Federal Communications Commission.

Gregory Haledjian,
Legal Advisor, Office of the Bureau Chief, Consumer and Governmental Affairs Bureau.

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FEDERAL COMMUNICATIONS COMMISSION

[GN Docket No. 18–122; DA 20–609; FRS 16871]

Order Denying Stay Petition

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: In this document, the Federal Communications Commission (Commission) denies the Joint Petition for Stay of Report and Order and Order of Proposed Modification Pending Judicial Review of the Commission’s Report and Order of Proposed Modification in the above-captioned proceeding. Petitioners asked the Commission to stay the C-band auction and transition process while their challenges to the 3.7 GHz Report and Order are pending before the United States Court of Appeals for the District of Columbia. In their Stay Petition, Petitioners argue that the 3.7 GHz Report and Order will trigger a chain of events—beginning with the May 29, 2020 election by eligible space station operators to relocate on an accelerated basis—that may be irreversible and that will harm them by benefiting competing space station operators that are eligible for relocation and accelerated relocation payments and depriving them of spectrum access rights without compensation. They argue that the Commission exceeded its authority to modify their spectrum access rights, allocated too much money available to certain space station incumbents in the form of accelerated relocation payments and reimbursement of relocation costs associated with new satellites, and arbitrarily excluded Petitioners from receiving any relocation payments.

The Commission denies the Stay Petition. First, Petitioners have not shown that they will suffer irreparable harm. The harm that Petitioners alleges is not imminent, is conjectural, and consists of economic injuries that are not severe enough to be cognizable as irreparable harm. Second, Petitioners have not shown a likelihood of success on the merits. The Commission addressed Petitioners’ principal arguments at length in the 3.7 GHz Report and Order. The Stay Petition does not persuade the Commission that the Petitioners’ arguments are likely to succeed in court any more than they did before the agency. Third, Petitioners have not shown that the equities favor a Stay. Petitioners have not met their burden of showing that the public interest militates in favor of a stay and that others would not be harmed by a stay. Moreover, Petitioners have not shown that the public interest would favor grant of the stay. The Commission’s actions to repurpose the C-band are an indispensable element of its overall strategy of promoting the deployment of fifth generation (5G) wireless services, with millions of jobs, and billions of dollars in economic growth and other public benefits, at stake. Grant of a stay pending judicial review would significantly delay the auction and transition process and harm multiple stakeholders, including prospective bidders and the diverse incumbents involved in the transition process. The cost of such delay and disruption could be enormous. In addition to the public interest harms, grant of a stay would undercut the specific goal of U.S. leadership in 5G and the general goals of the auction program. Accordingly, we conclude that a stay of the Order and Order and Proposed Modification Pending Judicial Review is not warranted.

Federal Communications Commission.

Amy Brett,
Associate Division Chief, Competition and Infrastructure Policy Division, Wireless Telecommunications Bureau.

[FR Doc. 2020–13314 Filed 6–19–20; 8:45 am]

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FEDERAL MARITIME COMMISSION

[Docket No. 20–10; Petition No. P1–20]

Investigation Into Conditions Created by Canadian Ballast Water Regulations in the U.S./Canada Great Lakes Trade

AGENCY: Federal Maritime Commission.

ACTION: Notice of investigation and request for comments.

SUMMARY: The Federal Maritime Commission has initiated an investigation into the allegations made in a petition filed by the Lake Carriers’ Association that conditions created by the Government of Canada are unfavorable to shipping in the United States/Canada trade.

DATES: Submit comments on or before July 22, 2020.

ADDRESSES: You may submit comments, identified by Docket No. 20–10, by the following method:

• Email: secretary@fmc.gov. For comments, include in the subject line: “Docket No. 20–10, Comments on Conditions Created by Canadian Ballast Water Regulations in the U.S./Canada Great Lakes Trade.” Comments should be attached to the email as a Microsoft Word or text-searchable PDF document. Docket: For access to the docket to read background documents or public comments received, go to the Commission’s Electronic Reading Room at: www2.fmc.gov/readingroom/ proceeding/20-10/.

Unless otherwise directed by the commenter, all comments will be treated as confidential under 46 U.S.C. 42105 and 46 CFR 550.104.

FOR FURTHER INFORMATION CONTACT: For questions regarding submitting comments or the treatment of confidential information, contact Rachel E. Dickson, Secretary; Phone: (202) 523–
Petitioner argues that because of the vessel type and age differences between the Canadian and U.S. fleets, the respective costs of implementing the proposed regulations will be very different. Transport Canada estimates the cost of implementing the requirements on all Canadian vessels currently serving the trade would be approximately 632 million Canadian dollars. Petitioner argues that implementing these same regulations on all U.S. vessels currently serving the trade would cost nearly 1.132 billion Canadian dollars. Ultimately, Petitioner argues the proposed regulations will essentially double the U.S. Laker cost of participating in the trade while Canadian carriers would experience a less than 1 Canadian dollar per ton cost increase.

Petitioner argues that its members cannot comply with the regulations because of the prohibitive cost, and they cannot avoid the regulations and continue to carry United States exports to Canada because they must load ballast water as they offload cargo at Canadian ports. Petitioner also states that its members cannot operate their vessels outside of the Great Lakes and St. Lawrence River because of their ship design and current U.S. Coast Guard certification is restricted to service on the Great Lakes and St. Lawrence River. Should the regulations be finalized and if U.S. vessels were thereby forced out of the trade, Petitioner contends that Canadian vessels would enjoy a monopoly on the cross-lakes U.S. export trade to Canada.

Petitioner argues that prohibiting the loading of ballast water without a BWMS serves no environmental purpose because, unlike discharging ballast water, loading ballast water in Canadian waters does not result in the potential introduction of nonnative organisms into Canadian waters. Petitioner asserts that the regulations serve no environmental purpose and the cost of compliance is prohibitively high for U.S. vessels, and suggests that the real purpose of the regulations is to drive U.S. vessels from this trade.

Petitioner is asking the Commission to issue a regulation to meet the unfair competitive conditions created by Transport Canada. Petitioner has provided a proposed regulation that would assess a fee of 300,000.00 U.S. dollars each time a Canadian vessel enters any U.S. port.

III. Investigation and Initial Request for Comments

The Commission has reviewed the Petition and determined that it meets the threshold requirements for consideration under the Commission’s regulations. See 46 CFR part 550, subpart D. The Commission has therefore determined to initiate an investigation into whether the proposed Transport Canada regulations create unfavorable conditions to shipping in the foreign trade of the United States. To that end, the Commission has designated the Deputy Managing Director to lead an investigation into the Petitioner’s allegations and to prepare a report on the investigation’s findings and recommendations for Commission consideration.

As an initial step in the investigation, interested persons are requested to submit views, arguments and/or data on the Petition. Comments may address any aspect of the Petition.

As the Commission proceeds with this investigation, it may determine the need to request additional comment or gather information through other means as authorized under 46 U.S.C. 42104 and 46 CFR part 550.

By the Commission.

Rachel Dickson,
Secretary.

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