

FEDERAL MARITIME COMMISSION

ODYSSEA STEVEDORING OF
PUERTO RICO, INC.

v.

PUERTO RICO PORTS AUTHORITY;

INTERNATIONAL SHIPPING
AGENCY, INC.

v.

PUERTO RICO PORTS AUTHORITY;

SAN ANTONIO MARITIME
CORPORATION

v.

PUERTO RICO PORTS AUTHORITY.

Docket Nos. 02-08,
04-01 and 04-06

Served: April 8, 2009

ORDER

On November 30, 2006, the Commission, by split decision, determined that the Puerto Rico Ports Authority (PRPA) was not entitled to immunity as an arm of the Commonwealth of Puerto Rico. 30 S.R.R. 1187 (FMC 2006). PRPA appealed this determination to the United States Court of Appeals for the District of Columbia Circuit. On July 8, 2008, the D.C. Circuit overturned the Commission's holding and accordingly ordered that Docket Nos. 02-08, 04-01 and 04-06 be dismissed. 531 F.3d 868 (DC Cir. 2008). The Court ruled that PRPA was an arm of the

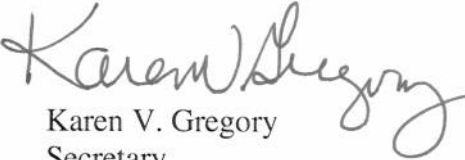
Commonwealth of Puerto Rico, entitled to immunity from suit by private parties.

International Shipping Agency, Inc. (Intership), an intervenor in the D.C. Circuit appeal, petitioned the Supreme Court for writ of certiorari on October 8, 2008. Intership argued that the D.C. Circuit's decision created a circuit split. The Commission waived its right of a response, while the U.S. Department of Justice opposed the petition on the grounds that review of the circuit split was not warranted at this time. PRPA opposed the petition. On February 23, 2009, the Supreme Court denied Intership's petition for writ of certiorari. 555 U.S. ___ (2009). Accordingly, Intership's appeal of the D.C. Circuit opinion is judicially final.

On March 6, 2009, the D.C. Circuit issued its mandate remanding the case to the Commission with instructions to dismiss the complaints on the ground of PRPA's sovereign immunity, in accordance with the earlier opinion of the Court.

THEREFORE, IT IS ORDERED, That the above captioned proceedings, Docket Nos. 02-08, 04-01 and 04-06, are hereby DISMISSED.

By the Commission.


Karen V. Gregory
Secretary