

FEDERAL MARITIME COMMISSION
Office of Administrative Law Judges

OCEAN NETWORK EXPRESS PTE. LTD. AND OCEAN NETWORK EXPRESS (NORTH AMERICA) INC. – POSSIBLE VIOLATIONS OF 46 U.S.C. § 41102(c)

DOCKET NO. 21-17

Served: January 20, 2022

ORDER OF: Erin M. WIRTH, *Chief Administrative Law Judge.*

ORDER ON MOTION FOR CLARIFICATION AND TEMPORARY STAY OF PROCEEDING

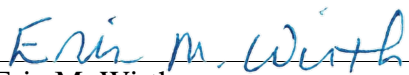
On January 19, 2022, Respondent Ocean Network Express, PTE, LTD (“ONE”) filed an unopposed motion (“Motion”) seeking clarification of the due date for its response to the Order of Investigation and Hearing (“Order of Investigation”) and the joint status report required by the initial order. The motion states that the Bureau of Enforcement (“BOE”) does not oppose the motion. Also on January 19, 2022, Respondents petitioned the Commission for reconsideration and rescission of its Order of Investigation and requested that the Commission stay the proceedings before the undersigned.

The motion notes that due to the expedited nature of this proceeding, the initial order shortened the deadlines in the Commission’s Rules while the proceeding is before the undersigned. The motion states that the initial order does not on its face change the date for the answer, which was set by the Commission’s Order of Investigation. Motion at 2-3. The parties are correct that the initial order did not change the deadline indicated in the Commission’s Order of Investigation to file an answer. As agreed by the parties based on the date of service, the deadline for Respondents to file their response to the Order of Investigation would be February 1, 2022.

The initial order set the due date for the parties’ joint status report as January 28, 2022. The motion requests that the joint status report deadline be extended and notes that “Respondents have contemporaneously filed a Petition for Reconsideration and Re[s]cission with the Commission, which also requests the Commission to stay the proceedings before the Presiding Officer.” Motion at 3 n.2. The petition requests a stay to “avoid the problem of the case proceeding on duplicate and potentially conflicting tracks.” Petition for Reconsideration at 1-2.

The deadline to respond to the petition for reconsideration and request to stay is after the answer would be due. The Commission’s decision on the request to stay will be instructive as the parties develop their proposed schedule in this expedited proceeding. To allow the Commission time to receive arguments and consider the request for a stay, the proceeding before the undersigned will be temporarily stayed until the Commission decides the request to stay. Unless the Commission sets other deadlines, if the request to stay is denied, the response to the Order of Investigation will be due ten days after that decision and the joint status report required by the

initial order will be due seven days after the answer is filed. This temporary stay will avoid further confusion regarding deadlines and ensure an orderly proceeding.



Erin M. Wirth
Chief Administrative Law Judge