

SURFACE TRANSPORTATION BOARD

Docket No. EP-743

WATER CARRIER TARIFF FILING PROCEDURES

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

TOTE, LLC REPLY TO COMMENTS FILED PURSUANT TO NOTICE OF PROPOSED
RULEMAKING

TOTE, LLC ("TOTE"), a holding company for TOTE Maritime Alaska, a water carrier that operates in the domestic offshore trade between the U.S. mainland and Alaska, and TOTE Maritime Puerto Rico, a water carrier that operates in the domestic offshore trade between the U.S. mainland and Puerto Rico, through its undersigned counsel, respectfully submits these responsive comments on behalf of its subsidiary water carriers in Docket No. EP-743¹.

On December 21, 2018 the Surface Transportation Board ("STB" or "Board") served a Notice of Proposed Rulemaking in Docket No. EP-743. The STB proposes to implement regulatory changes to allow water carriers operating in the noncontiguous domestic trade to publish electronic tariffs on the Internet and to file in such tariffs their rates, charges and rules while eliminating the current requirement that these tariffs items also be filed with the STB, as long as the carriers keep the tariffs available to the STB and to the general public. The STB also proposes that water carriers maintain a history of the tariff information for a period of five years.

Two sets of comments were filed in response to the STB notice, one by Tropical Shipping & Construction Co., Ltd. ("Tropical") and the second by The Pasha Group ("Pasha"). Both the Tropical and Pasha comments fully support the STB proposal, citing to the savings in time and expense for carriers as well as the STB from not having to file the tariffs and tariff amendments with the STB, and the lack of any detriment to the public from simply reviewing the carrier tariffs on the Internet at no cost. Tropical goes further in its comments, making a strong case that the STB rulemaking proposal continues in all respects the STB oversight of the water carriers and their rates and preserves the continuing application of the filed rate doctrine to require that complaints as to those rates be adjudicated through the administrative body which is the acknowledged expert on tariffs and rates, the STB.

¹ TOTE is also affiliated with Tropical Shipping & Construction Co., Ltd. but TOTE and its subsidiaries operate independently of Tropical.

TOTE, having reviewed the STB proposed rulemaking and the comments of Tropical and Pasha, strongly supports what is stated in the comments and the STB proposal to lessen the regulatory burdens on water carriers and the STB, while maintaining regulatory oversight of the water carriers. TOTE believes that its subsidiaries will realize substantial savings as well from the proposed rule becoming final, and that the public's interest will be maintained through the safeguards that the STB authority provides.

CONCLUSION

TOTE respectfully requests that the STB adopt the rule as stated in the proposed rulemaking.

Respectfully submitted,

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