

S E R V E D
May 20, 2008
FEDERAL MARITIME COMMISSION

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WASHINGTON, D.C.

DOCKET NO. 02-04

ANCHOR SHIPPING CO.

v.

**ALIANÇA NAVEGAÇÃO E LOGÍSTICA LTDA.,
COLUMBUS LINE, INC.,
HAMBURG SÜDAMERIKANISCHE
DAMPFSCHIFFFAGARTS-GESELLSCHAFT KG, and
CROWLEY AMERICAN TRANSPORT LINE, INC.**

**ORDER REFERRING COMPLAINANT'S MOTION TO COMPEL
BUREAU OF ENFORCEMENT INTERVENTION TO THE COMMISSION**

On April 10, 2007, complainant Anchor Shipping Co. (Anchor) filed a Motion for Bureau of Enforcement Intervention and Appointment of Mediator or Settlement Judge. I referred the motion for BOE intervention to the Commission as it asked for an action that is beyond my authority. *Anchor Shipping Co. v. Aliança Navegação E Logística Ltda.*, FMC No. 02-04 (ALJ Apr. 19, 2007). See 46 C.F.R. § 502.73(a) ("After the assignment of a presiding officer to a proceeding and before the issuance of his or her recommended or initial decision, all motions shall be addressed to and ruled upon by the presiding officer unless the subject matter of the motion is beyond his or her authority, in which event the matter shall be referred to the Commission."); *Tak Consulting*

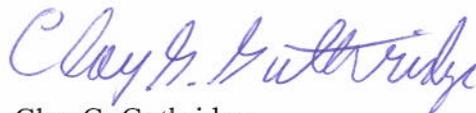
Engineers v. Sam Bustani, 28 S.R.R. 576, 577-578 (ALJ 1998) (Complainant's request "to institute a 'formal investigation' of respondents' activities and to 'fashion appropriate civil penalties against Respondents'" referred to the Commission). On November 8, 2007, the Commission denied the motion for BOE intervention. *Anchor Shipping Co. v. Aliança Navegação E Logística Ltda.*, FMC No. 02-04 (Nov. 8, 2007).

On May 16, 2008, Anchor filed Complainant's Motion to Compel Bureau of Enforcement Intervention asking that "the Full-Commission [*sic*] and the Administrative Law Judge . . . arrange for the Bureau of Enforcement to become a party to this Complaint." (Complainant's Motion to Compel Bureau of Enforcement Intervention at 1.) It is beyond my authority to "arrange for [BOE] to become a party to this Complaint." Therefore, I will refer the motion to the Commission to decide what, if any, action to take on this motion.

ORDER

Upon consideration of Complainant's Motion to Compel Bureau of Enforcement Intervention and the record herein, it is hereby

ORDERED that Complainant's Motion to Compel Bureau of Enforcement Intervention be referred to the Commission.



Clay G. Guthridge
Administrative Law Judge