FEDERAL MARITIME COMMISSION

ODYSSEA STEVEDORING OF PUERTO RICO, INC. *v.* PUERTO RICO PORTS AUTHORITY; INTERNATIONAL SHIPPING AGENCY, INC. *v.* PUERTO RICO PORTS AUTHORITY; SAN ANTONIO MARITIME CORPORATION *v.* PUERTO RICO PORTS AUTHORITY.	Docket Nos. 02-08; 04-01; 04-06

ORDER

Served: March 5, 2007

On November 30, 2006, the Commission issued an order in the above-captioned proceedings, in which it concluded that the Puerto Rico Ports Authority ("PRPA") is not an arm of the Commonwealth of Puerto Rico and is therefore not entitled to the protections of sovereign immunity. It also concluded that PRPA is not entitled to sovereign immunity as an agent of the Commonwealth of Puerto Rico. The Commission remanded the proceedings to the Office of Administrative Law Judges ("ALJ") for further proceedings consistent with its Order.

On December 13, 2006, PRPA filed a petition with the United States Court of Appeals for the District of Columbia Circuit ("the Court") seeking review of the November 30, 2006, Order. On December 14, 2006, PRPA filed with the Commission a Petition to Stay Proceedings Pending Appeal. On January 9, 2007, the ALJ denied the Petition to Stay. On January 12, 2007, PRPA filed with the Court a Motion for a Stay of Agency Proceedings.

On January 23, 2007, PRPA filed with the ALJ a Motion for Reconsideration of Orders Denying Petition to Stay Proceedings Pending Appeal or in the Alternative Motion for Leave to Appeal Denial to the Commission. On January 24, 2007, the Commission filed a motion to hold PRPA's motion before the Court in abeyance pending resolution of PRPA's Motions before the ALJ.

On February 12, 2007, the ALJ denied PRPA's motion for stay of agency proceedings, but granted PRPA's motion for leave to appeal the denial of stay to the Commission. On February 22, 2007, the Court granted PRPA's motion to stay administrative proceedings before the Commission. Therefore, PRPA's appeal of the ALJ's denial of a stay is moot, as the proceedings before the Commission have been stayed by order of the Court.

By the Commission

Bryant L. VanBrakle
Secretary