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31 October 2003

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Mr. Vernon A. Williams
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423

ENTERED
Office of Proceedings

OCT 31 2003

Dept. of
Public Transport

Re - DHX, Inc. v. Matson Navigation Company and SL
Service, Inc., f/k/a Sea-Land Service, Inc.
STB Docket No. WCC-105
Stipulation of Fact

Dear Mr. Williams,

Enclosed herewith is an original and 10 copies of a
Fact Stipulation between Complainant DHX, Inc. and Defendant,
SL Service, Inc. regarding certain fact matters that were
noted in the Board's Order served October 16, 2003.

If there are any questions, please contact me. I remain,

Sincerely yours,

Rick A. Rude
Counsel For
DHX, Inc.

encls.

cc-

C. Jonathan Benner, Esq.
Richard A. Allen, Esq.

ORIGINAL

Docket No. WCC-105

OCT 31 2003

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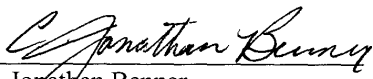
Proctor & Gamble
Coca-Cola
Costco
Wal-Mart

WHEREAS, counsel for DHX and Sea-Land have engaged in consultations concerning the documents produced by Sea-Land in discovery and Sea-Land's practices with regard to establishing prices for ocean carriage in the mainland U.S./Hawaii trade,

NOW THEREFORE, DHX and Sea-Land stipulate as follows:

1. The documents provided by Sea-Land to DHX reflecting rate understandings with the shippers listed above are stipulated and agreed by the parties to be representative in form and structure to memoranda of understanding with Sea-Land shippers who negotiate rates. Although differences may exist as to the commodities, volumes and rates that were negotiated or discussed, the form and content of agreements reached would be similar regardless of the particular shipper with whom Sea-Land conducted discussions on rates.
2. Any rates agreed upon between Sea-Land and shipper parties to those documents were duly filed in Sea-Land's tariffs.
3. The parties further agree that this stipulation is entered into solely in order to avoid burdens and costs of further discovery in this proceeding and is intended to apply to this proceeding only.

Dated this 20th day of October, 2003.


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Service, Inc.
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