

(S E R V E D)
(FEBRUARY 21, 2014)
(FEDERAL MARITIME COMMISSION)

FEDERAL MARITIME COMMISSION

DOCKET NO. 14-02

**OCEANIC BRIDGE INTERNATIONAL, INC. –
POSSIBLE VIOLATIONS OF
SECTION 10(a)(1) OF THE SHIPPING ACT OF 1984**

ORDER OF INVESTIGATION AND HEARING

The Federal Maritime Commission (Commission) deems it appropriate and in the public interest that a proceeding be, and hereby is, instituted pursuant to section 11 of the Shipping Act of 1984 (Shipping Act), 46 U.S.C. 41302, against respondent Oceanic Bridge International, Inc., previously doing business as a licensed and bonded non-vessel-operating common carrier (NVOCC), for possible violations of section 10(a)(1) of the Shipping Act, 46 U.S.C. 41102(a).

Based on information provided to it, the Commission's Bureau of Enforcement makes the following allegations:

**STATEMENT OF FACTS
CONSTITUTING BASIS OF VIOLATIONS**

1. From May 1999 through at least March 26, 2013, Oceanic Bridge International, Inc. (Oceanic Bridge) operated as a licensed, tariffed and bonded ocean transportation intermediary (OTI), providing service as a NVOCC (Org. No. 013355).
2. According to the Commission's records, the offices of Oceanic Bridge are located at 18725 East Gale Ave., Suite 233, City of Industry, CA 91748.
3. From May 1999 through at least April 25, 2013, Oceanic Bridge held itself out as an NVOCC pursuant to a tariff published by Distribution-Publications, Inc.
4. Oceanic Bridge maintained an NVOCC bond, No. 50511, in the amount of \$75,000 with Great American Alliance Insurance Company (Great American) located in Elk Grove Village, IL.
5. Oceanic Bridge was dissolved as a California corporation on December 24, 2012.
6. Oceanic Bridge surrendered its OTI license on March 26, 2013.
7. Great American cancelled Oceanic Bridge's NVOCC bond effective September 21, 2013.
8. Oceanic Bridge maintained a network of agents in the People's Republic of China (PRC) operating under the name Dalian Oceanic Bridge International Forwarding Co. Ltd.
9. In at least forty-nine (49) instances identified in Attachment A, Oceanic Bridge obtained transportation from Maersk Line from the PRC to the United States by accessing service contract No. 460860 between Maersk Line and Dalian Haiqiao Enterprises Co. Ltd. (Dalian Haiqiao).
10. Dalian Haiqiao was the sole shipper party named in service contract No. 460860.
11. In entering into service contract No. 460860, Dalian Hiaqiao represented to Maersk Line that it would be owner of the cargo.
12. Oceanic Bridge was not a signatory to or named in service contract No. 460860 in any capacity.

13. In each of the 49 instances identified in Attachment A, Oceanic Bridge knew or had reason to know that Dalian Haiqiao was the only person entitled to transport services under Maersk Line service contract No. 460860.
14. In each of the 49 instances identified in Attachment A, Oceanic Bridge knew or had reason to know that the cargo was tendered to Maersk Line by Oceanic Bridge or its agents for transportation at the rates and charges provided under service contract No. 460860.
15. In each of the 49 instances identified in Attachment A, Oceanic Bridge knew or had reason to know that Dalian Haiqiao had no ownership or other interest in the cargo tendered to Maersk Line by Oceanic Bridge or its agents.
16. In each of the 49 instances identified in Attachment A, Oceanic Bridge knew or had reason to know that the cargo tendered to Maersk Line by Oceanic Bridge or its agents constituted the NVOCC cargoes of Oceanic Bridge and its shipper customers.
17. In each of the 49 instances identified in Attachment A, the shipments were rated by Maersk Line in accordance with service contract No. 460860.
18. In its capacity as a NVOCC shipper, Oceanic Bridge entered into service contract numbers 429377 and 518197 with Maersk Line.
19. Maersk Line service contract Nos. 429377 and 518197 were in effect between December 8, 2010, and May, 2011.
20. In each of the 49 instances identified in Attachment A, Oceanic Bridge obtained ocean transportation at less than the rates and charges that would otherwise be applicable by accessing the rates and charges provided under service contract No. 460860.
21. In each of the 49 instances identified in Attachment A, Oceanic Bridge violated section 10(a)(1) of the Shipping Act, 46 U.S.C. 41102(a), by knowingly and willfully, directly or indirectly, by

an unfair or unjust device or means, obtaining ocean transportation for property at less than the rates or charges that would otherwise be applicable.

THE COMMISSION'S JURISDICTION AND REQUIREMENTS OF LAW

22. Section 10(a)(1) of the Shipping Act, 46 U.S.C. 41102(a), prohibits any person from knowingly and willfully, directly or indirectly, by means of false billing, false classification, false weighing, false report of weight, false measurement, or by any other unjust or unfair device or means, obtaining or attempting to obtain ocean transportation for property at less than the rates or charges that would otherwise be applicable.
23. The activities of Oceanic Bridge, identified above, were provided as part of and in connection with transportation by water of cargo between the United States and a foreign country for compensation over which the Commission has jurisdiction.
24. Under 46 U.S.C. 41302(a), the Commission is empowered to investigate any conduct or agreement that the Commission believes may be in violation of the Shipping Act.
25. The Commission may, after notice and opportunity for hearing, issue an order relating to any violation of the Shipping Act, including assessment of a civil penalty. 46 U.S.C. 41304.

VIOLATIONS OF THE SHIPPING ACT AND COMMISSION REGULATIONS

26. With respect to the 49 shipments identified in Attachment A to this Order, it is alleged that Oceanic Bridge violated section 10(a)(1) of the Shipping Act by knowingly and willfully, directly or indirectly, obtaining or attempting to obtain ocean transportation at less than the

rates or charges otherwise applicable by the unjust or unfair device or means of accessing a service contract to which it was neither a signatory nor an affiliate.

ORDER

NOW THEREFORE, IT IS ORDERED, That pursuant to sections 11 and 14 of the Shipping Act, 46 U.S.C. 41302 and 41304, an investigation is instituted to determine: (1) whether Oceanic Bridge International, Inc. violated section 10 (a)(1) of the Shipping Act, 46 U.S.C. 41102(a), by knowingly and willfully, directly or indirectly, obtaining or attempting to obtain transportation at less than the rates and charges otherwise applicable by the unjust or unfair device or means of unlawfully accessing a service contract to which it was neither a signatory nor an affiliate; and, (2) whether, in the event violations of section 10 (a)(1) of the Shipping Act are found, civil penalties should be assessed against Oceanic Bridge International, Inc. and, if so, the amount of the penalties to be assessed;

IT IS FURTHER ORDERED, That Oceanic Bridge International, Inc. is designated Respondent in this proceeding;

IT IS FURTHER ORDERED, That the Commission's Bureau of Enforcement is made a party to this proceeding;

IT IS FURTHER ORDERED, That by March 25, 2014, Respondent must file with the Commission and serve upon the Bureau of Enforcement an Answer to the allegations in this Order, in accordance with the requirements of the Commission's regulations set forth in 46 C.F.R. § 502.63(c). Respondent's answer must be verified and admit or deny all allegations in this Order. Allegations not denied shall be deemed admitted;

IT IS FURTHER ORDERED, That this matter be assigned for hearing before an

Administrative Law Judge of the Commission's Office of Administrative Law Judges at a date and place to be determined by the Administrative Law Judge in compliance with Rule 61 of the Commission's Rules of Practice and Procedure, 46 C.F.R. § 502.61. This hearing shall include oral testimony and cross-examination in the discretion of the presiding Administrative Law Judge only after consideration has been given by the parties and the presiding Administrative Law Judge to the use of alternative forms of dispute resolution, and upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record;

IT IS FURTHER ORDERED, That failure of Respondent to timely file an answer to this Order may be deemed to constitute default and authorize the presiding Administrative Law Judge, without further notice to Respondent, to find the facts to be as alleged and to enter a decision containing appropriate findings, conclusions, and an order;

IT IS FURTHER ORDERED, That other persons having an interest in participating in this proceeding may file motions for leave to intervene in accordance with Rule 68 of the Commission's Rules of Practice and Procedure, 46 C.F.R. § 502.68;

IT IS FURTHER ORDERED, That all further notices, orders, and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing conference, shall be served on the parties of record;

IT IS FURTHER ORDERED, That all documents filed by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, in accordance with Rule 2 of the Commission's Rules of Practice and Procedure, 46 C.F.R. § 502.2, and shall be served on the parties of record; and

IT IS FURTHER ORDERED, That in accordance with Rule 61 of the Commission's Rules of Practice and Procedure, 46 C.F.R. § 502.61, the initial decision of the Administrative Law Judge shall be issued by February 23, 2015 and the final decision of the Commission shall be issued by June 23, 2015.

By the Commission.

Karen V. Gregory
Secretary