitimate transportation factors, is an unreasonable and arbitrary practice and an unreasonable form of freight classification in violation of §§13701(a), 49 U.S.C.

101. Complainant has been damaged by the discriminatory application of Tariff Rule 14-F Rule 31(a)(2) as compared to Rule 31(a)(1) and such injury extends to the assessment and the collection of minimum revenue charges on Complainant's Overflow Cargoes as compared to the assessment and collection of Overflow Cargo charges based upon the actual weight of the cargo tendered as overflow cargo.

Count 3

102. Complainant hereby incorporates the averments contained in Paragraphs 1 through 101 as if set forth in full.

103. Matson Tariff 14-F is governed by the Uniform Freight Classification, ICC UFC 6000-H.

104. The Uniform Freight Classification contains Rule 24 which governs the rating of cargoes shipped in excess of a full load.

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105. Rule 24 (Section 2) of ICC UFC 6000-H states that cargoes in excess of a full load are to be rated "at actual" weight.

106. Rule 24 of ICC UFC 6000-H conflicts with Rule 31(a)(2) of Tariff 14-F and Rule 24 takes precedence as a 'governing' publication.

107. Matson is engaging in an unreasonable practice in maintaining conflicting rules of cargo and freight classification.

108. Complainant is entitled to the benefit of Rule 24 of ICC UFC 6000-H, and its successor publications, and has been damaged in the amount of the difference between the amounts Complainant has paid Matson as minimum revenue charges and the charges that would have been incurred had Complainant's Overflow Cargo been properly rated based upon the actual weight of the cargo shipped under Rule 31(a)(2).

Count 4

109. Complainant hereby incorporates the averments contained in Paragraphs 1 through 108 as if set forth in full.

110. Matson has represented to Complainant that Matson considers Complainant to be a competitor in so far as Complainant has solicited full truckload or containerload freight.

111. Matson, prior to June 1992, permitted Complainant to ship full containerload shipments by utilization of a Cargo, NOS provision contained in Matson Tariff 14-F, Item 5.

112. Matson, prior to June 1992, had complained to the Complainant that Item 5 of Matson Tariff 14-F was for the use of full containerload customers of Matson and that Complainant should not be using that tariff item.

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113. Matson, on June 18, 1992 filed Matson tariff ICC MATS 2034-E with the Interstate Commerce Commission which tariff had an effective date of July 1, 1992.

114. Matson tariff ICC MATS 2034-E was subsequently redesignated by Matson as tariff "STB MATS 2034-E" and is the same tariff as is complained of by DHX in this proceeding.

115. Matson, at the time of filing of ICC MATS 2034-E, did not disclose the existence of and the filing of that tariff to Complainant.

116. Matson, on July 12, 1992, did cancel and cause to be removed from Matson Tariff 14-F, Items 5 and 10 which provided rates on shipments tendered on a "Cargo NOS" and "Dangerous Cargo NOS" basis.

117. Matson, in tariff ICC MATS 2034-E, published rates that were then made available to proprietary shippers (also known as 'beneficial owners of cargo') on a joint motor-water rate basis.

118. Matson, at all times material to this complaint, has maintained joint motor-water rates as well as rates designated as "proportional rates" that are contained in STB MATS 2034-E which contain restrictions in their application to the non-transportation characteristic of "ownership" of the cargo.

119. Matson, at all times material to this complaint, has maintained joint motor-water rates as well as rates designated as "proportional rates" that are contained in STB MATS 2034-E that contain other restrictions in their application to

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identified zip codes, street address locations, named shippers, particular through routes, and minimum numbers of containers that may be tendered in a given period as well as a 'maximum' number of containers that may be tendered in a stated period of time.

120. Matson, at all times material to this complaint, has maintained joint motor-water rates as well as rates designated as "proportional rates" that are contained in STB MATS 2034-E that are made effective for periods of time that include a few days to as much as 60 to 90 days.

121. Matson, at all times material to this complaint, has maintained joint motor-water rates as well as rates designated as "proportional rates" that are contained in STB MATS 2034-E that are the same as "project rates" and which are limited in their application to identified consignees or locations in Hawaii.

122. Matson, from June 1992 through at least September 1993, did not list tariff ICC MATS 2034-E as being in existence and the fact of the filing and rates in ICC MATS 2034-E was denied as to Complainant.

123. Matson, at all times material to this complaint, has consistently refused to offer and to provide Complainant the same access to the joint motor-water services and level of rates that Matson provides to proprietary shippers and those shippers or consignees that have an "ownership interest" in the cargoes shipped and rated under STB MATS 2034-E.

124. Matson, from and after June 1992 and at all times material to this complaint, represented to DHX that the rates and charges that were available to freight forwarders were those published in Matson Tariff 14-F or Tariff 2016-D.

125. Matson, at all times material to this complaint, represented that Complainant would have the ability to ship cargo on Matson's vessels utilizing the provisions of the Mixed Shipment Rule 30 and Overflow Container Rule 31 of Tariff 14-F.

126. Complainant, as a direct result of Matson's refusal to offer and provide DHX the same joint motor-water rates and proportional rates as Matson was providing to shippers or consignees that had ownership interests in the cargo, was obligated to utilize Matson's Mixed Shipment and Overflow Container provisions of Rules 30 and 31 of Tariff 14-F and Tariff 2016-D.

127. Matson only afforded access to the joint motor-water rates and proportional rates that Matson provided to shippers or consignees that had a beneficial ownership interest in the cargo when Complainant was acting as the warehouseman and drayage agent of such a proprietary shipper.

128. Matson, by way of publication of non-transportation restrictions contained in the various tariff items in STB MATS 2034-E, has established and maintains a rate structure which results in unreasonable discrimination against freight forwarders and further works to exclude freight forwarders from competing for full containerload business limiting forwarders to the use

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rates and charges in Matson's tariffs which resulted in overall higher rates, charges and costs of transportation than the rates charges and costs of transportation incurred by proprietary shippers for the same services offered by Matson to those shippers by way of Tariff 2034-E.

129. Complainant, as a direct and proximate result of Matson's unreasonable practices in maintaining unreasonable, unjust and discriminatory tariffs and rate structure, has been damaged through the loss of Complainant's full containerload customers and business.

130. Complainant, as a direct and proximate result of Matson's unreasonable practices in maintaining such discriminatory tariffs and the practice of excluding freight forwarders from the services and rates contained in Tariff 2034-E, has been damaged through the payment of rates and charges greater than those otherwise applicable under the the provisions of Tariff 2034-E.

Count 5

131. Complainant hereby incorporates the averments contained in Paragraphs 1 through 130 as if set forth in full.

132. Matson, between the period September 6, 1998 and October 17, 1999, undertook a restructuring of the provisions of Matson Tariff 14-F.

133. Matson, during the time period stated in Paragraph 132, did amend, revise or removed the tariff rules, items, item notes, or provisions that Matson had previously provided to freight forwarders under which forwarders, including Complainant, had been afforded the ability to ship full containerloads of

26.

freight at rates that were competitive with Matson's published full containerload rates.

134. Matson, in Rule 30 of Tariff 14-F, published what Matson identified as "Rule 30(c)(4) freight" rates.

135. Matson published rates in Rule 30 of Tariff 14-F in order to avoid the publication of individual rate items on the commodities listed in Rule 30(c)(4).

136. Matson, also published in Rules 30 and 31 of Tariff 14-F a definition of "shipment" that was not consistent with that term as customarily understood in the transportation industry.

137. Matson, did publish a definition of the term "shipment" in its Tariff 2034-E which was consistent with the use of that term as customarily understood in the transportation industry.

138. Matson did utilize the term "shipment" as contained in Rules 30 and 31 of Tariff 14-F as a means of creating or making "overflow" shipments as such could then be rated under Rule 31.

139. Matson, through a series of changes in Rule 30 and Rule 31, did revise the term "shipment" from applying to all containers tendered to Matson over a "14 day" period to a "7 day" period to those tendered on a single "vessel/voyage".

140. The effect of the changes of the term "shipment" was to reduce the total number of containers which could then be considered as and rated as "overflow" containers.

141. Matson, in conjunction with the restriction of the term shipment, likewise published increases in "minimum revenue" charges per container as contained in Rule 31.

142. Matson published three increases in the minimum revenue per container charge which totalled 17.5% which such increases were only incurred by freight forwarders, including Complainant that were required by Matson's rate structures to use Rules 30 and 31 of Tariff 14-F in order to ship multiple containers.

143. Matson, on November 18, 1998, removed and cancelled the rates provided on "Rule 30(c)(4) freight" and thereafter did publish individual rate items on commodities previously included in the Rule 30(c)(4) freight list. Attached hereto and identified as Attachment "D" is a copy of the Rule 30(c)(4) list.

144. Matson, in addition to the changes made in Rules 30 and 31 of Tariff 14-F, further amended "notes" contained in various heavy density or heavy loading commodity rates which resulted in the reduction of and elimination of freight forwarder use of those heavy density commodity rate items for top loading of light density cargoes.

145. Matson, between September 6, 1998 and November 18, 1998, did amend "notes" contained in the below list of commodity rates items in Tariff 14-F:

- Item 115 - Canned or Preserved Foodstuffs
- Item 185 - Drugs or Medicines
- Item 270 - Paint, Materials and Other Articles
- Item 305 - Paper and Printing Paper
- Item 335 - Petroleum Products
- Item 355 - Plasterboard, Gypsum Wallboard, Insulating
- Item 500 - Washing, Cleaning or Laundry Compounds

146. Matson, in some of the above Items identified in Paragraph 145, did further include specific minimum weights which also precluded the use of such tariff items for top loading of light density cargoes.

147. Matson, as stated in paragraph 142, imposed increases in the minimum revenue charges contained in Rule 31 which increases are described in the affidavit of Mr. Bradley J. Dechter dated September 30, 1999 and incorporated herein.

148. Matson, on February 14, 1999, imposed a 5% general rate increase applicable on per hundred weight (CWT) commodities contained in Tariff 14-F and Tariff 2016-D.

149. Matson, on February 14, 1999, did not impose the 5% general rate increase on shippers of full containerload freight that was rated by Matson pursuant to the provisions of Tariff 2034-E.

150. That the aforementioned actions of Matson, as stated in Paragraphs 131 through 149 herein, were directed at and only impacted the business of freight forwarders.

151. That as a direct and proximate result of the actions of Matson, as stated in Paragraphs 131 through 150 herein, Complainant was subjected to unreasonable, unfair and destructive competitive practices by Matson.

152. That as a direct and proximate result of the actions of Matson, as stated in Paragraphs 131 through 151 herein, Complainant was excluded from competition for full containerload business and competition in the Hawaii Trade.

153. That Matson, through the above identified unreasonable, unfair and destructive competitive practices has obtained an exclusion of freight forwarders from the market for full containerload business in the Hawaii Trade.

154. Complainant, as a direct and proximate result of the unreasonable, unfair and destructive practices of Matson, has been damaged by the loss of its containerload business and customers.

29.

Count 6

155. Complainant hereby incorporates the averments contained in Paragraphs 1 through 153 as if set forth in full.

156. Complainant, as a shipper under tariffs 14-F and 2016-D is obligated to and is assessed a charge for "Wharfage".

157. Matson, through the use of tariff 2034-E, does not assess but instead absorbs the wharfage charges which are imposed on shippers pursuant to Sections 7 of Tariffs 14-F and 2016-D.

158. The imposition or absorption of such Wharfage charges is based upon the identity of the shipper and thereby constitutes an unreasonable practice in imposition or absorption of such charges.

159. Complainant has been assessed and has paid charges for Wharfage as imposed by Matson and Complainant has been damaged thereby.

160. Complainant has been damaged by Matson's unreasonable and discriminatory practice of unequal absorption of wharfage charges in the amount that Complainant has paid Matson for such charges.

Count 7

161. Complainant hereby incorporates the averments contained in Paragraphs 1 through 160 as if set forth in full.

162. Matson has published rate items in Tariff 2034-E that reflect a port to port service but are limited to cargo having been shipped by the 'beneficial owner' or also termed "proprietary ownership" cargoes.

163. Matson has further published rate items in Tariff 2034-E which are contained in Section 5 and using item numbers 6000 through 6999 series and are identified as "proportional rates".

164. The rates in Tariff 2034-E, Section 5, items numbers 6000 through 6999 series do not contain a through route and are therefor local rates.

165. The rates in Tariff 2034-E, Section 5, item numbers 6000 through 6999 series involve only a port to port (CY to CY) service and, upon information and belief, duplicative of the port to port (CY to CY) rates and commodities contained in Matson Tariffs 14-F and 2016-D.

166. That the rates in Tariff 2034-E, Section 5, item numbers 6000 through 6999 series require a prior or subsequent movement by a motor carrier.

167. Complainant, as stated in Paragraph 2 herein, performed the transportation by motor vehicle as required by the Section 5 rates on the containers tendered to Matson by Complainant.

168. Complainant has been subjected to overcharges by reason of being assessed and paying the port to port rates and charges in Tariff 14-F and Tariff 2016-D rather than the rates and charges contained in Section 5 of Tariff 2034-E.

169. That the shipments tendered to Matson by Complainant should have been rated according to the rates contained in items: 6029, 6218, 6948, 6948-A, 6950-A, 6953, 6953-A, 6991, 6992 or such other rates items as were in effect at all times material to this complaint and applicable to the commodities involved.

Count 8

170. Complainant hereby incorporates the averments contained in Paragraphs 1 through 169 as if set forth in full.

171. Matson, in Tariff 2034-E, has published rate items which are restricted by means of named shippers, street addresses and zip codes.

172. The item restrictions are not related to and are not transportation factors in regard to Matson's CY to CY services.

173. The publication of non-transportation factors by a carrier with the intent of establishing an exclusive and discriminatory rate is an unreasonable practice.

174. The Noncontiguous Domestic Offshore Trade to and from Hawaii does not contain a sufficient number of carriers to be considered a 'competitive' market.

175. Matson has market dominance and controls approximately seventy (70) percent of the market.

176. Tariff items which effect to further reduce or eliminate competition and restrict such service to "beneficial" shippers is not consistent with the National Transportation Policy and a violation of section 13701(a).

177. Complainant, by reason of Matson unreasonable exclusionary provisions in Tariff 2034-E, has been denied access to rates necessary to make and sustain Complainant as a competitive alternative to Matson in the Hawaii trade.

178. Complainant has been damaged by the loss of Complainant's full containerload business and further by the exactation of

rates and charges greater than what Matson should have assessed Complainant under the otherwise applicable tariff items in Tariff 2034-E.

Count 9

179. Complainant hereby incorporates the averments contained in Paragraphs 1 through 178 as if set forth in full.

180. Matson publishes rate items in Tariff 2034-E which, upon information and belief, appear to be part of a volume pricing arrangement between Matson and the named shippers. Attached hereto and identified as Attachment "E" is an example of such named shipper tariff rate item.

181. Complainant, at all times material to this complaint, has requested that Matson make available to Complainant rates based upon volume of cargo shipped, including long term arrangements for shipping Complainant's freight in the Hawaii trade.

182. Matson has represented to Complainant that the Hawaii trade is a "tariff trade".

183. Matson has represented to Complainant that Matson does not offer, provide nor participate in any form of volume pricing arrangements, including time volume rates, loyalty contracts or other service contracts.

184. Matson, upon information and belief, does offer and provide volume pricing to shippers in the Hawaii trade.

185. Matson has published and included Item 2979 in Tariff 2034-E which reflects reduced rates for the tender of a minimum of 20 containers per week. See Attachment "F" hereto.

186. Matson has engaged in a pattern of mis-representation to Complainant regarding the services, rates and prices that Matson provides and offers in the Hawaii trade.

187. Complainant, upon information and belief, includes herewith and identified as Attachment "G" a list of shippers for which Matson has published special rate items.

188. Complainant, upon information and belief, states that such tariff items as are reflective of those named shippers involved terms and conditions of service not contained in the published rates items.

189. Complainant, upon information and belief, states that Matson did not publish all such service terms and conditions for these named shipper so that Matson could maintain that it does not provide nor offer any form of volume pricing or rate incentives in the Hawaii trade.

190. Complainant, by reason of Matson's misrepresentations and failure to publically disclose all terms and conditions of service, states that Matson has violated 13701(a) and 13702(b)-(1), 49 U.S.C. and Complainant has been damaged thereby.

191. Complainant, by reason of Matson's unreasonable practices of mis-representation and operation under unpublished rates has lost its full containerload business, including lost profits from that business.

34.

(II)

COMPLAINANT'S CLAIMS AS TO DEFENDANT
SEA-LAND SERVICE, INC. NOW KNOWN AS CSX LINES, LLC

Count 1

192. Complainant hereby incorporates the averments contained in Paragraphs 1 through 80 as if set forth in full.

193. Defendant, hereinafter referred to as "Sea-Land/CSX", in its tariff STB SEAU 468, at all times material to this complaint and up to June 13, 2001 published 'minimum revenue' rates in freight classification rules.

194. Sea-Land/CSX, Rule 882 of STB SEAU 468 imposes upon shippers a minimum revenue charge on containers classified by the Rules as "Overflow" containers.

195. Sea-Land/CSX on June 14, 2001 published STB CSXL 468 and in that tariff, Rule 882 was the same as Rule 882 in STB SEAU 468 and which continued the minimum revenue charge on "Overflow" containers.

196. The minimum revenue charges in Sea-Land/CSX's Rules 882 are stated on a 'last container' basis and are applied on containerload freight rated under Rule 645 of tariffs STB SEAU 468 and STB CSXL 468 as "Mixed Shipments".

197. Rule 645 of STB SEAU 468 and STB CSXL 468 require that each commodity in a Mixed Shipment be rated at the applicable 'per hundred weight(CWT)' stated in the tariff items in STB SEAU 468 and STB CSXL 468 for the identified commodities.

198. Rule 645 of STB SEAU 468 and STB CSXL 468 provides a conversion calculation from per container rates to per CWT

or CFT for articles rated per container.

199. Sea-Land/CSX, at all times material to this complaint, published and filed revisions to Rule 882 which resulted in the minimum revenue on Overflow containers being the same as or equal to Matson's minimum revenue charges in STB MATS 14-F Rule 31 and STB MATS 2016-D, Rule 884.

200. The publication of a minimum revenue charge per container rate, applicable upon rates stated and required to be applied on a CWT basis represents not only incompatible forms of rates, but represents an intent to deprive shippers of the ability to challenge the 'minimum revenue container charges' on reasonableness grounds as applied to Mixed Shipments.

201. The publication of a minimum container rate in a tariff rule, rather than in a rate item, does not comply with the requirement that tariffs be clear, simple and unambiguous as applied to Mixed Shipments.

202. The publication of a rate in a rule further represents a 'misplacement' with the intent to mislead the shipper as to the applicable rates and charges on any given individual commodity.

203. The publication of a minimum revenue "per container" or a containerload rate in a tariff rule constitutes an unreasonable practice and a violation of 49 CFR 1312.3(c)(1999 ed.).

204. Commodities shipped under a Mixed Shipment rule, and rated on a CWT basis, should be rated on a CWT basis and not on a 'partial' CWT and a 'container' minimum revenue basis.

36.

205. Complainant has been damaged by the application of the minimum revenue provisions of tariffs STB SEAU 468 and STB CSXL 468, Rules 882, to the extent that Complainant's overflow container cargo has been made subject to a container-load minimum revenue charge rather than being rated on a CWT basis for the actual amount of the cargo contained in the Overflow Shipment.

Count 2

206. Complainant hereby incorporates the averments contained in Paragraphs 1 through 80 and 192 through 205 as if set forth in full.

207. Sea-Land/CSX tariffs STB SEAU 468 and STB CSXL 468 are subject to and governed by the National Motor Freight Classification STB NMF 100-V and reissues thereof.

208. The National Motor Freight Classification contains Item 640, Sections 1 and 3 which require mixed shipments be rated and charged for "at the actual weights of the separate articles".

209. Item 640, Sections 1 and 3 were applicable to Sea-Land/CSX tariffs STB SEAU 468 and STB CSXL 468 at all times material to this complaint.

210. Item 640, Sections 1 and 3 conflict with Rules 882 in tariffs STB SEAU 468 and STB CSXL 468 and Item 640, Sections 1 and 3 take precedent over and Complainant is entitled to the benefit of Item 640, Sections 1 and 3.

211. Sea-Land/CSX is engaging in an unreasonable practice in maintaining conflicting rules of cargo and freight classification and mixed shipment provisions.

37.

212. Complainant has been damaged in the amount of the difference between the amounts Complainant paid Sea-Land/CSX as minimum revenue charges and the charges that would have been incurred had Complainant's overflow cargo been properly rated based upon the actual weight of the cargo shipped.

Count 3

213. Complainant hereby incorporates the averments contained in Paragraphs 1 through 80 and 192 through 212 as if set forth in full.

214. Sea-Land/CSX has published rate items in tariffs STB SEAU 468 and STB CSXL 468 that, at all times material to this complaint, contained restrictions on the access to and the applicability of the tariff items.

215. Sea-Land/CSX has published rate items that are restricted by the use of non-transportation factors including the identities or names of shippers and limitations to street addresses or zip codes.

216. The use of non-transportation factors as a basis of rate making and tariff application is an unreasonable practice and a violation of section 13701(a), 49 U.S.C.

217. Sea-Land/CSX has used such tariff item restrictions to preclude the use of and access to the rates in those items by Complainant.

218. Complainant, as a direct and proximate result of such actions by Sea-Land/CSX and the publication of such tariff item restrictions has been damaged in that Complainant has been required to ship cargoes with Sea-Land/CSX using the

higher cost rate items to which Sea-Land/CSX would provide Complainant access.

219. Sea-Land/CSX, by way of publication of non-transportation restrictions contained in various tariff items in tariffs STB SEAU 468 and STB CSXL 468 has established and maintains a rate structure which results in unreasonable discrimination against Complainant and freight forwarders in general and further works to exclude freight forwarders from competing for full containerload business.

220. Complainant, in addition to incurring increased costs of transportation on defendant's vessels, has also been damaged as a direct and proximate result of Sea-Land/CSX's unreasonable practices in maintaining such discriminatory tariffs through the loss of Complainant's full containerload customers and business.

Count 4

221. Complainant hereby incorporated the averments contained in Paragraphs 1 through 80 and 192 through 220 as if set forth in full.

222. Sea-Land/CSX have published STB SEAU 468 and STB CSXL 468 containing "Section 4" which contains defendant's rates.

223. Section 4 of STB SEAU 468 and STB CSXL 468, at all times material to this complaint, purported to contain all-water rates (subsection 0200 series rates), proportional rates (subsection 0500 series rates), and storedoor joint motor-water rates (subsection 0600 series rates).

39.

224. The service provided by Sea-Land/CSX pursuant to the series 0200 rates and series 0500 rates is the same and is a "Container Yard" to "Container Yard" service.

225. The rates reflected in the series 0200 and series 0500 are duplicative and conflicting on the same or similar commodities.

226. Complainant is entitled to the benefit of the lowest available rates contained in the series 0200 and series 0500 tariff items.

227. Complainant has been charged and has paid rates reflecting the higher of the involved rates.

228. Complainant has been damaged and has paid overcharges to the extent that Complainant has paid rates and charges that exceed those rates contained in Attachment "H" hereto.

Count 5

229. Complainant hereby incorporates the averments contained in Paragraphs 1 through 80 and 192 through 228 as if set forth in full.

230. Sea-Land/CSX's tariffs STB SEAU 468 and STB CSXL 468 contain three sets of rates applicable on the same service.

231. Sea-Land/CSX has published port to port rates in Section 4, series 0200 rate items.

232. Sea-Land/CSX has published port to port rates with a pickup and delivery service and denominated such rates as "Joint Rates" under Section 4, series 0600 rate items and through the provisions of Rules 160.A(2) of the cited tariffs.

40.

233. The rate items contained in Section 4, series 0500 and series 0600, are mislabeled and misrepresented in that such rate items contain no participating motor carriers nor do such rate items contain any through routings.

234. Sea-Land/CSX is in violation of sections 1312.14(a) and 1312.14(b) as well as section 13702(b)(1), 13701(b)(1)(A), 13701(b)(1)(D) and 13701(b)(1)(E), 49 U.S.C..

235. Sea-Land/CSX has also violated the provisions of 1312.3(c), 49 CFR which requires clarity in tariffs and does not permit the mislabelling of tariff rates.

236. Complainant, as a direct and proximate result of Sea-Land/CSX's violation of the cited statutes and regulations has been subjected to duplicative and conflicting rate structure that have resulted in Complainant's payment of overcharges in amounts yet to be determined.

Count 6

237. Complainant hereby incorporates the averments contained in Paragraphs 1 through 80 and 192 through 236 as if set forth in full.

238. Sea-Land/CSX publishes rate items in tariffs STB SEAU 468 and STB CSXL 468, which upon information and belief, appear to be part of a volume pricing arrangement between defendant and the named shippers. Attached hereto and identified as Attachment "I" is an example of such named shipper tariff rate items.

239. Complainant, at all times material to this complaint, has requested Sea-Land/CSX to make available to Complainant rates based upon volume of cargo shipped, including long term

41.

arrangements for shipping Complainant's freight in the Hawaii trade.

240. Sea-Land/CSX has represented to Complainant that the Hawaii trade is a "tariff trade".

241. Sea-Land/CSX has represented to Complainant that Sea-Land/CSX does not offer, provide nor participate in any form of volume pricing arrangements, including time volume rates, loyalty contracts or other service contracts.

242. Sea-Land/CSX, upon information and belief, does offer and provide volume pricing to shippers in the Hawaii trade.

243. Sea-Land/CSX has published and included Items 0620-80-1000 and 0299-01-0000 in tariff STB SEAU 468 which reflect rates dependent upon the tender of a minimum volume of 30 containers per week and five containers to a given city in Hawaii. See Attachment "J" as attached hereto.

244. Sea-Land/CSX has engaged in a pattern of mis-representation to Complainant regarding the services, rates and prices that Sea-Land/CSX provides and offers in the Hawaii trade.

245. Complainant, upon information and belief, includes herewith and identified as Attachment "K" a list of shippers for which defendant has published special rate items.

246. Complainant, upon information and belief, states that such tariff items as are reflective of those named shippers involved terms and conditions of service not contained in the published rate items.

247. Complainant, upon information and belief, states that Sea-Land/CSX did not publish all such service terms and conditions for these named shippers so that Sea-Land/CSX could maintain that it does not provide nor offer any form of volume pricing or rate incentives in the Hawaii trade.

248. Complainant, by reason of Sea-Land/CSX's mis-representations and failure to publically disclose all terms and conditions of service, states that Sea-Land/CSX has violated 13701(a) and 13702(b)(1), 49 U.S.C., and Complainant has been damaged thereby.

249. Complainant, by reason of Sea-Land/CSX's unreasonable practices of mis-representation and operation under unpublished rates has lost its full containerload business, including lost profits from that business.

(III)

COMPLAINANT'S CLAIM AS TO BOTH DEFENDANTS

Complainant hereby states this claim as to both Matson Navigation Company and Sea-Land Service, Inc., now known as CSX Lines, LLC.

250. Complainant hereby incorporates the averments contained in Paragraphs 1 through 80 as if set forth in full.

251. Matson and Sea-Land/CSX provide the only fast ship service between the mainland United States and Honolulu, Hawaii.

251. Matson and Sea-Land/CSX, at all times material to this complaint, published and maintained rate and price structures that were matching in rates and services offered.

252. The services of freight forwarders between the mainland United States and Hawaii on full containerload cargoes represent the only other source of service and price competition to the defendants in the Hawaii Trade.

253. Defendants have mis-represented to Complainant that the defendants do not offer, provide nor engage in volume pricing in the Hawaii Trade.

254. Defendants do in fact offer and provide volume pricing to include rates based upon the volumes of cargo tendered over identifiable period of time in the Hawaii Trade.

255. Defendants utilize the tariff filing and publication process as a device to communicate prices one to the other in the Hawaii Trade.

256. Defendants do not engage in rate, service or price competition in regard to full containerload cargoes shipped by freight forwarders in the Hawaii Trade.

257. Defendants has established a reciprocal service agreement, involving unfiled or published rates, which permits each carrier to tender full containerloads of cargo to the other carrier for ocean transport from the mainland United States to Hawaii.

258. Defendants have a "shipper-carrier" relationship under the reciprocal service agreement which agreement has been in effect at all times material to this complaint.

259. Defendants utilize such reciprocal service agreement as a device to reduce vessel capacities and reduce "service competition" as an element of the market for the transportation

services in the Hawaii Trade.

260. That as a direct and proximate result of defendants' practice of matching prices, publication of rates and charges which are not required to be published, reciprocal services agreement, and refusal to offer volume pricing, time volume rates or other service agreements to freight forwarders, including Complainant, there has been a failure of market competition in the Noncontiguous Domestic Offshore Trade between the mainland United States and Hawaii.

261. That as a direct and proximate result of defendants' actions Complainant is denied the benefit of a competitive market in which to obtain ocean transportation rates and services in the Hawaii Trade.

262. That as a direct and proximate result of defendants' individual actions and their reciprocal service agreement, Complainant has been obligated to pay unjust, discriminatory and unreasonable rates and charges in violation of Section 13701(a), 49 U.S.C. (1999 ed.)

263. That the rates, charges and services which defendants provide to each other constitute a reasonable rate on the same commodities as are shipped by Complainant with both defendants.

264. That the rates, charges and services which defendants provide to named shippers further identified as "beneficial owners" of "proprietary owners of cargo" represent an alternate measure of what constitutes a just and reasonable rate and charge for defendants' services in the Hawaii Trade.

45.

265. That Complainant, as a direct and proximate result of defendants' violations of Sections 13701(a) and 13702(b)(1), 49 U.S.C., has been damaged in the amount to which defendants have assessed and collected monies from Complainant which exceed the rate or rates that defendants have set and agreed to charge one another for the ocean transportation of the same or similar commodities between the mainland United States and the port of Honolulu, Hawaii.

266. That Complainant, as a direct and proximate result of defendants' violations of Section 13701(a), 49 U.S.C., has been damaged in the amount to which defendants have assessed and collected monies from Complainant which exceed the rates and charges that defendants have assessed and collected from the shippers for which defendants have published or otherwise established named shipper tariff rate items or have otherwise published tariff rate items that are restricted to the use of a particular shipper or receiver.

Prayer For Relief

Complainant hereby requests that the Board enter an Order awarding Complainant damages as against Matson Navigation Company in the amounts found by the Board to be appropriate and that such an Order include as follows:

Counts 1,2,3 - The amounts paid by DHX which exceed the amounts that would have been due and owing based upon the actual weight of the commodities in Overflow containers;

Counts 4, 5 - The amount which the Board finds to be the value of Complainant's full containerload business, including lost profits from October 1, 1997 to the date of this Amended Complaint;

Count 6 - The amount which Complainant was assessed, collected from and paid by Complainant for Wharfage Charges from October 1, 1997 to the date of this Amended Complaint;

Count 7 - The amount which Complainant was assessed, collected from and paid by Complainant pursuant to the rates contained in Tariff 14-F and 2016-D exceeded the rates and charges on the same items and service that were contained in Tariff 2034-E, including pre-judgment interest from October 1, 1997 to the date of this Amended Complaint;

Counts 8, 9 - The amount which the Board finds to be the value of Complainant's full containerload business, including lost profits from October 1, 1997 to the date of this Amended Complaint; and

For such other and further relief as the Board deems just and appropriate in the circumstances.

Complainant hereby requests that the Board enter an Order awarding Complainant damages as against Sea-Land Service, Inc., now known as CSX Lines, LLC in amounts found by the Board to be appropriate and that such an Order include as follows:

47.

Counts 1, 2 - The amounts paid by DHX which exceed the amounts that would have been due and owing based upon the actual weight of the commodities in Overflow containers;

Count 3 - The amount which the Board finds to be the value of Complainant's full containerload business, including lost profits from October 1, 1997 to the date of this Amended Complaint;

Count 4 - The amount which Complainant was assessed, collected from and paid by Complainant pursuant to the rates and charges in section 4, series 0200 rates which exceeds the rates stated in the series 0500 rates as contained in STB SEAU 468 and STB CSXL 468 on shipments made by Complainant from October 1, 1997 to the date of this Amended Complaint;

Count 5 - The amount which Complainant was assessed, collected from and paid by Complainant which exceed the lowest published and applicable rates and charges in STB SEAU 468 and STB CSXL 468, including pre-judgment interest, from October 1, 1997 to the date of this Amended Complaint; and

Count 6 - The amount which the Board finds to be the value of Complainant's full containerload business, including lost profits from October 1, 1997 to the date of this Amended Complaint;

48.

Complainant hereby prays that the Board enter an Order against both defendants, jointly and severally, which awards to Complainant the amount which Complainant has paid to each defendant for shipments tendered to defendants which rates and charges exceed the rates and charges mutually agreed between defendants and contained in defendants' Reciprocal Service Agreement; and for such other and further relief as the Board finds just and reasonable in the circumstances.

Dated - 29 April 2002

Respectfully submitted,



RICK A. RUDE, Esq.
Suite 103
207 Park Avenue
Falls Church, VA. 22046
(703) 536-3063 Tele.
(703) 536-4841 Fax.

Counsel For Complainant
DHX, Inc.

Certificate of Service

I hereby certify that I have served a copy of this Amended Complaint, by first class mail, postage prepaid, upon the below listed counsel for defendants.

Dated this 29th day of April 2002.



RICK A. RUDE, Esq.

Mr. Richard A. Allen
888 - 17th Street, N.W.
Suite 600
Washington, D.C. 20006

Mr. C. Jonathan Benner
401 - 9th Street, N.W.
Suite 1000
Washington, D.C. 20004

STB DOCKET WCC-105
Amended Complaint
ATTACHMENT "A"

SEA-LAND SERVICE, INC.	Orig/Rev	Page
Freight Tariff No 468, STB SEAU-468 (Between US,PR,CN,& HI)	9th	TITLE PAGE
FROM: TARIFF ORIGIN SCOPE	Cancels	Cancels Page
TO: TARIFF DESTINATION SCOPE	8th	TITLE PAGE
TITLE PAGE	CORR: 38968	Issue: 15Mar2000 Effective: 15Mar2000EAM

#

Effective: 01Apr2000 (C)
Originally Issued: 12Feb1996 Originally Effective: 13Feb1996

SEA-LAND SERVICE, INC.
(ALSO DOING BUSINESS AS CSX LINES, LLC)
JOINT INTERMODAL CONTAINER FREIGHT TARIFF NO. 468
NAMING JOINT, ALL-WATER AND PROPORTIONAL COMMODITY
RATES, RULES AND REGULATIONS
FOR TRANSPORTATION IN CONTAINERS

BETWEEN

PORTS AND POINTS IN MAINLAND STATES OF THE UNITED STATES, ALASKA,
PUERTO RICO, CANADA AND MEXICO

AND

HAWAII TERMINALS AND POINTS IN HAWAII
(See Rule 940-B)

VIA

MOTOR-WATER, WATER-MOTOR, MOTOR-WATER-MOTOR,
RAIL-MOTOR-WATER-MOTOR, MOTOR-RAIL-MOTOR-WATER-MOTOR AND ALL-WATER

GOVERNING TARIFFS, SEE RULE 100

(#) ACCESS INFORMATION FOR THIS TARIFF, SEE RULE 915

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE RULES 110 TO 119

(#) Certain exempt commodity rates are published in this tariff for
informational purposes only. Charges and rates shown are not
regulated by the Surface Transportation Board. Charges in this
tariff, however, are offered to the Shipper along with the
applicable rules and notations and acceptance by the Shipper of
this offer will constitute the terms and conditions for movement
of exempt commodities.

Publishing Office
Sea-Land Service, Inc. (also doing business as CSX Lines, LLC)
One Renton Place, Suite 600
555 S. Renton Village Place
RENTON, WA, USA 98055-3221
Contact: Daniel Downes
Phone: 206-204-6442 Fax: 206-204-6431

----- EXPLANATION OF PAGE MARKS -----
(#) Indicates a change has occurred on this line

SEA-LAND SERVICE, INC.	Orig/Rev	Page
Freight Tariff No 468, STB SEAU-468 (Between US, PR, CN, & HI)	7th	Section 2 2,110,001
FROM: TARIFF ORIGIN SCOPE	Cancels	Cancels Page
TO: TARIFF DESTINATION SCOPE	6th	Section 2 2,110,001
SECTION 2 - TARIFF RULES	CORR: 34599	Issue: 05Jan2000 Effective: 05Jan2000EAN

RULE 110
DEFINITION OF TECHNICAL TERMS
Effective: 05Jan2000 (C)

1. AND or OR

The words "And" and "Or" are used interchangeably, and are convertible by the substitution of one for the other, as the sense may suggest or require.

2. CARRIER

- (#) Carrier means Sea-Land Service, Inc. (also doing business as: CSX Lines, LLC) or any other Participating Carrier.

3. CHARGE

The dollars and cents result of applying a rate against a stated unit, before deducting or crediting allowance, if any.

4. CHASSIS

Chassis means a wheeled frame designed to carry demountable containers.

5. CONTAINER

A unit, not less than 20 feet overall in length, designed for the intermodal transport of cargo, constructed to permit lifting on and off Carrier's vessels and requiring mounting to a chassis for movement over streets and highways. For the purpose of applying rates and rules in this Tariff, the word "Container" or "Carrier's Container" shall also mean "Trailer" except where a distinction is clearly made between the terms in rates or rules.

6. CONTAINER FREIGHT STATION (CFS)

The place where goods are received by Mainland Participating Carriers for loading into containers and where such goods are unloaded by Carrier from container for delivery in Hawaii.

7. CONTAINER YARD (CY)

The place where loaded containers are received by mainland Participating Carriers and where loaded

(Continued in next column)

(Continued from preceding column)
containers are delivered by Carrier in Hawaii.

8. CONTAINER FREIGHT

Except where otherwise specifically provided in a rule or individual rate item of this Tariff, the term "Container Freight" is defined as freight, no single piece or package of which exceeds the following dimensions:

- A. For freight tendered at CFS or in a closed container at CY: 39 Feet 5 inches in length, 7 Feet 6 inches in width, or 7 Feet 5 inches in height.
B. For freight tendered on a Flatrack Container at CY: 39 Feet 6 inches in length, 7 Feet 10 inches in width, and 6 feet 6 inches in height. (See also Rule 780)

9. CONTAINERLOAD OR LESS-THAN-CONTAINERLOAD

(1) Containerload (CL) means a shipment moving under a rate subject to a flat charge per container. (2) Less-than-containerload (LCL) means a shipment moving under a rate other than as specified in (1) above.

10. FLAT OR FIXED CHARGE PER CONTAINER

A rate which results in both a minimum and maximum charge per container for the carriage of goods described in an item naming such charges.

11. HOLIDAYS

Holidays means the day on which New Years Day; Presidents Day; Memorial Day; Independence Day; Labor Day; Veterans Day; Thanksgiving Day and Christmas Day is officially observed. Within California, Admission Day is also a Holiday. Within Hawaii, the day on which Kamehameha Day, Discoverer's Day, Harry Bridges Day, and Jack Hall Day are officially observed shall also be Holidays.

The term "Holiday" shall also mean any other full day designed by statute or by proclamation as a National

(Continued)

(*)

EXPLANATION OF PAGE MARKS

- (*) Matter transferred to 6th Rev pg 2,110,002
(#) Indicates a change has occurred on this line

STB DOCKET WCC-105
Amended Complaint
ATTACHMENT "B"

TARIFF RULES LISTING
CSX LINES - TARIFF # 468

Page: 1
Date: 26APR2002

TARIFF CSX LINES, LLC - STB CSXL-468 (BETWEEN US, PR, CN, & HI)

RULE# CYC# APP TITLE

002- TITLE PAGE

Filed on: 01MAR2002 Effective: 01MAR2002 Thru: Expire:

RULE TEXT

TITLE PAGE: EFFECTIVE JUNE 14, 2001

ORIGINALLY ISSUED: JUNE 14, 2001

ORIGINALLY EFFECTIVE: JUNE 14, 2001

CSX LINES, LLC

JOINT INTERMODAL CONTAINER FREIGHT TARIFF NO. 468

NAMING JOINT, ALL-WATER AND PROPORTIONAL COMMODITY RATES,
RULES AND REGULATIONS FOR TRANSPORTATION IN CONTAINERS
BETWEEN PORTS AND POINTS IN MAINLAND STATES OF THE UNITED
STATES, ALASKA, PUERTO RICO, CANADA AND MEXICO AND HAWAII
TERMINALS AND POINTS IN HAWAII (See Rule 940-B) VIA
MOTOR-WATER, WATER-MOTOR, MOTOR-WATER-MOTOR,
RAIL-MOTOR-WATER-MOTOR, MOTOR-RAIL-MOTOR-WATER-MOTOR AND
ALL-WATER

GOVERNING TARIFFS, SEE RULE 100

ACCESS INFORMATION FOR THIS TARIFF, SEE RULE 915

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE
RULES 110 TO 119.

Certain exempt commodity rates are published in this tariff
for informational purposes only. Charges and rates shown
are noted by the Surface Transportation Board. Charges in
this tariff, however, are offered to the Shipper along with
the applicable rules and notations and acceptance by the
Shipper of this offer will constitute the terms and
conditions for movement of exempt commodities.

Publishing Office:

CSX Lines, LLC

One Renton Place, Suite 600

555 So. Renton Village Place

Renton, WA. USA 98055

Contact: Ned Lamon-Anderson

Phone: 425-204-6486 FAX: 425-204-6431

***** End of Report *****

STB DOCKET WCC-105
Amended Complaint
ATTACHMENT "C"

TARIFF RULES LISTING
CSX LINES - TARIFF # 468Page: 1
Date: 26APR2002-----
TARIFF CSX LINES, LLC - STB CSXL-468 (BETWEEN US, PR, CN, & HI)RULE# CYC# APP TITLE
-----940-A RECEIVING LOCATIONS US
Filed on: 14JUN2001 Effective: 14JUN2001 Thru: Expire:-----
RULE TEXT

This tariff names Joint Motor-Water and All-Water Rates for transportation of commodities in containers from Carrier Terminals in U.S. Pacific Coast Port Areas named herein to Hawaii Terminals, and from Storedoor locations at points named herein to Hawaii Terminals as follows:

A. CARRIER PORT TERMINAL LOCATIONS:

Long Beach, CA	Pier G, Berth 227 669 Harbor Plaza (CFS/Autos)
Oakland, CA	1425 Maritime St.
Portland, OR CY Only	Burlington Northern 3930 Northwest Yeon Western Container Transport 3860 N. Suttle Road
Seattle, WA CY Only	Pacific Rim Transport (PRTI) 910 96th Avenue South
Tacoma, WA	1675 Lincoln Ave.

B. Points for which rates apply for storedoor service:

See Individual Commodity Items.

***** End of Report *****

TARIFF RULES LISTING
CSX LINES - TARIFF # 468Page: 1
Date: 26APR2002-----
TARIFF CSX LINES, LLC - STB CSXL-468 (BETWEEN US, PR, CN, & HI)-----
RULE# CYC# APP TITLE-----
940-B HAWAII TERMINALS TO/FROM WHICH RATES APPLY
Filed on: 14JUN2001 Effective: 14JUN2001 Thru: Expire:-----
RULE TEXT-----
The Main Island:Honolulu, HI (Oahu)
Pier 51-A
Sand Island Access Road

The Neighbor Islands:

Hilo (Hawaii)
Pier 2
Port of HiloKahului (Maui)
Pier 2
Port of KahuluiKaunakakai (Molokai)
Pier 1
Port of KaunakakaiKawaihae (Hawaii)
Pier 1
Port of KawaihaeLanai (Lanai)
Kamaulapau Landing (See Note 1)
Port of Lanai (See Note 1)Nawiliwili (Kauai)
Pier 1
Port of Nawiliwili

NOTE 1 - Subject to Rule 160 Paragraph X.

***** End of Report *****

STB DOCKET WCC-105
Amended Complaint
ATTACHMENT "D"

MATSON NAVIGATION COMPANY, INC.

FREIGHT TARIFF NO. 14-P, STB NO. 34

ORIGINAL/REVISED

PAGE

14th Revised

49-A

CANCELS

PAGE

13th Revised

49-A

FROM:

PACIFIC COAST PORTS

TO:

HAWAII PORTS

ISSUE DATE

October 6, 1998

EFFECTIVE DATE

October 8, 1998

CORRECTION NO.

2711

SECTION 1 - RULES AND REGULATIONS

RULE 30: MIXED SHIPMENTS - continued

- (4) Except for shipments moving in (1) trailers, (2) containers exceeding 40-feet in length, or (3) refrigerated containers if the charge for the mixed containerload can be reduced by so doing, an alternation will be allowed whereby one or more of the articles rated on a weight basis may be rated pursuant to paragraph (a) above and the articles rated on a per-container basis may be rated as follows:

ARTICLES	RATE	MINIMUM WEIGHT
- Cable or Wire, Electric: Aluminum, Brass, Bronze, or Copper, Covered, Insulated or Plain, or Steel Armored, Lead Covered, With or Without Steel Cores, Also Copper Clad Wire - Cable, Fiber Optic - Cable Plant Accessories - Compounds, Solvents, Cleaners - Connectors - Electrical Equipment, N.O.S. - Porcelain and Epoxy Products, Electrical - Safety Equipment, Electrical - Testing Equipment, Electrical - Tools, Electrical - Fixtures, Lighting, including Fluorescent - Fluid, lighter. in inside containers of one gallon or less - Fuses, Cutouts, Meters - Insulators, Glass - As described in NMFC Item 103700 - Light Towers, Portable - On Wheels - Meters, Water or Gas - Power Products, Miscellaneous Electrical - Pole Line Hardware - Signs, Electric, as described in NMFC Item 176050 through 176320 - Splicing Material - Telephones, Keysets and as described in NMFC Item 116030.	\$10.70 A	34,000 24 C/H 36,000 40 C 40,000 40 H
Foodstuffs, For Human Consumption, including Bakery Goods and Cookies	\$12.35 B	27,000 24 C/H 30,000 40 C 35,000 40 H
Iron or Steel Articles	\$5.54 C	40,000 40 C/H
[D] [D] - Plastic sheets or sheeting	\$5.78 F	36,000 24 C/H 37,800 40 C 42,000 40 H
Plastic, NOS	\$13.04 G	31,000 24C/H 32,400 40 C 36,000 40 H
Aluminum Products and Articles, NOS	\$13.52 H	36,000 40 C 40,000 40 H
Cabinets, file, metal	\$10.85 I	35,000 24 C/H 35,000 40 C/H

(Continued on next page.)

For explanation of abbreviations and reference marks, see Page

36

MATSON NAVIGATION COMPANY, INC. FREIGHT TARIFF NO. 14-F, STB NO. 34		ORIGINAL/REVISED		PAGE
		9th Revised		49-B
		CANCELS		PAGE
		8th Revised		49-B
FROM: PACIFIC COAST PORTS TO: HAWAII PORTS		ISSUE DATE		EFFECTIVE DATE
		November 16, 1998		November 18, 1998
		CORRECTION NO.		2742
SECTION 1 - RULES AND REGULATIONS				
RULE 30: <u>MIXED SHIPMENTS</u> - continued				
[D]				
For explanation of abbreviations and reference marks, see Page 26				

MATSON NAVIGATION COMPANY, INC.

FREIGHT TARIFF NO. 14-F, STB NO. 34

ORIGINAL/REVISED

PAGE

8th Revised

49-B

CANCELS

PAGE

7th Revised

49-B

FROM:

PACIFIC COAST PORTS

TO:

HAWAII PORTS

ISSUE DATE

July 23, 1997

EFFECTIVE DATE

September 6, 1998

CORRECTION NO.

2609

SECTION 1 - RULES AND REGULATIONS

RULE 30: MIXED SHIPMENTS - continued

ARTICLES	RATE	MINIMUM WEIGHT
- Advertising or Printed Matter, NOS - Paper or Pulpboard - Albums or Scrapbooks, Paper or Pulpboard - Bags, Paper - Bands, Elastic, as described in NMFC Item 156630 - Belts, Sanitary - Binding as described in NMFC Item 49020, Sub 1 - Blotting - Blueprint or Reproduction, NOI, in Pkgs. - Bottles or Cans, Fiberboard, Paper or Pulpboard, SU Bodies Nested - Boxes, Paper Fibreboard or Pulpboard, Setup or KD - Bows - Cabinets, Dispensers or Holders as described in NMFC Item 39480 - Calendars - Carbon, NOS - Cards, NOS, including Printed Greeting Cards - Cards, Index, as described in NMFC Item 152320, Sub 2 - Cash Register tape - Circulars, NOS - Chopsticks, Wooden - Covers, Disc Filler, Partitions, NOS, not corrugated, Fiberboard, Flat, KD Flat, Folded Flat, Nested Solid Crepe Paper - Cups, Dishes, Pans, Plates or Trays, NOS, Foil or Sheet, as described in NMFC Item 13374 - Cups, Paper or Pulpboard - Diapers or Bedding Pads as described in NMFC Item 57260 - Dishes, Plates, or Trays, NOS, Pulpboard or woodpulp, plain or plastic coated, with or without foil, nested. - Document Manila - Doilies - Drapes; Sheets; Pillowcases; gowns; Towels; or Washcloths, disposable, as described in NMFC Item 56710 - Drawing; and Enameled, Glazed or Surface Coated, NOS - Envelopes or Papeteries - Egg Case Fillers or Flaps, Pulpboard or Woodpulp, Flat, Folded Flat or KD - Fillers, Loose Leaf Book, ruled or not printed, plain - Filters, Paper, other than engine filters	\$10.61 [A]	30,000 24 D/HD 32,400 40 D 36,000 40 HD

(Continued on next page.)

For explanation of abbreviations and reference marks, see Page

26

MATSON NAVIGATION COMPANY, INC. FREIGHT TARIFF NO. 14-F, STB NO. 34		ORIGINAL/REVISED		PAGE
		12th Revised		49-C
		CANCELS		PAGE
		11th Revised		49-C
FROM:	TO:	ISSUE DATE		EFFECTIVE DATE
PACIFIC COAST PORTS	HAWAII PORTS	November 16, 1998		November 18, 1998
		CORRECTION NO.		2743
SECTION 1 - RULES AND REGULATIONS				
RULE 30: <u>MIXED SHIPMENTS</u> - continued [D]				
For explanation of abbreviations and reference marks, see Page 26				

MATSON NAVIGATION COMPANY, INC.

FREIGHT TARIFF NO. 14-P, STS NO. 34

ORIGINAL/REVISED

11th Revised

PAGE

49-C

CANCELS

PAGE

10th Revised

49-C

FROM:

PACIFIC COAST PORTS

TO:

HAWAII PORTS

ISSUE DATE

July 23, 1997

EFFECTIVE DATE

September 6, 1998

CORRECTION NO.

2610

SECTION 1 - RULES AND REGULATIONS

RULE 30: MIXED SHIPMENTS - continued [C]

ARTICLES	RATE	MINIMUM WEIGHT
• Foil, as described in NMFC Item 71720 • Freezer Tape, Paper • Games and Toys • Golf Balls • Ground Wood • Hats, Paper, NOS, Printed, as described in NMFC Item 98375 • Handkerchiefs • Index Guides • Ink, Printing, NOS • Knives, Hard Fiber or Wood • Matrix, Other than sensitized • Mats, Bath or Car • Napkins, Paper • Napkins or Pads, Sanitary, External Type • Napkins or Pads, Sanitary, Internal Type, NOS • Neck Strips • Packing Pads, Excelsior • Paper Goods, NOS, flat or folded flat • Pencils, Penholders Childrens School Pencil or Penholder Sets, NOS • Pens, Ink • Photographic Paper, sensitized, in boxes • Placemats • Printing Paper, other than Newsprint or Carbonized Print • Pulpboard or Fiberboard, NOS; corrugated or not corrugated • Racks, Store Display, NOS, KD flat or Folded Flat • Ribbon, Gift Wrapping • Rope, Cordage or Twine, NOS • Seals, box strapping, as described in NMFC 93540 • Shelf Paper, decorative, not corrugated or fluted • Shields, Garment Hanger • Spoons or Forks, Hard Fiber or Wood • Stationery, NOS; and Stereotype • Strapping, Box, Synthetic Fiber • Straws, Drinking, Paper • Tablecloths, Paper • Tissue, Facial Cleansing • Toilet Paper or Toilet Seat Covers • Towels or Toweling, Paper • Wrapping Paper, including Corrugated Wrapping Paper	\$10.61 [A]	30,000 24 C/H 32,400 40 C 36,000 40 H
Pet Food, in (1) bags, (2) plastic pails, or (3) boxes, having a density of less than 30 lbs. per cubic foot	\$6.84 [A]	29,000 24 C/H 42,000 40 C/H

(Continued on next page.)

For explanation of abbreviations and reference marks, see Page 26

MATSON NAVIGATION COMPANY, INC.

FREIGHT TARIFF NO. 14-F, STB NO. 34

ORIGINAL/REVISED

PAGE

11th Revised

49-D

CANCELS

PAGE

10th Revised

49-D

FROM:

PACIFIC COAST PORTS

TO:

HAWAII PORTS

ISSUE DATE

July 23, 1998

EFFECTIVE DATE

September 6, 1998

CORRECTION NO.

2611

SECTION 1 - RULES AND REGULATIONS

RULE 30: MIXED SHIPMENTS - continued

ARTICLES	RATE	MINIMUM WEIGHT
Restaurant Supplies, as listed below • Aluminum Foil, in Rolls or Sheets • Bags, Paper or Plastic • Boxes, Paper MD • Brushes, NOS • Cleaning Supplies or Articles • Containers, NOS • Glassware or Earthenware • Glucose • Grill Cloth • Kitchen Equipment and Food Preparation Machinery • Matches, Safety, of wooden or Cardboard Manufacture • Milk Fat Stabilizer • Mopheads • Napkins • Office Supplies, NOS • Paper or Plastic Articles, VIZ: Cups, Forks, Knives, Lids, Plates, Spoons, Straws • Polywrap • Promotional Materials, including Decals and Signs • Restaurant Uniforms • Shakers, Salt & Pepper • Squeegees • Stationery Items • Sterno • Towels, Paper • Trays • Utensils, Kitchen • Uniforms and Related Apparel	\$10.11 [A]	36,000 24 C/H 40,000 40 C/H
Plumbers Ware, Enameled Cast Iron or Steel, Plates or Sheet Steel, Fibreglass or Plastic or Vitreous China, VIZ.: • Bowls • Toilets • Lavatories • Tubs • Sinks • Urinals • Shower Bath Receptors, Stalls or Partitions, Metal, Fiberglass or Plastic • Sheets or Forms, Plastic, Portable Toilets • Pipe Fittings, Plastic	\$11.13 [A]	39,600 24 C/H 39,600 40 C 44,000 40 H
Pictures or Print Frames, NOS [C]	\$15.95 [A] T	15,000 24 C/H 25,000 40 C 28,000 40 H

(Continued on next page.)

For explanation of abbreviations and reference marks, see Page

26

MATSON NAVIGATION COMPANY, INC.

FREIGHT TARIFF NO. 14-F, STB NO. 34

ORIGINAL/REVISED

PAGE

11th Revised

49-E

CANCELS

PAGE

10th Revised

49-E

FROM:

PACIFIC COAST PORTS

TO:

HAWAII PORTS

ISSUE DATE

November 16, 1998

EFFECTIVE DATE

November 18, 1998

CORRECTION NO.

2745

SECTION 1 - RULES AND REGULATIONS**RULE 30: MIXED SHIPMENTS** - continued

[D]

MATSON NAVIGATION COMPANY, INC.
FREIGHT TARIFF NO. 14-F, STB NO. 34

ORIGINAL/REVISED	PAGE
10th Revised	49-E
CANCELS	PAGE
9th Revised	49-E

FROM: PACIFIC COAST PORTS TO: HAWAII PORTS

ISSUE DATE	EFFECTIVE DATE
July 23, 1998	September 6, 1998
CORRECTION NO.	2612

SECTION 1 - RULES AND REGULATIONS

RULE 30: MIXED SHIPMENTS - continued

ARTICLES	RATE	MINIMUM WEIGHT
Bottles, glass, empty	L \$9.82 [A]	26,000 24D/HD 30,000 40D/HD
Filters, Air and Parts, NOS	K \$10.41 [A]	31,000 24 D/HD 32,400 40 D 36,000 40 HD
Towels, kitchen or bath, Mattresses, folding	M \$13.47 [A]	36,000 40
Recording Media, viz.: - Discs, sound recording, blank or recorded - Tape, including Cassettes, sound recording, blank or recorded - Records, phonograph - Videodiscs, blank or recorded - Videotape, including Video Cassettes, blank or recorded	N \$11.39 [A]	19,500 24 D/HD 27,500 40 D 30,000 40 HD
Audio, Video, and Television Equipment and Parts, viz.: - Amplifiers - Compact Disc (CD) Players [C] [R] - Loud Speakers - Preamplifiers - Radios - Record Players - Tape Recorders - Television Cameras - Television Sets - Tuners - Video Cameras - Video Games, coin operated - Video Monitors - Video Players - Video Projectors - Video Recorders - Video Screens	P \$16.24 [A]	19,500 24 D/HD 27,500 40 D 30,000 40 HD

(Continued on next page.)

MATSON NAVIGATION COMPANY, INC. FREIGHT TARIFF NO. 14-F, STE NO. 34 (C)		ORIGINAL/REVISED 1st Revision CANCELS Original ISSUE DATE July 10, 1997 CORRECTION NO.	PAGE 49-F PAGE 49-F EFFECTIVE DATE July 12, 1997 2458
FROM: PACIFIC COAST PORTS	TO: HAWAII PORTS		
SECTION 1 - RULES AND REGULATIONS			
RULE 30: <u>MIXED SHIPMENTS</u> - continued (C)			
ARTICLES		RATE	MINIMUM WEIGHT
Clothing and Wearing Apparel		\$ 9.17	30,000 24 D/HD 38,000 40 D 42,000 40 HD
Appliances, small electric, for household use, viz.: . Rollers or Rotisseries . Blenders . Coffee Makers . Corn Poppers . Fryers . Griddles . Machines, Sewing, Cabinet or Table top . Ovens, Toaster, Roaster . Poppers, corn . Warmers		\$14.54	25,000 24 D/HD 27,000 40 D 30,000 40 HD
The minimum weight provision in (a) above will apply. The minimum weight of the shipment shall be the minimum weight of the predominant commodity by weight provided for any of the rates used in computing the charges. Any deficiency between the actual weight of the shipment and the applicable minimum weight shall be charged for at the rate applicable to the weight of the predominant commodity by weight in the container. Except as otherwise provided in individual rate items, for each seven calendar days commencing on Sunday at 0601 and ending on Saturday at 2400, a shipper tendering cargo at Oakland CA may include no more than five overflow containers per week under provisions of this Rule 30(c) (4). (Continued on next page.)			
For explanation of abbreviations and reference marks, see Page 26			

R30C

R30I

MATSON NAVIGATION COMPANY, INC.

FREIGHT TARIFF NO. 14-P, STB NO. 34

ORIGINAL/REVISED

PAGE

6th Revised

49-P

CANCELS

PAGE

5th Revised

49-P

FROM:

PACIFIC COAST PORTS

TO:

HAWAII PORTS

ISSUE DATE

August 4, 1998

EFFECTIVE DATE

September 6, 1998,

Except as noted

CORRECTION NO.

2657

SECTION 1 - RULES AND REGULATIONS

RULE 30: MIXED SHIPMENTS - continued

ARTICLES	RATE	MINIMUM WEIGHT
Clothing and Wearing Apparel	\$9.63	30,000 24 D/HD 38,000 40 D 42,000 40 HD
Appliances, small electric, for household use, viz.: . Broilers or . Machines, Sewing, Rotisseries Cabinet or Table top . Blenders . Ovens, Toaster, Roaster . Coffee Makers . Poppers, corn . Corn Poppers . Warmers . Fryers . Griddles	\$15.27	25,000 24 D/HD 27,000 40 D 30,000 40 HD
Transformers (Subject to Notes 1 and 2) NOTE 1: Maximum allowable cube per 24-foot container is 900 cubic feet. NOTE 2: Maximum allowable cube per 40-foot container is 1500 cubic feet.	W \$5.64	40,000 24 D/HD 44,000 40 D/HD
Aluminum Articles, viz.: sheets, plates	X \$5.27	35,000 24 D/HD 44,000 40 D/HD
Machines, Commercial Refrigeration and Cooling	Y \$6.21 [C] [R] [E]	42,000 40 D/HD

The minimum weight provision in (a) above will apply. The minimum weight of the shipment shall be the minimum weight of the predominant commodity by weight provided for any of the rates used in computing the charges. Any deficiency between the actual weight of the shipment and the applicable minimum weight shall be charged for at the rate applicable to the weight of the predominant commodity by weight in the container.

Except as otherwise provided in individual rate items, for each seven calendar days commencing on Sunday at 0001 and ending on Saturday at 2400, a shipper tendering cargo at Los Angeles CA may include no more than five overflow containers per week under provisions of this Rule 30(c) (4).

Except as otherwise provided in individual rate items, for each seven calendar days commencing on Sunday at 0001 and ending on Saturday at 2400, a shipper tendering cargo at Oakland CA may include no more than five overflow containers per week under provisions of this Rule 30(c) (4).

(Continued on next page.)

[E] Effective with August 6, 1998.

For explanation of abbreviations and reference marks, see Page

26

MATSON NAVIGATION COMPANY, INC.

FREIGHT TARIFF NO. 14-F, STS NO. 34

ORIGINAL/REVISED

PAGE

7th Revised

49-F

CANCELS

PAGE

6th Revised

49-F

FROM:

PACIFIC COAST PORTS

TO:

HAWAII PORTS

ISSUE DATE

EFFECTIVE DATE

November 16, 1998

November 18, 1998

CORRECTION NO.

2746

SECTION 1 - RULES AND REGULATIONS

RULE 30: MIXED SHIPMENTS - continued

[D]

STB DOCKET WCC-105
Amended Complaint
ATTACHMENT "E"

ISSUE DATE	MATSON NAVIGATION COMPANY, INC			ORIGINAL/REVISED	PAGE
August 2, 2001				19th Revised	42-C
EFFECTIVE DATE				CANCELS	PAGE
August 4, 2001				18th Revised	42-C
	STB MATS 2034-E			CORRECTION NO.	9409
JOINT CONTAINER FREIGHT TARIFF NO. 2034-E					
SECTION 2 - COMMODITY RATES ON NON-REFRIGERATED CARGO - MOTOR-WATER					ITEM
Rates in dollars per container to Hawaii CY unless otherwise stated					NO.
FROM	RATE	EQUIPMENT TYPE	ROUTE		
FLEMING FOODS GROCERY COMMODITIES					1123
Federal Way WA	2483 [5]	24	1481		
Federal Way WA	2891 [5] [R]	40 [C]	1481		
[D]					
Hayward CA	2382 [3]	24	1220D		
Hayward CA	2709 [3] [R]	40 [C]	1220D		
[D]					
La Mirada CA	2465 [4]	24	1175C		
La Mirada CA	2848 [4] [R]	40 [C]	1175C		
[D]					
[3] Rate is a proportional rate applying from 3624 Munster Ave., Hayward CA 94545 to Honolulu CY only when destination of goods is 91-313 Hanua St., Kapolei HI.					
[4] Rate is a proportional rate applying from 14952 Valley View Ave., La Mirada, CA. 90638 to Honolulu CY only when destination of goods is 91-313 Hanua St., Kapolei, HI.					
[5] Rate is a proportional rate applying from 1111 S. 344th Street, Federal Way WA 98003.					
NOTE 1: Item applies only when Fleming Foods is shipper and consignee.					
NOTE 2:					
A. When shipper so desires, as indicated on the original shipping document, carrier will allow multiple CY delivery of full container load lots only. No single container shall be permitted to stop for partial unloading except as provided in paragraph B below.					
B. When the final destination of a portion of the cargo in a container is Hilo, Kahului or Nawiliwili and the balance of the cargo in that container is destined to Honolulu, the container may be stopped in transit in Honolulu for partial unloading subject to the conditions described in paragraphs (1) through (8) below:					
(1) The shipping documents at origin must describe by number the container or containers which will be stopped to unload partially. The name of the intermediate consignee authorized to pick up the container at the Honolulu CY must also be shown together with the weight and piece count of the cargo to be unloaded in transit.					
(2) Container to be unloaded partially under this note will be made available at the Honolulu CY only.					
(3) The loading of additional cargo into the container at Honolulu is prohibited except as provided in paragraph 4 below. The intermediate consignee must reseal the container after it has been partially unloaded. Carrier will assume no responsibility beyond that which it customarily assumes for the carriage of containers moving under the Shipper Load and Count provisions.					
(4) At its Honolulu facility, shipper or consignee may consolidate into a container stopped in transit under this Rule, cargo destined to Hilo, Kahului or Nawiliwili which has been received within the preceding seven days as part of a separate shipment moving via Matson under this Rule or under another item in this tariff provided that all other provisions of this Note 2 are met. The shipping document covering such consolidated cargo must identify the transited containers by number, vessel and voyage, identify by number the containers from which Hilo, Kahului or Nawiliwili cargo is to be consolidated, and the quantity of cargo to be consolidated into the transited container.					
(5) A charge of \$125.00 will be made for each container stopped in transit to partially unload, which shall be in addition to all other charges.					
(6) This transit privilege will not apply on shipments moving under a bill of lading issued to the order of the shipper.					
(7) All charges for a shipment which includes a container to be stopped in transit to unload partially under the provisions of this note must be prepaid or guaranteed.					
(8) Containers stopped in transit under provisions of this Rule will be assessed Destination Wharfage charges applicable to Honolulu only.					
NOTE 3: Rate includes the return of pallets and cardboard separators from Hawaii CY to Pacific Coast CY which moved loaded to Hawaii under rates in this item. Shipper must certify that the pallets and cardboard separators so returned comply with the provisions.					
FLEMING FOODS GROCERY COMMODITIES and RESTAURANT SUPPLIES, in mixed containers					1124
Hayward CA	2519 [3]	24	1220D		
Hayward CA	2980 [3]	40D	1220D		
Hayward CA	3293 [3]	40HD	1220D		
La Mirada CA	2622 [4]	24	1175C		
La Mirada CA	3119 [4]	40D	1175C		
La Mirada CA	3433 [4]	40HD	1175C		
Item 1124 continues on Page 42-D.					
For explanation of abbreviations and reference marks, see Rule 115					

ISSUE DATE April 19, 2001	MATSON NAVIGATION COMPANY, INC STB MATS 2034-E JOINT CONTAINER FREIGHT TARIFF NO. 2034-E			ORIGINAL/REVISED 14th Revised	PAGE 42-D
EFFECTIVE DATE April 21, 2001				CANCELS 13th Revised	PAGE 42-D
				CORRECTION NO.	9119
SECTION 2 - COMMODITY RATES ON NON-REFRIGERATED CARGO - MOTOR-WATER Rates in dollars per container to Hawaii CY unless otherwise stated					ITEM NO.
FROM	RATE	EQUIPMENT TYPE	ROUTE		
[3] Rate is a proportional rate applying from 3624 Munster Ave., Hayward CA 94545 to Honolulu CY only when destination of goods is 91-313 Hanua St., Kapolei HI					1124
[4] Rate is a proportional rate applying from 14952 Valley View Ave., La Mirada, CA 90638 to Honolulu CY only when destination of goods is 91-313 Hanua St., Kapolei, HI.					(cont.)
NOTE 1: Item applies only when Fleming Foods is shipper and consignee.					
NOTE 2: Rate includes the return of pallets and cardboard separators from Hawaii CY to Pacific Coast CY which moved loaded to Hawaii under rates in this item. Shipper must certify that the pallets and cardboard separators so returned comply with the provisions of this Note.					
H.J. HEINZ FOODSTUFFS					1125
Escalon CA	2572 [1] [3]	40	1212A, 1217		
Modesto CA	2572 [3] [4]	40	1212C		
Tracy CA	2429 [2]	40	1212C, 1217, 1241A		
[1] Rate applies on cargo originating at 1905 McHenry Ave., Escalon, CA 95320.					
[2] Rate applies on cargo originating at 857 Stonebridge Ct., Tracy, CA 95378.					
[3] Rate includes stop-off in Tracy, CA for additional loading.					
[4] Rate applies on cargo originating at 806 Klemen Rd., Modesto CA 95356					
NOTE 1: Shipper or Consignee must be the BENEFICIAL OWNER of the cargo.					
NOTE 2: Rate includes the return of pallets and cardboard separators from Hawaii CY to Pacific Coast CY which moved loaded to Hawaii under rates in this item. Shipper must certify that the pallets and cardboard separators so returned comply with the provisions of this Note.					
CAMPBELLS FOODSTUFFS					1126
Sacramento CA	2418 [1]	24	1241		
Sacramento CA	2562 [1]	40	1241		
[1] Rate applies on cargo originating at 6200 Franklin Blvd., Sacramento, CA 95824.					
NOTE 1: Shipper or Consignee must be the BENEFICIAL OWNER of the cargo.					
NOTE 2: Rate includes the return of pallets and cardboard separators from Hawaii CY to Pacific Coast CY which moved loaded to Hawaii under rates in this item. Shipper must certify that the pallets and cardboard separators so returned comply with the provisions of this Note.					
PILLSBURY FOODSTUFFS					1126-A
Hayward CA	2470	40	1220E	[]	
[1] Rate applies on cargo originating in Utah.					
NOTE 1: Shipper must be beneficial owner of the cargo.					
NOTE 2: Rate includes the return of pallets and cardboard separators from Hawaii CY to Pacific Coast CY which moved loaded to Hawaii under rates in this item. Shipper must certify that the pallets and cardboard separators so returned comply with the provisions of this Note.					
For explanation of abbreviations and reference marks, see Rule 115					

ISSUE DATE	MATSON NAVIGATION COMPANY, INC STB MATS 2034-E JOINT CONTAINER FREIGHT TARIFF NO. 2034-E			ORIGINAL/REVISED	PAGE
January 31, 2002				32nd Revised	83
EFFECTIVE DATE				CANCELS	PAGE
March 16, 2002				31st Revised	83
				CORRECTION NO.	10131
SECTION 3 - COMMODITY RATES ON REFRIGERATED CARGO - MOTOR-WATER					ITEM NO.
Rates in dollars per container to Hawaii CY unless otherwise stated					
FROM	RATE	EQUIPMENT TYPE	ROUTE		
FLEMING FOODS FOODSTUFFS					4027-B
Federal Way WA	3089 [2]	24R	<u>1461</u>		
Federal Way WA	3442 [2]	40R	<u>1461</u>		
Hayward CA	3076 [3]	24R	<u>1220D.1905.1906.1909.1921.1993.1999</u>		
Hayward CA	3497 [3]	40R	<u>1220D.1905.1906.1909.1921.1993.1999</u>		
La Mirada CA	3106 [4]	24R	<u>1175C</u>		
La Mirada CA	3493 [4]	40R	<u>1175C</u>		
[2] Rate is proportional rate applying from 1111 S. 344th Street, Federal Way WA 98003 to Honolulu CY only when destination of goods is 91-313 Hanua St., Kapolei HI. [3] Rate is proportional rate applying from 3624 Munster Ave., Hayward CA 94545 to Honolulu CY only when destination of goods is 91-313 Hanua St., Kapolei HI. [4] Rate is a proportional rate applying from 14952 Valley View Ave., La Mirada, CA 90638 to Honolulu CY only when destination of goods is 91-313 Hanua St., Kapolei, HI. NOTE 1: Item applies only when Fleming Foods is shipper and consignee. NOTE 2: This item will not apply on (1) fresh fruits and vegetables (2) fresh milk, (3) Christmas trees and (4) evergreen wreath, garland or trim.					
MEAT, fresh					4028
Richmond CA	9.96 [1][3]	24R	<u>1212A</u>		
Tracy CA	10.19 [1][3]	24R	<u>1281.1806F.1905C.1906C.1909C.1921C.1993C.1999C</u>		
Tracy CA	25.81 [2][4]	24R	<u>1281.1806F.1905C.1906C.1909C.1921C.1993C.1999C</u>		
[1] Rates in dollars per 100 pounds subject to a minimum of 25,000 pounds per container. [2] Rate in dollars per 100 pounds subject to a minimum of 7,000 pounds per container. [3] Rate applies to Hilo, Maui, Nawiliwili, or Kawaihae only. [4] Rate applies to Nawiliwili only. For each calendar week commencing on Sunday and ending on Saturday, shipper may tender no more than a total of one container under this rate. NOTE 1: Item applies to Hilo, Maui, Nawiliwili, or Kawaihae only. NOTE 2: As an exception to Paragraph 14, <u>Rule 110</u> a container rated under this item may be stopped in transit in Honolulu for partial unloading subject to the conditions in this note. (a) The shipping document must describe by number the container which will be stopped in transit at Honolulu to partially unload. The name of the intermediate consignee authorized to pick up the container at Honolulu CY must be shown. (b) The loading of any other cargo into the transited container at Honolulu is prohibited. The intermediate consignee must reseal the transited container after it has been partially unloaded. Carrier will assume no responsibility for cargo transited under this Note beyond that which it assumes for the carriage of containers moving under Shipper Load & Count provisions of <u>Rule 578</u> . (c) A charge of \$175.00 will be made for each container stopped in transit to unload partially under this Note, in addition to any other applicable charges. [A] NOTE 3: Rate includes the return of pallets and cardboard separators from Hawaii CY to Pacific Coast CY which moved loaded to Hawaii under rates in this item. Shipper must certify that the pallets and cardboard separators so returned comply with the provisions of this Note.					
For explanation of abbreviations and reference marks, see Rule 115					

STB DOCKET WCC-105
Amended Complaint
ATTACHMENT "F"

ISSUE DATE	MATSON NAVIGATION COMPANY, INC STB MATS 2034-E JOINT CONTAINER FREIGHT TARIFF NO. 2034-E			ORIGINAL/REVISED	PAGE
March 5, 2002				25th Revised	72-B
EFFECTIVE DATE				CANCELS	PAGE
March 7, 2002				24th Revised	72-B
				CORRECTION NO.	10248
SECTION 2 - COMMODITY RATES ON NON-REFRIGERATED CARGO - MOTOR-WATER					ITEM
Rates in dollars per container to Hawaii CY unless otherwise stated					NO.
FROM	RATE	EQUIPMENT TYPE	ROUTE		
RETAIL MERCHANDISE, NEW, Viz.: (Subject to Notes 1 through 5)					2979
Accessories or parts, automobile or motorcycle		Dinnerware or Tableware	Moulding		
Accessories, wearing apparel		Doors	Mowers, power		
Advertising displays and material		Draperies, Curtains, and Fixtures	Packing Material		
Air conditioners, heaters or coolers		Electrical supplies	Paint supplies		
Antifreeze, proprietary		Engine coolant preparations	Paneling		
Appliances, home kitchen, washing, ironing, cooking and/or drying		Fabrics, Piece goods, Dry goods	Pet Supplies		
Barbecues and accessories		Fencing, Fencing supplies	Pipe and pipe fittings		
Bathroom fixtures and cabinets		Furniture NOS, Furnishings	Plumbing or Heating supplies		
Bedding, Towels, Blankets		Furniture, upholstered	Radios, TV receivers, Stereo Units,		
Bicycles, Tricycles, Scooters, Wagons, Skateboards, or Roller Skates		Games, Toys	Recording devices		
Building materials, Cabinets		Garbage cans and household containers, metal, rubber or plastic	Refrigerators		
Camping supplies		Garden supplies and tools	Rugs and Padding		
Carpets		Hardware, Tools, Tool Chests	Screening, rolled		
Cleaning supplies		Housewares	Sewing machines or supplies		
Clothing, Children's		Ladders	Shoes, Footwear		
Clothing, Men's		Lamps	Sporting Goods		
Clothing, Women's		Lighting fixtures	Stationery, Office supplies		
Department Store Display Fixtures		Luggage	Stoves, Ranges, or Ovens		
Desks, Office furniture		Lumber	Telephones and telephone supplies		
		Machinery	Undergarments		
		Machines, office	Wearing Apparel, Clothing		
		Millwork			
Delano CA	2290	24	1104.1156.1656		
Delano CA	3080	40D	1104.1156.1656		
Delano CA	3347	40HD	1104.1156.1656		
Delano CA	3450	45	1104.1156.1656		
Delano CA	3450	45T	1104.1156.1656		
Delano CA	3866	48D	1104A.1156A		
Delano CA	4043	48HD	1104A.1156A		
Seattle WA	[E] 3347	40HD	1405		
NOTE 1: Minimum tender 20 containers per week. NOTE 2: Rate applies only when shipment contains a mixture of 11 or more of the named commodities, no one of which exceeds 25% by weight of the total shipment weight. NOTE 3: New retail merchandise not specified in this item may be included in the shipment provided that the total weight of such commodities does not exceed 15% of the total shipment weight. NOTE 4: Rate includes the return of pallets and cardboard separators from Hawaii CY to Pacific Coast CY which moved loaded to Hawaii under rates in this item. Shipper must certify that the pallets and cardboard separators so returned comply with the provisions of this Note. NOTE 5: As an exception to paragraph 24(c), Definition of Technical Terms, when the final destination of a portion of the cargo in a 24-foot container in a shipment including (1) five or more 20 or 24 foot Honolulu containers rated under this item, (2) three or more 40 or 45 foot Honolulu containers rated under this item or (3) the "equivalent thereof" when (a) 20 or 24 foot containers and (b) 40 or 45 foot containers are included in the same shipment rated under this item, is Hilo, Kahului, or Nawiliwili, the container may be stopped in transit in Honolulu for partial unloading subject to the conditions set forth in this note. For purposes of determining the "equivalent thereof" one 40 or 45 foot container shall equal two 20 or 24 foot containers. [E] Rate Expires with March 8, 2002.					
(Continues on Page 72-C)					
For explanation of abbreviations and reference marks, see Rule 115					

ISSUE DATE January 31, 2002		MATSON NAVIGATION COMPANY, INC STB MATS 2034-E JOINT CONTAINER FREIGHT TARIFF NO. 2034-E		ORIGINAL/REVISED 14th Revised	PAGE 72-C
EFFECTIVE DATE March 16, 2002				CANCELS 13th Revised	PAGE 72-C
				CORRECTION NO.	10123
SECTION 2 - COMMODITY RATES ON NON-REFRIGERATED CARGO - MOTOR-WATER Rates in dollars per container to Hawaii CY unless otherwise stated					ITEM NO.
FROM	RATE	EQUIPMENT TYPE	ROUTE		
RETAIL MERCHANDISE, NEW, Viz.: (Subject to Notes 1 through 5)					2979 (cont.)
(a) The shipping document must describe by number the container which will be stopped in transit at Honolulu to partially unload. The name of the intermediate consignee authorized to pick up the container at the Honolulu CY must be shown together with the weight and number of pieces of the cargo to be unloaded.					
(b) At its Honolulu facility, shipper may consolidate into a container stopped in transit under paragraph (a) above, cargo destined Kahului or Nawiliwili which has been received within the preceding seven days as part of a separate shipment from a West Coast CY and rated under this Item. The shipping document covering such consolidated cargo must identify the transited container by number, vessel and voyage; identify by number the container from which Nawiliwili cargo is to be consolidated, and the quantity of cargo to be consolidated into the transited container.					
(c) Except as permitted in paragraph (b) above, the loading of any other cargo into the transited container at Honolulu is prohibited. The intermediate consignee must reseal the transited container after it has been consolidated and/or partially unloaded. Carrier will assume no responsibility for cargo transited and/or consolidated under this Note beyond that which it assumes for the carriage of containers moving under Shipper Load & Count provisions of Rule 57B.					
[A] (d) A charge of \$175.00 will be made for each container stopped in transit to consolidate and/or partially unload under this Note, in addition to any other applicable charges.					
NOTE 6: As an exception to paragraph 14, Rule 110, each 48-foot container tendered under this Item, must be tendered as a separate shipment and so referenced on the shipping document.					
NOTE 7: For purposes of this Item the following equipment types apply:					
[48D] Two containers each 24 foot in length neither of which exceeds 8 feet 6 inches in overall height or 1422 cubic feet interior capacity tendered at one time by shipper and drayed at one time by the participating motor carrier. Both container numbers must be shown on the shipping document.					
[48HD] Two containers each 24 foot in overall length either of which exceeds 8 feet 6 inches in overall height or 1422 cubic feet interior capacity tendered at one time by shipper and drayed at one time by the participating motor carrier. Both container numbers must be shown on the shipping document.					
DRIP TUBING in rolls, with or without fittings					2981
Fresno CA	4244 [1]	40D	1805.1806		
[1] Rate applies only when destination of goods is Kahului CY Rule 340B does not apply.					
DISPOSABLE FOOD SERVICE and RESTAURANT SUPPLY ITEMS in packages, Viz.:					2982
Bags, paper or paper-covered foil		Napkins			
Boxes, KDF		Paper or plastic articles, Viz.: bags, cups, dishes, plates, forks, knives, spoons, lids, placemats, trays, bibs, coasters (subject to Note 1)			
Covers, toilet seat		Soap, liquid (subject to Note 1)			
Diapers and sanitary pads		Toilet paper			
Drinking straws		Towels and toweling			
Facial tissue		Wiping tissue			
Filter, coffee or fryer		Wrapping paper, waxed or unwaxed			
Foam cups, containers, plates					
Gloves, latex (subject to Note 1)					
Holders or dispensers, Viz.: Toilet tissue, facial tissue, napkin, towel, cup, soap or shampoo (subject to Note 1)					
Kent WA	1869 [1]	24	1400C		
Kent WA	2773 [1]	40D	1400C		
Kent WA	3122 [1]	40HD	1400C		
Los Angeles CA	1996 [1]	24	1101		
Los Angeles CA	2989 [1]	40D	1101		
Los Angeles CA	3351 [1]	40HD	1101		
[1] Rate applies to Kahului CY only.					
NOTE 1: When articles are subject to this Note, rates in this Item will apply to such articles only when included in mixed shipments with other paper products described in this Item.					
NOTE 2: Glassware, and pots and pans not exceeding 3% of the total containerload weight may be shipped with articles named in this Item.					
NOTE 3: Item applies only on shipments where shipper and consignee have an ownership interest in the cargo.					
For explanation of abbreviations and reference marks, see Rule 115					

STB DOCKET WCC-105
Amended Complaint
ATTACHMENT "G"

- A) Oriental Dollar Store and Supermarket
- B) Lipton Foods
- C) Pepsi Bottling Group
- D) Hunt Wesson Foods
- E) Nestle Foods
- F) Fleming Foods
- G) H.J. Heinz
- H) Campbells
- I) Pillsbury
- J) Mr. Sandman
- K) Quaker Oats
- L) Kraft Foods
- M) ICI/Sinclair Paint
- N) Benjamin Moore & Co.
- O) Procter & Gamble Co.
- P) Bumble Bee/IHI Foodstuffs
- Q) City Mill Home Improvement
- R) Home Depot
- S) Papersource
- T) General Motors
- U) Mitsubishi Corp.
- V) Honda Motors
- X) Volkswagen Motors
- Y) Mazda Motor Corp.

STB DOCKET MCC-105
Amended Complaint
ATTACHMENT "H"

SEA LAND SERVICE/CSX LINES COMMODITY ITEMS

0598-85-1100
0698-24-5000
0698-81-0000
0698-80-1550
0298-85-1000
0598-85-1001
0698-40-0000
0698-85-2700
0698-82-0000
0698-85-4000
0698-85-1100
0598-55-1100
0598-51-0000
0598-37-2200
0598-24-0000
0598-12-5500
0548-22-0000
0698-15-1000
0520-80-1000
0698-81-0000
0229-01-0001
0630-00-0000
0630-07-0000
0698-15-3000
0698-30-2000

And such other tariff rate items as may be subsequently identified in this proceeding.

STB DOCKET WCC-105
Amended Complaint
ATTACHMENT "I"

SEA-LAND SERVICE, INC.	Orig/Rev	Page
Freight Tariff No 468, STB SEAU-468 (Between US,PR,CN,& HI)	8th	Section 4 0698-80-1550.001
FROM: TARIFF ORIGIN SCOPE	Cancels	Cancels Page
TO: TARIFF DESTINATION SCOPE	7th	Section 4 0698-80-1550.001
SECTION 4 - COMMODITIES AND RATES	CORR: 39243	Issue: 20Mar2000 Effective: 20Mar2000EAM

Except as otherwise provided, rates apply per 100 LBS or 1.000 CFT. Effective Dates (Eff:) as listed below.
Items with effective dates prior to page Issue Date are brought forward without change.

Effective: 13Feb1996

General Merchandise for Sam's Warehouse Stores

NOTES:

- 1 - NS Rule 998 - Wharfage at Hawaii
2 - Rate includes the return of pallets and cardboard separators from Hawaii CY to West Coast Ports CY, which moved loaded to Hawaii under rates in this item.
(Continued in next column)

COMMODITY: 0698-80-1550

(Continued from preceding column)

Shipper must certify that the pallets and cardboard separators so returned comply with the provisions of this Note.

EXCEPTIONS: Subject to Rule(s) 998(G)
Not subject to Rule(s) 998(H)

		From: MONTEBELLO, CA, USA, 90640	Svc	Basis	Rate	Minimum	TLI
		Via: OUST (ORIGIN US TERMINALS)					
		To: PEARL CITY, HI, USA, 96782					
		Via: DHI - (DEST. HAWAII TERMINALS)					
(#)	(R)	Effective: 20Mar2000	DD	PC 40	In USD 2,995.00		000
		QUALIFIERS: Ctr type: PC(Dry)					
		NOTES: Rate includes door pickup with two hours free time.					
		Rate includes door delivery with two hours free time.					
		NOT SUBJECT TO SUPPLEMENT NO. 6.					
		EXCEPTIONS: Not subject to Rule(s) 998(A), 998(B), 998(C),					
		998(D), 998(G), 998(H)					
(#)	(R)	Effective: 20Mar2000	DD	PC 40B	In USD 3,278.00		000
		QUALIFIERS: Ctr type: PC(Dry)					
		NOTES: Rate includes door pickup with two hours free time.					
		Rate includes door delivery with two hours free time.					
		NOT SUBJECT TO SUPPLEMENT NO. 6.					
		EXCEPTIONS: Not subject to Rule(s) 998(A), 998(B), 998(C),					
		998(D), 998(G), 998(H)					
(1)							

EXPLANATION OF PAGE MARKS

- (1) Matter transferred from 2nd Rev pg 0698-80-1550.002
(#) Indicates a change has occurred on this line

SEA-LAND SERVICE, INC.	Orig/Rev	Page
Freight Tariff No 468, STB SEAU-468 (Between US,PR,CN,& HI)	3rd	Section 4 0698-80-1550.002
FROM: TARIFF ORIGIN SCOPE	Cancels	Cancels Page
TO: TARIFF DESTINATION SCOPE	2nd	Section 4 0698-80-1550.002
SECTION 4 - COMMODITIES AND RATES	CORR: 39244	Issue: 20Mar2000 Effective: 20Mar2000EAM
Except as otherwise provided, rates apply per 100 LBS or 1.000 CFT. Effective Dates (Eff:) as listed below. Items with effective dates prior to page Issue Date are brought forward without change.		

(*)

(#)	(R)	Effective: 20Mar2000	DD	PC 458	In USD 3,559.00	000
		QUALIFIERS: Ctr type: PC(Dry)				
		NOTES: Rate includes door pickup with two hours free time.				
		Rate includes door delivery with two hours free time.				
		NOT SUBJECT TO SUPPLEMENT NO. 6.				
		EXCEPTIONS: Not subject to Rule(s) 998(A), 998(B), 998(C), 998(D), 998(G), 998(H)				

----- EXPLANATION OF PAGE MARKS -----
 (*) Matter transferred to 8th Rev pg 0698-80-1550.001
 (#) Indicates a change has occurred on this line

SEA-LAND SERVICE, INC.	Orig/Rev	Page
Freight Tariff No 468, STB SEAU-468 (Between US,PR,CN,& HI)	11th	Section 4 0698-15-1000.001
FROM: TARIFF ORIGIN SCOPE	Cancel	Cancel Page
TO: TARIFF DESTINATION SCOPE	10th	Section 4 0698-15-1000.001
SECTION 4 - COMMODITIES AND RATES	CORR: 39230	Issue: 20Mar2000 Effective: 20Mar2000EAM

Except as otherwise provided, rates apply per 100 LBS or 1.000 CFT. Effective Dates (Eff:) as listed below.
Items with effective dates prior to page Issue Date are brought forward without change.

Effective: 30Sep1999

COMMODITY: 0698-15-1001

Grocery Store Commodities for Fleming Foods

		From: HAYWARD, CA, USA, 94540-52 Via: OUST (ORIGIN US TERMINALS) To: HONOLULU (port), HI, USA, 96801-37	Svc	Basis	Rate	Minimum	TL
(#)	(R)	Effective: 20Mar2000 QUALIFIERS: Ctr type: PC(Dry) NOTES: 1. Rates apply only when Fleming Foods is Shipper and Consignee. 2. Rates are subject to Rule 752 - Stopoff Charge 3. Rates include return of empty pallets and/or cardboard separators from Hawaii CY to West Coast CY which moved loaded to Hawaii under rates in this Item. Shipper must certify that pallets and/or separators so returned comply with provisions of this Note. 4. Rates apply only when destination of cargo is: - 91-313 Hanna, Kapolei, HI EXCEPTIONS: Subject to Rule(s) 752	DT	PC 20	In USD 1,920.00		001
(#)	(R)	Effective: 20Mar2000 QUALIFIERS: Ctr type: PC(Dry) NOTES: 1. Rates apply only when Fleming Foods is Shipper and Consignee. 2. Rates are subject to Rule 752 - Stopoff Charge 3. Rates include return of empty pallets and/or cardboard separators from Hawaii CY to West Coast CY which moved loaded to Hawaii under rates in this Item. Shipper must certify that pallets and/or separators so returned comply with provisions of this Note. 4. Rates apply only when destination of cargo is: - 91-313 Hanna, Kapolei, HI	DT	PC 40	In USD 2,664.00		00
(#)	(R)	Effective: 20Mar2000 QUALIFIERS: Ctr type: PC(Dry) NOTES: 1. Rates apply only when Fleming Foods is Shipper and Consignee. 2. Rates are subject to Rule 752 - Stopoff Charge 3. Rates include return of empty pallets and/or cardboard separators from Hawaii CY to West Coast CY which moved loaded to Hawaii under rates in this Item. Shipper must certify that pallets and/or separators so returned comply with provisions of this Note. 4. Rates apply only when destination of cargo is: - 91-313 Hanna, Kapolei, HI	DT	PC 40B	In USD 3,093.00		00

(Continued)

EXPLANATION OF PAGE MARKS

- (1) Matter transferred from 9th Rev pg 0698-15-1000.002
- (2) Matter transferred from 10th Rev pg 0698-15-1000.003
- (#) Indicates a change has occurred on this line

SEA-LAND SERVICE, INC.	Orig/Rev	Page
Freight Tariff No 468, STB SEAU-468 (Between US,PR,CN,& HI)	10th	Section 4 0698-15-1000.002
FROM: TARIFF ORIGIN SCOPE	Cancel	Cancel Page
TO: TARIFF DESTINATION SCOPE	9th	Section 4 0698-15-1000.002
SECTION 4 - COMMODITIES AND RATES	CORR: 39231	Issue: 20Mar2000 Effective: 20Mar2000EAM

Except as otherwise provided, rates apply per 100 LBS or 1.000 CFT. Effective Dates (Eff:) as listed below.
Items with effective dates prior to page Issue Date are brought forward without change.

(*)

(Continuation of item Eff: 30Sep1999)

COMMODITY: 0698-15-100

Grocery Store Commodities for Fleming Foods

(1) | From: LA MIRADA, CA, USA, 90638
(1) | Via: OUST (ORIGIN US TERMINALS)
| (Continued)

Svc	Basis	Rate	Minimum	TL

----- EXPLANATION OF PAGE MARKS -----

(*)Matter transferred to 11th Rev pg 0698-15-1000.001
(1)Matter transferred from 10th Rev pg 0698-15-1000.003

SEA-LAND SERVICE, INC.		Orig/Rev	Page	
Freight Tariff No 468, STB SEAU-468 (Between US,PR,CN.& HI)		11th	Section 4	0698-15-1000.003
FROM: TARIFF ORIGIN SCOPE		Cancel	Cancel Page	
TO: TARIFF DESTINATION SCOPE		10th	Section 4	0698-15-1000.003
SECTION 4 - COMMODITIES AND RATES		CORR: 39232	Issue: 20Mar2000	Effective: 20Mar2000EAM
Except as otherwise provided, rates apply per 100 LBS or 1.000 CFT. Effective Dates (Eff:) as listed below. Items with effective dates prior to page Issue Date are brought forward without change.				
(*) (Continuation of item Eff: 30Sep1999) COMMODITY: 0698-15-1000				
Grocery Store Commodities for Fleming Foods				
From: LA MIRADA, CA, USA, 90638 Via: OUST (ORIGIN US TERMINALS) To: HONOLULU (port), HI, USA, 96801-37		Svc	Basis	Rate
				Minimum
				TLI
(#)	(R) Effective: 20Mar2000 QUALIFIERS: Ctr type: PC(Dry) NOTES: 1. Rates apply only when Fleming Foods is Shipper and Consignee. 2. Rates are subject to Rule 752 - Stopoff Charge 3. Rates include return of empty pallets and/or cardboard separators from Hawaii CY to West Coast CY which moved loaded to Hawaii under rates in this item. Shipper must certify that pallets and/or separators so returned comply with provisions of this Note. 4. Rates apply only when and destination of cargo is: - 91-313 Hanna, Kapolei, HI	DT	PC 20	In USD 2,001.00
				1000
(#)	(R) Effective: 20Mar2000 QUALIFIERS: Ctr type: PC(Dry) NOTES: 1. Rates apply only when Fleming Foods is Shipper and Consignee. 2. Rates are subject to Rule 752 - Stopoff Charge 3. Rates include return of empty pallets and/or cardboard separators from Hawaii CY to West Coast CY which moved loaded to Hawaii under rates in this item. Shipper must certify that pallets and/or separators so returned comply with provisions of this Note. 4. Rates apply only when destination of cargo is: - 91-313 Hanna, Kapolei, HI	DT	PC 40	In USD 2,798.00
				1000
(#)				
(1)				

----- EXPLANATION OF PAGE MARKS -----
 (*) Matter transferred to 10th Rev pg 0698-15-1000.002
 (*) Matter transferred to 11th Rev pg 0698-15-1000.001
 (1) Matter transferred from 10th Rev pg 0698-15-1000.004
 (#) Indicates a change has occurred on this line

SEA-LAND SERVICE, INC.		Orig/Rev	Page			
Freight Tariff No 468, STB SEAU-468 (Between US,PR,CN,& HI)		11th	Section 4	0698-15-1000.004		
FROM: TARIFF ORIGIN SCOPE		Cancels	Cancels Page			
TO: TARIFF DESTINATION SCOPE		10th	Section 4	0698-15-1000.004		
SECTION 4 - COMMODITIES AND RATES		CORR: 39233	Issue: 20Mar2000	Effective: 20Mar2000EAM		
Except as otherwise provided, rates apply per 100 LBS or 1.000 CFT. Effective Dates (Eff:) as listed below. Items with effective dates prior to page Issue Date are brought forward without change.						
(*)						
(#)	(R)	Effective: 20Mar2000 QUALIFIERS: Ctr type: PC(Dry) NOTES: 1. Rates apply only when Fleming Foods is Shipper and Consignee. 2. Rates are subject to Rule 752 - Stopoff Charge 3. Rates include return of empty pallets and/or cardboard separators from Hawaii CY to West Coast CY which moved loaded to Hawaii under rates in this Item. Shipper must certify that pallets and/or separators so returned comply with provisions of this Note. 4. Rates apply only when destination of cargo is: - 91-313 Hanna, Kapolei, HI	DT	PC 40B	In USD 3,226.00	00
(#)						

----- EXPLANATION OF PAGE MARKS -----
 (*) Matter transferred to 11th Rev pg 0698-15-1000.003
 (#) Indicates a change has occurred on this line

SEA-LAND SERVICE, INC.		Orig/Rev	Page			
Freight Tariff No 468, STB SEAU-468 (Between US,PR,CN,& HI)		11th	Section 4 0698-15-3000.001			
FROM: TARIFF ORIGIN SCOPE		Cancels	Cancels Page			
TO: TARIFF DESTINATION SCOPE		10th	Section 4 0698-15-3000.001			
SECTION 4 - COMMODITIES AND RATES		CORR: 39234	Issue: 20Mar2000	Effective: 20Mar2000EAM		
Except as otherwise provided, rates apply per 100 LBS or 1.000 CFT. Effective Dates (Eff:) as listed below. Items with effective dates prior to page Issue Date are brought forward without change.						
Effective: 30Sep1999			COMMODITY: 0698-15-3000			
Grocery Store Commodities and Restaurant Supplies in mixed containerloads for Fleming Foods						
From: HAYWARD, CA, USA, 94540-52 Via: OUST (ORIGIN US TERMINALS) To: HONOLULU (port), HI, USA, 96801-37		Svc	Basis	Rate	Minimum	TL
(#)	(R) Effective: 20Mar2000 QUALIFIERS: Ctr type: PC(Dry) NOTES: 1. Rates apply only when Fleming Foods is the Shipper and Consignee. 2. Rate includes the return of empty pallets and cardboard separators from Hawaii CY to West Coast CY which moved loaded to Hawaii under rates in this Item. Shipper must certify that pallets and separators so returned comply with the provisions of this Note. 3. Rates apply only when destination of goods is: - 91-313 Hanna, Kepolei, HI	DT	PC 20	In USD 2,036.00		001
(#)	(R) Effective: 20Mar2000 QUALIFIERS: Ctr type: PC(Dry) NOTES: 1. Rates apply only when Fleming Foods is the Shipper and Consignee. 2. Rate includes the return of empty pallets and cardboard separators from Hawaii CY to West Coast CY which moved loaded to Hawaii under rates in this Item. Shipper must certify that pallets and separators so returned comply with the provisions of this Note. 3. Rates only apply when destination of goods is: - 91-313 Hanna, Kepolei, HI	DT	PC 40	In USD 2,874.00		001
(#)	(R) Effective: 20Mar2000 QUALIFIERS: Ctr type: PC(Dry) NOTES: 1. Rates apply only when Fleming Foods is the Shipper and Consignee. 2. Rate includes the return of empty pallets and cardboard separators from Hawaii CY to West Coast CY which moved loaded to Hawaii under rates in this Item. Shipper must certify that pallets and separators so returned comply with the provisions of this Note. 3. Rates only apply when destination of cargo is: - 91-313 Hanna, Kepolei, HI	DT	PC 40B	In USD 3,182.00		001
(Continued)						

----- EXPLANATION OF PAGE MARKS -----
 (1) Matter transferred from 10th Rev pg 0698-15-3000.002
 (#) Indicates a change has occurred on this line

SEA-LAND SERVICE, INC.	Orig/Rev	Page
Freight Tariff No 468, STB SEAU-468 (Between US,PR,CN,& HI)	11th	Section 4 0698-15-3000.002
FROM: TARIFF ORIGIN SCOPE	Cancel	Cancel Page
TO: TARIFF DESTINATION SCOPE	10th	Section 4 0698-15-3000.002
SECTION 4 - COMMODITIES AND RATES	CORR: 39235	Issue: 20Mar2000 Effective: 20Mar2000EAM

Except as otherwise provided, rates apply per 100 LBS or 1.000 CFT. Effective Dates (Eff:) as listed below.
Items with effective dates prior to page Issue Date are brought forward without change.

(*)

(Continuation of item Eff: 30Sep1999)

COMMODITY: 0698-15-3000

Grocery Store Commodities for Fleming Foods

(1) From: LA MIRADA, CA, USA, 90638
(1) Via: OUST (ORIGIN US TERMINALS)
(Continued)

Svc	Basis	Rate	Minimum	TL

----- EXPLANATION OF PAGE MARKS -----
(*)Matter transferred to 11th Rev pg 0698-15-3000.001
(1)Matter transferred from 10th Rev pg 0698-15-3000.003

SEA-LAND SERVICE, INC.	Orig/Rev	Page
Freight Tariff No 468, STB SEAU-468 (Between US,PR,CN,& HI)	11th	Section 4 0698-15-3000.003
FROM: TARIFF ORIGIN SCOPE	Cancels	Cancels Page
TO: TARIFF DESTINATION SCOPE	10th	Section 4 0698-15-3000.003
SECTION 4 - COMMODITIES AND RATES	CORR: 39236	Issue: 20Mar2000 Effective: 20Mar2000EAN

Except as otherwise provided, rates apply per 100 LBS or 1.000 CFT. Effective Dates (Eff:) as listed below.
Items with effective dates prior to page Issue Date are brought forward without change.

(*)

(Continuation of item Eff: 30Sep1999)

COMMODITY: 0698-15-300

Grocery Store Commodities for Fleming Foods

		From: LA MIRADA, CA, USA, 90638 Via: OUST (ORIGIN US TERMINALS) To: HONOLULU (port), HI, USA, 96801-37	Svc	Basis	Rate	Minimum	ITL
(#)	(R)	Effective: 20Mar2000 QUALIFIERS: Ctr type: PC(Dry) NOTES: 1. Rates apply only when Fleming Foods is the Shipper and Consignee. 2. Rate includes the return of empty pallets and cardboard separators from Hawaii CY to West Coast CY which moved loaded to Hawaii under rates in this item. Shipper must certify that pallets and separators so returned comply with the provisions of this Note. 3. Rates apply only when destination of goods is: - 91-313 Hanna, Kepolei, HI	DT	PC 20	In USD 2,117.00		00
(#)	(R)	Effective: 20Mar2000 QUALIFIERS: Ctr type: PC(Dry) NOTES: 1. Rates apply only when Fleming Foods is the Shipper and Consignee. 2. Rate includes the return of empty pallets and cardboard separators from Hawaii CY to West Coast CY which moved loaded to Hawaii under rates in this item. Shipper must certify that pallets and separators so returned comply with the provisions of this Note. 3. Rates apply only when destination of goods is: - 91-313 Hanna, Kepolei, HI	DT	PC 40	In USD 3,008.00		00
(#)	(R)	Effective: 20Mar2000 QUALIFIERS: Ctr type: PC(Dry) NOTES: 1. Rates apply only when Fleming Foods is the Shipper and Consignee. 2. Rate includes the return of empty pallets and cardboard separators from Hawaii CY to West Coast CY which moved loaded to Hawaii under rates in this item. Shipper must certify that pallets and separators so returned comply with the provisions of this Note. 3. Rates apply only when destination of goods is: - 91-313 Hanna, Kepolei, HI	DT	PC 408	In USD 3,316.00		00
(1)							
(1)							
(#)							
(1)							

EXPLANATION OF PAGE MARKS

- (*) Matter transferred to 11th Rev pg 0698-15-3000.002
- (1) Matter transferred from 10th Rev pg 0698-15-3000.004
- (#) Indicates a change has occurred on this line

SEA-LAND SERVICE, INC.	Orig/Rev	Page
Freight Tariff No 468, STB SEAU-468 (Between US,PR,CN,& HI)	11th	Section 4 0698-15-3000.004
FROM: TARIFF ORIGIN SCOPE	Cancel	Cancel Page
TO: TARIFF DESTINATION SCOPE	10th	Section 4 0698-15-3000.004
SECTION 4 - COMMODITIES AND RATES	CORR: 39237	Issue: 20Mar2000 Effective: 20Mar2000EAN

Except as otherwise provided, rates apply per 100 LBS or 1.000 CFT. Effective Dates (Eff:) as listed below.
Items with effective dates prior to page Issue Date are brought forward without change.

(*)

(D)

(C) Page Intentionally Left Blank

----- EXPLANATION OF PAGE MARKS -----
(*)Matter transferred to 11th Rev pg 0698-15-3000.003
(D)Matter previously shown here has been deleted

STB DOCKET WCC-105
Amended Complaint
ATTACHMENT "J"

SEA-LAND SERVICE, INC.	Orig/Rev	Page
Freight Tariff No 468, STB SEAU-468 (Between US,PR,CN,& HI)	3rd	Section 4 0620-80-1000.001
FROM: TARIFF ORIGIN SCOPE	Cancels	Cancels Page
TO: TARIFF DESTINATION SCOPE	2nd	Section 4 0620-80-1000.001
SECTION 4 - COMMODITIES AND RATES	CORR: 16840	Issue: 18May1998 Effective: 18May1998EAM
Except as otherwise provided, rates apply per 100 LBS or 1.000 CFT. Effective Dates (Eff:) as listed below. Items with effective dates prior to page Issue Date are brought forward without change.		

Effective: 18May1998

COMMODITY: 0620-80-1001

(Continued from preceding column)

(+) Foodstuffs and Other Articles, in mixed shipments, VIZ:	(+) Luggage
(+) PART A:	(+) Office Electronics, VIZ:
(+) Foodstuffs, including the following:	(+) Adding Machines
(+) Beverages, Non-Alcoholic	(+) Calculators
(+) Candy	(+) Fax Machines
(+) Chewing Gum	(+) Reproduction Machines
(+) Foodstuffs, All Kinds, for Human Consumption	(+) Office Supplies
(+) Juices	(+) Paint
(+) Pet Food	(+) Paper Articles
(+) PART B:	(+) Petroleum Products
(+) Apparel	(+) Photography Supplies and Equipment, viz:
(+) Appliances	(+) Cameras
(+) Audio or Video Media, viz: Tapes, Cassettes, CD's, Records,	(+) Film
(+) Blank or Prerecorded	(+) Photography Accessories and Supplies
(+) Auto Accessories	(+) Printed Matter
(+) Batteries, Automobile	(+) Sporting Goods
(+) Batteries, Dry Cell	(+) Stationery
(+) Books	(+) Tires, vehicle
(+) Building Materials, including Home Repair/Improvement Items	(+) Tools
(+) Cleaning Compounds, VIZ:	(+) NOTES:
(+) Cleaning Compounds	(+) 1. Applicable only as Proportional Rates on shipments having
(+) Detergents	(+) originated at:
(+) Soaps	(+) 11600 Riverside Drive, Mira Loma, CA 91752
(+) Computers and Accessories	(+) 2. Applicable only on shipments of Articles listed under
(+) Computer Software	(+) Part A, Foodstuffs, above, moving in mixed shipments with
(+) Dry Goods	(+) not less than five separate otherwise described Articles
(+) Drugs, Medicines or Toilet Preparations (including Health	(+) listed under Part B, above. Articles listed under Part A,
(+) and Beauty Aids)	(+) above, must constitute not less than 40% by weight of the
(+) Electronic Goods, VIZ:	(+) entire shipment.
(+) Radios	(+) 3. Commodities not listed above may be included in the
(+) Sound or Video Reproduction Equipment, including CD or	(+) shipment provided that the weight of commodities not named
(+) Tape Players, Speakers, Amplifiers, and related	(+) does not exceed 15% of the total weight of the shipment.
(+) equipment	(+) 4. Shipper must have ownership interest in the goods.
(+) Television Sets	(+) 5. Subject to a minimum of 30 containers per week, moving
(+) Video and Telecommunications Equipment	(+) under this item
(+) Video Cassette Recorders (VCR's)	(+) 6. Rates herein include the free return of empty pallets
(+) Footwear	(+) and cardboard separators to Carrier's Terminal in
(+) Furniture	(+) California.
(+) Games and Toys	(+) 7. Rates herein are subject to Rule 525. As an exception to
(+) Hardware	(+) Rule 525 C.2, maximum allowable cargo volume loaded to
(+) Housewares, VIZ:	(+) containers is 2350 cft.
(+) Chinaware, Earthenware, Porcelainware or Stoneware	(+) 8. Rates herein are not subject to Rule 645.
(+) Household Decorations and Collectables	(+) 9. Rates herein include all Wharfages.
(+) Household Utensils	(+) 10. As an exception to Rule 800, rates include drayage at
(+) Pots and Pans	(+) destination.
(+) Tableware	
(+) Lawn and Garden Products, VIZ:	
(+) Fertilizer	
(+) Hoses	
(+) Lawnmowers	
(+) Seed, Grass	
(+) Sprayers, Sprinklers, Soaker Hoses	
(+) Tools, Lawn and Garden	
(+) Trimmers	
(+) Light Bulbs	
(Continued in next column)	
(Continued)	

EXPLANATION OF PAGE MARKS

(+) New matter

SEA-LAND SERVICE, INC.	Orig/Rev	Page
Freight Tariff No 468, STB SEAU-468 (Between US,PR,CN,& HI)	7th	Section 4 0620-80-1000.002
FROM: TARIFF ORIGIN SCOPE	Cancels	Cancels Page
TO: TARIFF DESTINATION SCOPE	6th	Section 4 0620-80-1000.002
SECTION 4 - COMMODITIES AND RATES	CORR: 39061	Issue: 15Mar2000 Effective: 15Mar2000EAM

Except as otherwise provided, rates apply per 100 LBS or 1.000 CFT. Effective Dates (Eff:) as listed below.
Items with effective dates prior to page Issue Date are brought forward without change.

(Continuation of item Eff: 18May1998)

COMMODITY: 0620-80-1000

Foodstuffs and Other Articles, in mixed shipments, VIZ:

		Svc	Basis	Rate	Minimum	TLI
From: MIRA LOMA, CA, USA, 91752 Via: OUST (ORIGIN US TERMINALS) To: HILO (port), HI, USA, 96720 HONOLULU (port), HI, USA, 96801-37 KAHULUI (port), HI, USA, 96732 KAWAIIHAE (port), HI, USA, 96743						
(#)	(R)	DD	PC 40B	In USD 3,292.00		000
Effective: 15Mar2000 QUALIFIERS: Ctr type: PC(Dry) NOTES: 1. Rate includes placement of equipment at destination for unloading by Consignee. 2. Not subject to Dest Wfg. EXCEPTIONS: Not subject to Rule(s) 998(G), 998(H)						
(#)	(R)	DD	PC 45B	In USD 3,676.00		000
Effective: 15Mar2000 QUALIFIERS: Ctr type: PC(Dry) NOTES: 1. Rate includes placement of equipment at destination for unloading by Consignee. 2. Not subject to Dest Wfg. EXCEPTIONS: Not subject to Rule(s) 998(G), 998(H)						
(#)	(R)	DD	PC 20	In USD 2,242.00		000:
Effective: 15Mar2000 QUALIFIERS: Ctr type: PC(Dry) NOTES: 1. Rate includes placement of equipment at destination for unloading by Consignee. 2. Not subject to Dest Wfg. EXCEPTIONS: Not subject to Rule(s) 998(G), 998(H)						
(#)	(R)	DD	PC 40	In USD 2,894.00		0004
Effective: 15Mar2000 QUALIFIERS: Ctr type: PC(Dry) NOTES: 1. Rate includes placement of equipment at destination for unloading by Consignee. 2. Not subject to Dest Wfg. EXCEPTIONS: Not subject to Rule(s) 998(G), 998(H)						

EXPLANATION OF PAGE MARKS

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SEA-LAND SERVICE, INC.	Orig/Rev	Page
Freight Tariff No 468, STB SEAU-468 (Between US,PR,CN,& HI)	9th	Section 4 0299-01-0000.001
FROM: TARIFF ORIGIN SCOPE	Cancels	Cancels Page
TO: TARIFF DESTINATION SCOPE	8th	Section 4 0299-01-0000.001
SECTION 4 - COMMODITIES AND RATES.	CORR: 26405	Issue: 22Feb1999 Effective: 22Feb1999EAM

Except as otherwise provided, rates apply per 100 LBS or 1.000 CFT. Effective Dates (Eff:) as listed below.
Items with effective dates prior to page Issue Date are brought forward without change.

Effective: 19Feb1997

General Merchandise for Eagle Hardware

NOTES:

NOTE 1: Rates include the return of pallets and cardboard separators from Hawaii CY to Pacific Coast CY which moved loaded to Hawaii under rates in this item. Shipper must certify that the pallets and cardboard separators so returned comply with the provisions of this Note.

NOTE 2: \$100 charge for pick up in Kent, Auburn, Tukwila WA

NOTE 3: As an exception to RULE 110, Definition of
(Continued in next column)

COMMODITY: 0299-01-000

(Continued from preceding column)

Technical Terms, when the final destination of a portion of the cargo in one container in a shipment including a minimum of five containers rated under this item is Kahului, the container may be stopped in transit in Honolulu for partial unloading subject to the conditions set forth in RULE 752 (Stop in Transit)-in this tariff.

NOTE 4: Free-Time for equipment removed for unloading at Kahului (CY), and/or for storage at Kahului (CY), shall be total of 30 days for containers moving under this item.

From: OUST (ORIGIN US TERMINALS) To: HONOLULU (port), HI, USA, 96801-37		Svc	Basis	Rate	Minimum	TL
#	(A)	Effective: 02Mar1999 QUALIFIERS: Ctr type: PC(Dry) NOTES: NS Rule 998 A-H - West Coast and Hawaii Wharfage \$100 charge for pick up in Auburn, Kent Tukwila WA EXCEPTIONS: Not subject to Rule(s) 998(A), 998(B), 998(C), 998(D), 998(E), 998(F), 998(G), 998(H)	TT	PC 20	In USD 1,959.00	100
	(A)	Effective: 02Mar1999 QUALIFIERS: Ctr type: PC(Dry) NOTES: NS Rule 998 A-H - West Coast and Hawaii Wharfage \$100 charge for pick up in Auburn, Kent Tukwila WA EXCEPTIONS: Not subject to Rule(s) 998(A), 998(B), 998(C), 998(D), 998(E), 998(F), 998(G), 998(H)	TT	PC 40	In USD 3,410.00	100
	(A)	Effective: 02Mar1999 QUALIFIERS: Ctr type: PC(Dry) NOTES: NS Rule 998 A-H - West Coast and Hawaii Wharfage \$100 charge for pick up in Auburn, Kent Tukwila WA EXCEPTIONS: Not subject to Rule(s) 998(A), 998(B), 998(C), 998(D), 998(E), 998(F), 998(G), 998(H)	TT	PC 40B	In USD 3,682.00	100
	(A)	Effective: 02Mar1999 QUALIFIERS: Ctr type: PC(Dry) NOTES: NS Rule 998 A-H - West Coast and Hawaii Wharfage \$100 charge for pick up in Auburn, Kent Tukwila WA EXCEPTIONS: Not subject to Rule(s) 998(A), 998(B), 998(C), 998(D), 998(E), 998(F), 998(G), 998(H)	TT	PC 45B	In USD 4,090.00	100
(Continued)						

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SEA-LAND SERVICE, INC.	Orig/Rev	Page
Freight Tariff No 468, STB SEAU-468 (Between US,PR,CN,& HI)	6th	Section 4 0299-01-0000.002
FROM: TARIFF ORIGIN SCOPE	Cancels	Cancels Page
TO: TARIFF DESTINATION SCOPE	5th	Section 4 0299-01-0000.002
SECTION 4 - COMMODITIES AND RATES	CORR: 26406	Issue: 22Feb1999 Effective: 22Feb1999EAN

Except as otherwise provided, rates apply per 100 LBS or 1.000 CFT. Effective Dates (Eff:) as listed below.
Items with effective dates prior to page Issue Date are brought forward without change.

(Continuation of item Eff: 19Feb1997)

COMMODITY: 0299-01-0000

General Merchandise for Eagle Hardware

		From: OUST (ORIGIN US TERMINALS) To: KAHULUI (port), HI, USA, 96732	Svc	Basis	Rate	Minimum	TLI
(#)	(A)	Effective: 02Mar1999 QUALIFIERS: Ctr type: PC(Dry) NOTES: NS Rule 998 A-H - West Coast and Hawaii Wharfage \$100 charge for pick up in Kent, Auburn, Tukwila WA EXCEPTIONS: Not subject to Rule(s) 998(A), 998(B), 998(C), 998(D), 998(E), 998(F), 998(G), 998(H)	TT	PC 40	In USD 3,421.00		000
(#)	(A)	Effective: 02Mar1999 QUALIFIERS: Ctr type: PC(Dry) NOTES: NS Rule 998 A-H - West Coast and Hawaii Wharfage \$100 charge for pick up in Kent, Auburn, Tukwila WA EXCEPTIONS: Not subject to Rule(s) 998(A), 998(B), 998(C), 998(D), 998(E), 998(F), 998(G), 998(H)	TT	PC 40B	In USD 3,693.00		000
(#)	(A)	Effective: 02Mar1999 QUALIFIERS: Ctr type: PC(Dry) NOTES: NS Rule 998 A-H - West Coast and Hawaii Wharfage \$100 charge for pick up in Auburn, Kent Tukwila WA EXCEPTIONS: Not subject to Rule(s) 998(A), 998(B), 998(C), 998(D), 998(E), 998(F), 998(G), 998(H)	TT	PC 45B	In USD 4,102.00		000
(#)	(A)	Effective: 02Mar1999 QUALIFIERS: Ctr type: PC(Dry) NOTES: NS Rule 998 A-H - West Coast and Hawaii Wharfage \$100 charge for pick up in Kent, Auburn, Tukwila WA EXCEPTIONS: Not subject to Rule(s) 998(A), 998(B), 998(C), 998(D), 998(E), 998(F), 998(G), 998(H)	TT	PC 20	In USD 1,964.00		000

EXPLANATION OF PAGE MARKS
(#)Indicates a change has occurred on this line

STB DOCKET WCC-105
Amended Complaint
ATTACHMENT "K"

NAMED SHIPPER RATE ITEMS SEAU 468/CSXL 468

Item No.

0698-80-1550	Sam's Warehouse Stores
0698-85-4000	Oriental Supermarket
0598-37-2200	Home Depot
0698-15-1000	Fleming Foods
0698-15-3000	Fleming Foods
0299-03-5000	Eagle Hardware and Garden
0620-00-2200	Kellogg's Merchandise
0620-36-0000	Ocean Spray Products
0620-37-0000	Hunt Wesson Foodstuffs
0620-38-0000	Lipton Foodstuffs
0620-39-0000	H.J. Heinz Foodstuffs
0620-40-0000	Hormel Foodstuffs
0620-41-0000	Campbell's Foodstuffs
0620-00-0800	Best Foods Foodstuffs
0620-00-5500	Sam's Warehouse Stores
0698-66-2000	Keouhou Beach Hotel
0699-10-0000	Nestle Corp. Foodstuffs
0895-09-7011	Wal-Mart
0873-20-0000	Costco
0895-09-8600	Neiman Marcus
0899-60-0001	K-Mart
0973-00-0000	Sports Authority
0620-19-0000	Libby's Foodstuffs