

(S E R V E D)
(MAY 19, 1999)
(FEDERAL MARITIME COMMISSION)

FEDERAL MARITIME COMMISSION

DOCKET NO. 98-31

PUBLICATION OF INACTIVE OR INACCURATE
OCEAN COMMON CARRIER TARIFFS

ORDER

This proceeding was initiated by an Order to Show Cause issued by the Commission pursuant to sections 8 and 11 of the Shipping-Act of 1984 ("1984 Act"), 46 U.S.C. app. §§ 1707 and 1710, and 46 C.F.R. part 514, ordering Cheong Fung Shipping Ltd., Golden Seals Shipping, Inc., Rich Sky Shipping Ltd., Chonggam International Ltd., Shekou Intermodal Forwarders Ltd., Topitz International Ltd., Triple Shipping Ltd., Trinity Marine Services Ltd., Long Trend Ltd., SK Shipping Co. Ltd., Chinese Glory Express Ltd., China Travel Service (Cargo) Hong Kong Ltd., Swellchief Shipping Co. Ltd., and Intermodal Systems Ltd. to show cause why the Commission should not cancel their tariffs currently on file with the Commission, for failure to provide service as vessel operating common carriers ("VOCC") in accordance with routes and rates set forth therein. Only one respondent, SK Shipping Ltd., submitted a

response, and the Commission's Bureau of Enforcement ("BOE"), designated as a party to the proceeding, submitted a memorandum of law.

Cheong Fung Shipping Ltd., Trinity Marine Services Ltd., and Intermodal Systems Ltd. did not challenge the Commission's assertion that they do not appear to operate vessels in the U.S. foreign commerce. Cheong Fung Shipping Ltd. and Trinity Marine Services Ltd. have filed proof of cancellation of their VOCC tariffs, and Intermodal Systems Ltd. has changed its status from a VOCC to a non-vessel operating common carrier ("NVOCC") by filing proof of its new NVOCC bond and tariff modifications. Because these three respondents have voluntarily resolved the Commission's concerns as to their VOCC tariffs, no further action is necessary.

Ten other respondents, Golden Seals Shipping, Inc., Rich Sky Shipping Ltd., Chonggam International Ltd., Shekou Intermodal Forwarders Ltd., Topitz International Ltd.,¹ Triple Shipping Ltd., Long Trend Ltd., Chinese Glory Express Ltd., China Travel Service (Cargo) Hong Kong Ltd. and Swellchief Shipping Co. Ltd., defaulted on their obligation to show cause why the Commission should not cancel their tariffs. The evidence supporting the Commission's Order to Show Cause is substantial and uncontested by these respondents. Therefore, the Commission finds that these ten

¹ Topitz International Ltd. requested an extension of time to respond to the show cause order; however, it did not subsequently file a response.

respondents have violated section 8 of the 1984 Act by holding out to provide services as voccs, and by not operating vessels providing common carrier services in the U.S. foreign commerce in accordance with their respective VOCC tariffs. As such, the Commission directs these ten respondents to cease and desist all activities by which they may hold out to provide service as a VOCC within the meaning of section 3 of the 1984 Act, 46 U.S.C. app. § 1702, and to cease and desist all activities by which they may obtain from any common carrier transportation by water of another person's cargo between the U.S. and any foreign country unless and until such respondent shall have filed proof of an NVOCC tariff and bond with the Commission.

Respondent SK Shipping submitted a response showing cause why its tariff should not be canceled. SK Shipping argues that it operates vessels in the U.S. oceanborne foreign trade, provides regular service with monthly sailings and regular port calls in the U.S., holds out to carry and solicits steel cargoes, carries a variety of steel cargoes for multiple shippers, assumes responsibility for the transportation of cargo via bills of lading, and is compensated for such transportation. BOE proposes no further action. Accordingly, the Commission will not cancel SK Shipping Ltd.'s VOCC tariff at this time.

NOW THEREFORE, IT IS ORDERED That Golden Seals Shipping, Inc., Rich Sky Shipping Ltd., Chonggam International Ltd., Shekou

Intermodal Forwarders Ltd., Topitz International Ltd., Triple Shipping Ltd., Long Trend Ltd., Chinese Glory Express Ltd., China Travel Service (Cargo) Hong Kong Ltd. and Swellchief Shipping Co. Ltd. violated section 8 of the 1984 Act by holding out to provide services as VOCCs, and by not operating vessels providing common carrier services in the U.S. foreign commerce in accordance with their respective VOCC tariffs; and

FINALLY, IT IS ORDERED That Golden Seals Shipping, Inc., Rich Sky Shipping Ltd., Chonggam International Ltd., Shekou Intermodal Forwarders Ltd., Topitz International Ltd., Triple Shipping Ltd., Long Trend Ltd., Chinese Glory Express Ltd., China Travel Service (Cargo) Hong Kong Ltd. and Swellchief Shipping Co. Ltd. cease and desist all activities by which they may hold out to provide service as a VOCC within the meaning of section 3 of the 1984 Act, 46 U.S.C. app. § 1702, and to cease and desist all activities by which they may obtain from any common carrier transportation by water of another person's cargo between the U.S. and any foreign country unless and until such respondent shall have filed proof of an NVOCC tariff and bond with the Commission.

By the Commission.


Bryant L. VanBrakle
Secretary