AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

(h) When a proposed rate change is filed which does not meet the criteria set forth in § 552.2(f), the following certification shall be submitted simultaneously with the tariff material:

Certification

I, [type or print name of officer] of [name of reporting company] certify, under the penalties of 18 U.S.C. 1001, that the proposed rate increase submitted herewith is not required by § 552.2(f) of 46 CFR part 552 to be accompanied by the financial and operating data described therein.

Signature: _____
Title: _____
Date: _____

(i) All financial and operating data filed in connection with proposed rate changes shall be made available to interested persons by the carrier upon request.

(j) Where it is necessary to allocate property, revenue (except *Net Passenger* and *Other Voyage* revenue), costs or expenses, the allocation shall be on a direct basis. If this is not practicable, allocation shall be made in the manner prescribed in § 552.6. However, if the gross revenue from *Other Services* does not exceed 5 percent of the total company gross revenue, no allocation of revenue and expense between *Other Services* and the *Service* (see definitions, paragraphs (a) and (b) of § 552.5) is required by this part. Further, if the gross revenue from *Other Cargo* does not exceed 5 percent of the total gross revenue from the *Service*, no allocation of revenue and expense between *Other Cargo* and *The Trade* (see definitions, paragraphs (c) and (e) of § 552.5) is required.

(k) All carriers subject to these filing requirements must comply fully with the instructions outlined in this part for the submission of specified data and with the methods prescribed for its preparation. A carrier may request relief from full compliance in accordance with the provisions of paragraphs (d) and (e) of § 552.2. If a carrier has no information to report on a required schedule, it must submit a blank schedule with the word ''NONE'' printed across its face.

(l) With respect to the annual statements required by this part, all data shown must conform or be reconciled to the figures listed in the balance sheet and income statement filed therewith.

(m) All percentage calculations required by allocations herein shall be carried to two places beyond the decimal point (e.g., 97.54 percent).

(n) Whenever a carrier files an initial tariff, it shall simultaneously file a company-wide balance sheet and income statement together with the data required in Exhibit E. If a carrier is operating in another domestic offshore trade and has already filed the requisite annual data, only the data set forth in Exhibit E will be required.

(o) For the purpose of all reports required under this part, a carrier may employ terminated voyage or period accounting, at its election, and shall identify the method utilized. A carrier may change accounting methods for the purpose of such reports only with the prior written consent of the Commission.

(p) Related company assets employed in the Service shall be reported in the same manner as owned assets. Other intercompany transactions shall be shown net of intercompany profit and reported on the appropriate schedule. Any calculations involving intercompany accounts shall be included in the working papers.

[49 FR 38850, Oct. 1, 1984, as amended at 58 FR 13417, Mar. 11, 1993; 59 FR 63908, Dec. 12, 1994; 59 FR 67230, Dec. 29, 1994; 60 FR 46058, Sept. 5, 1995]

§ 552.3 Certification.

The data required by this part shall be accompanied by a certification by the corporate officer responsible for the maintenance and accuracy of the books of account and financial records of the carrier, stating that:

(a) The books of account have been maintained in accordance with an appropriate system of accounts;

(b) The exhibits and schedules have been prepared from the regularly maintained books and records of the carrier;

(c) The records so maintained conform to, are reconciled to, or represent the actual financial data subject to the annual independent financial audit;

(d) The allocations have been made in accordance with the rules promulgated in this part; and,

(e) The financial and statistical data used are supported by an appropriate information gathering system having proper internal controls which have been tested for accuracy.

§ 552.4 Access to and audit of records.

(a) The carrier shall file with the Commission all work papers, properly cross-referenced and indexed, which were prepared in support of the exhibits and schedules. In addition, the books and records of the carrier and any related company whose financial data is included in any of the exhibits or schedules shall be made available for examination upon request by appropriate Commission personnel. Commission personnel shall be permitted to make copies of these records to the extent they deem necessary.

(b) For all proposed rate changes as described in § 552.2(f), the carrier shall submit a detailed description of the methods employed in projecting revenues.

(c) All information obtained by the Commission pursuant to the provisions of this part shall be withheld from public disclosure and shall be treated as confidential information in the files of the Commission; except that any confidential information derived from an audit may be utilized by the Commission as the basis for a formal proceeding instituted pursuant to section 22 of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and may also be utilized in such a proceeding.

[49 FR 38850, Oct. 1, 1984, as amended at 50 FR 32068, Aug. 8, 1985; 57 FR 44700, Sept. 29, 1992]

§ 552.5 Definitions.

For the purpose of this part, the following terms are expressly limited to the definitions listed below:

(a) *Voyage* means a completed round trip from port of origin and return to port of origin. A voyage cannot be split to separately reflect outbound and inbound services. However, when a vessel is reassigned to a new United States basing point, then the voyage runs from the old United States port of origin to the new United States port of origin. Should a vessel sail outbound in the Service and then proceed to another service, the voyage will be considered to be terminated upon completion of the offloading of the last cargo in the Service. Carriers which are party to operating differential subsidy contracts may use Maritime Administration commencement and termination guidelines for the purposes of this part.

(1) Voyages generally are considered to be terminated on the completion of the latest occurring event of one of the following:

(i) Crew paid off;

(ii) Discharge of last inbound cargo;

(iii) Completion of repairs (excluding annual overhaul and emergency repairs); or

(iv) Midpoint in time of operations in which cargo is simultaneously on-loaded and off-loaded.

(2) Usually voyage termination will be considered to have happened at noon or midnight of the day on which the determining operation is completed. If a carrier has difficulty in applying this definition of the word *voyage* to its operations, it may identify the method it uses to determine a voyage and explain the reasons for this alternative definition for the Commission's consideration and approval.

(b) *The service* means those voyages and/or terminal facilities in which cargo subject to the Commission's regulation under 46 CFR 514.1(c)(2) is either carried or handled.

(c) *The trade* means that part of the Service subject to the Commission's regulation under 46 CFR 514.1(c)(2), more extensively defined below under Domestic Offshore Trade.

(d) *Other services* means thise voyages or terminal facilities other than those of the relevant Service (e.g., a voyage to a foreign port on which no regulated cargo was carried, or a terminal facility in a foreign country).

(e) *Other cargo* means that part of the Service not included in the Trade.

(f) *Domestic offshore trade* means the carriage of common carrier cargo under the terms of a tariff(s) on file with and regulated by the Commission between any one of the five areas of the Continental United States listed in paragraph (f)(1) of this section and one non-contiguous area of the United States (see paragraph (f)(2) of this section), or between two non-contiguous