

ORIGINAL

S E R V E D
July 30, 2009
FEDERAL MARITIME COMMISSION

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WASHINGTON, D.C.

DOCKET NO. 08-05

CITY OF LOS ANGELES, CALIFORNIA, HARBOR DEPARTMENT OF THE CITY OF LOS ANGELES, BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LOS ANGELES, CITY OF LONG BEACH, CALIFORNIA, HARBOR DEPARTMENT OF THE CITY OF LONG BEACH, AND THE BOARD OF HARBOR COMMISSIONERS OF THE CITY OF LONG BEACH - POSSIBLE VIOLATIONS OF SECTIONS 10(b)(10), 10(d)(1) AND 10(d)(4) OF THE SHIPPING ACT OF 1984

ORDER CERTIFYING MOTION OF THE BUREAU OF ENFORCEMENT FOR DISMISSAL OF PROCEEDING TO THE COMMISSION

On July 29, 2009, the Bureau of Enforcement (BOE) filed a Motion of the Bureau of Enforcement for Dismissal of Proceeding Including Request for Certification to the Commission. The substance of the motion seeks dismissal of this proceeding. Procedurally, BOE suggests that the Commission should rule on the motion rather than the administrative law judge to which it is assigned:

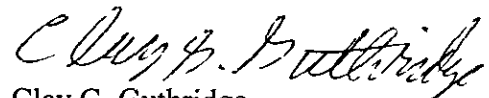
BOE hereby requests that this motion be certified to the Commission for disposition. This proceeding was initiated on the Commission's own motion. An evidentiary record has yet to be developed and the underlying basis for commencement of the investigation as provided in the Order of Investigation is within the particular knowledge of the Commission. BOE submits that the Commission is in the best position to consider and reflect upon the changed circumstance described herein in acting upon this request to discontinue the investigation.

(Motion of the Bureau of Enforcement for Dismissal of Proceeding Including Request for Certification to the Commission at 1-2 (footnote omitted).)

BOE's suggestion that the Commission should decide this motion to dismiss its own Order of Investigation and Hearing is well-taken. Accordingly, it is hereby

ORDERED that the Bureau of Enforcement's Request for Certification of the Motion of the Bureau of Enforcement for Dismissal of Proceeding to the Commission be **GRANTED**. The Motion of the Bureau of Enforcement for Dismissal of Proceeding is certified to the Commission for its consideration. It is

FURTHER ORDERED, *sua sponte*, that the deadlines set forth in the Procedural Schedule, *City of Los Angeles, California, et al., - Possible Violations of Sections 10(b)(10), 10(d)(1) and 10(d)(4) of the Shipping Act of 1984*, FMC No. 08-05 (May 4, 2009) (May 4, 2009, Procedural Schedule), be suspended pending the Commission's decision on the motion to dismiss. If the Commission denies the motion to dismiss, I will solicit the parties' input regarding a new schedule.


Clay G. Guthridge
Administrative Law Judge