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April 3, 2006

## **BY HAND DELIVERY**

The Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Seventh Floor  
Washington, D.C. 20423

**Re:    STB Docket No. WCC-101  
      Government Of The Territory Of Guam v. Sea Land Service, Inc.,  
      American President Lines, Ltd., and Matson Navigation Company,  
      Inc.**

Dear Secretary Williams:

In our letter of September 9, 2005, we advised the Board that the Government of Guam filed a Petition for Review of orders issued by the Federal Maritime Commission in a case entitled, *Government of the Territory of Guam v. Sea-Land Service, Inc. and American President Lines, Ltd.* (FMC Docket No. 89-26). The Government of Guam's appeal was filed in the U.S. Court of Appeals for the District of Columbia Circuit in a case styled *Government of the Territory of Guam v. Federal Maritime Commission* (Case No. 05-1360). On or about the same time, appeals to the FMC's decision in that docket were taken by American President Lines, Ltd. ("APL") (Case No. 05-1288) and Horizon Lines, LLC ("Horizon") (Case No. 05-1289).

This is to advise you that the Government of Guam has filed a motion for voluntary dismissal of its appeal, a copy of which is attached. We are advised by APL and Horizon Lines that they will similarly be dismissing the appeals those parties filed in their separate dockets.



*An International Association of Independent Law Firms in Major World Centers*

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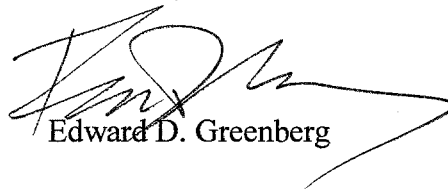
The Honorable Vernon A. Williams

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April 3, 2006

If you have any questions concerning this, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to be 'E. Greenberg', written over the typed name.

Edward D. Greenberg

Enclosure

cc: All Parties  
David Konschnik

248076

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March 31, 2006

VIA HAND DELIVERY

The Honorable Mark J. Langer  
Clerk of the Court  
US Court of Appeals for the  
District of Columbia Circuit  
E. Barrett Prettyman Courthouse  
333 Constitution Avenue, NW – Room 5423  
Washington, DC 20001

Re: The Government of the Territory of Guam v. FMC and USA,  
Appeal from FMC Decision, Consolidated Case No. 05-1288

Dear Sir/Ms.:

In connection with the above-referenced matter, we have enclosed the following:

1. an original and four copies of The Government of the Territory of Guam's Motion for Voluntary Dismissal of Appeal for filing; and
2. two copies of the Motion for Voluntary Dismissal which we request be date-stamped for return to us via our messenger.

Should you have any questions, please do not hesitate to contact us.

Very truly yours,

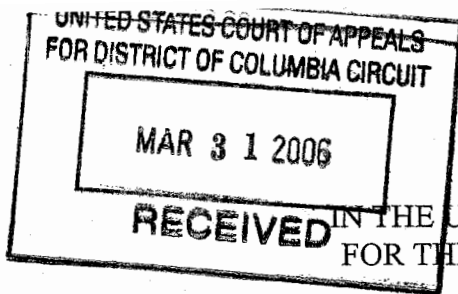
*Linda D. Thomas*

Linda D. Thomas  
Secretary to  
David K. Monroe

Enclosures



*An International Association of Independent Law Firms in Major World Centers*



IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT  
SEPTEMBER TERM 2005

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AMERICAN PRESIDENT LINES, LTD.,

Petitioner,

v.

FEDERAL MARITIME COMMISSION; and  
THE UNITED STATES OF AMERICA,

Respondents.

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: Consolidated Case No. 05-1288

: MOTION FOR VOLUNTARY  
: DISMISSAL OF APPEAL

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HORIZON LINES, LLC,

Petitioner,

v.

FEDERAL MARITIME COMMISSION; and  
THE UNITED STATES OF AMERICA,

Respondents.

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: [Case No. 05-1289]

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GOVERNMENT OF THE TERRITORY  
OF GUAM,

v.

FEDERAL MARITIME COMMISSION; and  
THE UNITED STATES OF AMERICA,

Respondents.

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: [Case No. 05-1360]

Petitioner Government of the Territory of Guam ("GovGuam") hereby respectfully moves this Court for voluntary dismissal of its Petition for Review pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure. In support of its motion to dismiss, GovGuam states as follows:

1. GovGuam has determined that it will not continue to prosecute its Petition for Review in the above-captioned matter.

2. Counsel for GovGuam has been advised by counsel for each of the parties to this consolidated appeal that no party objects to the granting of this dismissal motion upon the terms stated herein.

WHEREFORE, GovGuam respectfully requests that its Petition for Review filed in the above-captioned matter be dismissed with prejudice, with each party to bear its own appellate costs and appellate attorney fees incurred in this Court. This motion relates only to the Petition for Review filed by GovGuam, and does not address petitions for review filed by other parties.

Respectfully submitted,



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Attorneys for Petitioner  
GOVERNMENT OF  
THE TERRITORY OF GUAM

DATE: March 31, 2006

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been delivered to the following addressees at the addresses stated by depositing same in the United States mail, first class postage prepaid, and by facsimile transmission to the facsimile numbers noted, this 31<sup>st</sup> day of March 2006:

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[Courtesy Copy]

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