

FEDERAL MARITIME COMMISSION

International Longshoremen's
Association

Complainant,

v.

Gateway Terminals, LLC; Charleston
Stevedoring Company, LLC; Ports
America Florida, Inc.; Ceres Marine
Terminals, Inc.; and SSA Atlantic, LLC

Respondents.

Docket No. 22-12

Served: October 18, 2024

BY THE COMMISSION: Daniel B. MAFFEI, *Chairman*,
Rebecca F. DYE, Louis E. SOLA, Carl W. BENTZEL, and Max M.
VEKICH, *Commissioners*.

Order For Oral Argument

This matter is before the Commission on the exceptions of the International Longshoremen's Association ("ILA") to the Administrative Law Judge's ("ALJ") September 29, 2023 Initial Decision dismissing ILA's Amended Complaint against Gateway

Terminals, LLC (“Gateway”), Charleston Stevedoring Company, LLC (“CSC”), Ports America Florida, Inc. (“PAF”), Ceres Marine Terminals, Inc. (“Ceres”), and SSA Atlantic, LLC (“SSA”) (collectively, “Respondents”) on the basis of her finding that none of the Respondents was a marine terminal operator (“MTO”) subject to Commission jurisdiction, and instead that such control rests with the South Carolina State Ports Authority and the Georgia Ports Authority.¹

The Commission has determined that it would benefit from hearing oral argument on the jurisdictional issues raised by ILA related to the appropriate standards and factors to determine whether an entity is an MTO under 46 U.S.C. § 40102(15).

Accordingly, pursuant to the Commission’s authority under 46 C.F.R. § 502.241(a):

IT IS ORDERED that oral argument in this matter is set for 1:00 p.m. on Wednesday, December 4, 2024, at the Surface Transportation Board, 395 E Street, SW, Washington, DC 20423;

IT IS FURTHER ORDERED that ILA is allotted thirty (30) minutes for its opening argument. Respondents are allotted thirty (30) minutes to respond. ILA may reserve up to ten (10) minutes of its opening time for rebuttal arguments. Counsel must abide by the provisions of 46 C.F.R. § 502.241(d) and coordinate who shall argue for each side, and the amount of time requested, notice of which should be received by the Commission no later than ten (10) days prior to the date of argument;

IT IS FURTHER ORDERED that the submission of additional briefing, evidence, or witness testimony by the parties is

¹ The articulated finding by the ALJ was that neither Gateway nor CSC was an MTO, and there was no reason to further analyze whether their principals—PAF, Ceres, and SSA—were MTOs.

not permitted without leave of the Commission; and

IT IS FURTHER ORDERED that, pursuant to 46 C.F.R. § 502.61(d), the date for a Final Decision in this proceeding is extended and reset to March 31, 2025.

By the Commission.

David Eng
Secretary