

continue to be listed in IBFS.<sup>6</sup> RSM explains that it compiled this group of antennas—which were not included in the January 19 PN, May 14 PN, July 23 PN, or September 27 PN—from representations made to RSM by the satellite operators. We have attached to this PN an Appendix listing the antennas submitted by RSM that fall into the four categories.

We hereby presume as a factual matter, on a rebuttable basis, that earth station antennas included in the Appendix are not active antennas receiving in the 3.7 GHz band, or that the C-band earth station antennas associated with a given site, as reflected on the incumbent list, exceed the actual number of such antennas located at that site. Absent factual rebuttal from the earth station operator by February 16, 2023, these antennas would not satisfy the Commission's C-band transition rules that antennas must be operational C-band antennas entitled to interference protection in the 3.7 GHz band to qualify for incumbent status.<sup>7</sup> For inactive earth stations, section 25.161(c) of the Commission's rules provides that an earth station authorization is automatically terminated if the station is not operational for more than 90 days.<sup>8</sup> Where a registration lists more antennas than have been observed to exist at a site, the apparently non-existent antennas will be deemed never to have existed and, accordingly, will fail to qualify for incumbent status under the C-band transition rules. Similarly, antennas that operate in other bands but do not receive in the 3.7 GHz band would not qualify for incumbent status under the C-band transition rules.<sup>9</sup>

Incumbent earth station operators who need to affirm the continued operation of the identified earth station

antennas. We direct earth station operators with incumbent earth station antennas that appear on the appended list to make either of two filings no later than 90 days after release of this document (*i.e.*, by February 16, 2023): (1) file to correct the IBFS filings for the affected antennas,<sup>10</sup> or (2) file in ECFS IB Docket No. 20–205 affirming that those antennas are operational antennas receiving in the 3.7 GHz band. An earth station operator may contact Bureau staff at [IBFSINFO@fcc.gov](mailto:IBFSINFO@fcc.gov) if it has questions about the above or if it needs instructions on how to surrender entire Callsigns in IBFS, how to remove an inactive earth station antenna from a Callsign that includes other operational earth station antennas, or how to modify its Callsign to accurately reflect the bands used by an antenna.

Earth station operators with earth station antenna(s) on the attached list that do not respond by February 16, 2023, affirming operation of the identified earth station antennas in the 3.7 GHz band<sup>11</sup> will be deemed, based on the above presumptions, to have had either their authorizations to use the 3.7 GHz band for those antennas or their interference protection in the use of the 3.7 GHz band automatically terminated by rule. In those cases, the Bureau also will, as needed, terminate in IBFS those portions of the authorizations relating to the 3.7 GHz band and/or make changes in IBFS necessary to accurately reflect actual use of and interference protection for the relevant facilities. In addition, the Bureau will correct the incumbent earth station list by removing terminated earth station antennas and amending the list to no longer include any antennas in the list that are not operational C-band antennas, including over-registered antennas or antennas receiving in bands other than the 3.7 GHz band. Protection from interference from the network deployments of new wireless licenses and eligibility for reimbursement of any transition costs, including the cost of any filters, will be limited to those earth station antennas on the updated list.

Incumbent earth station operators who need to provide additional information to avoid harmful interference. As a reminder, while not

subject to 90-days' notice, earth station operators that have not provided the necessary information to the Relocation Coordinator or satellite operators may not be successfully transitioned before terrestrial wireless licensees initiate service in the band.

Unless those earth station operators provide the necessary information, they will risk losing their rights to receive relocation assistance prior to the initiation of service in the band by the incoming terrestrial wireless licensees, as well as any rights to operate in the lower C-band at their current locations free of harmful interference that may occur as these licensees deploy their networks.

Federal Communications Commission.

**Nese Guendelsberger,**

*Deputy Chief, International Bureau.*

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## FEDERAL MARITIME COMMISSION

[Docket No. 22–33]

**CCMA, LLC, Complainant v. Mediterranean Shipping Company S.A. and Mediterranean Shipping Company (USA) Inc., Respondent; Notice of Filing of Complaint and Assignment**

Notice is given that a complaint has been filed with the Federal Maritime Commission (Commission) by CCMA, LLC., hereinafter “Complainant,” against Mediterranean Shipping Company S.A. and Mediterranean Shipping Company (USA) Inc. (hereinafter “Respondent.”) Complainant states that it is organized under the laws of the State of Delaware. Complainant identifies the Respondent as an ocean common carrier incorporated in New York with its principal place of business located in Switzerland conducting business in the United States through Mediterranean Shipping Company (USA) Inc., a company located in New York, New York.

Complainant alleges that Respondent violated 46 U.S.C. 41102(c), regarding its practices and the billing and assessment of charges on the shipments of the Complainant's container cargo, including demurrage, detention, and dwell charges. An answer to the complaint is due to be filed with the Commission within twenty-five (25) days after the date of service. The full text of the complaint can be found in the Commission's Electronic Reading Room at <https://www2.fmc.gov/readingroom/proceeding/22-33/>.

<sup>6</sup> See October 28 RSM filing. The October 28 RSM filing, with its attachment, can be found in ECFS. See also November 18, 2022, DA 22–1202.

<sup>7</sup> 47 CFR 25.138(c)(1). See note 4 *supra*. As noted above, note 2 *supra*, the earth station antennas listed in the Appendix hereto do not include those that are subject to lump sum elections. Those elections may include C-band antennas whose operators have decided to discontinue all use of the C-band by the end of the C-band transition.

<sup>8</sup> 47 CFR 25.161(c). The Bureau has delegated authority to enforce the part 25 rules. 47 CFR 0.261(a)(15).

<sup>9</sup> For the latter two groups of antennas, we note that the following rules would apply: (1) section 25.162(c) and (e) of the Commission's rules provide that the interference protection of a receiving earth station is automatically terminated in certain circumstances, including when a station has been used less than 50% of the time during any 12-month period or when actual use of the facility is inconsistent with what is in a registrant's application, 47 CFR 25.162(c) & (e), and (2) section 25.115(b)(8) of the Commission's rules require earth station operators to take the steps necessary to remove non-operational antennas from the active records in the IBFS, 47 CFR 25.115(b)(8).

<sup>10</sup> In addition to the required filings in IBFS, those earth station operators may also make a filing in ECFS IB Docket No. 20–205 confirming the extent to which they are surrendering callsigns, removing antennas, or modifying callsigns in IBFS.

<sup>11</sup> Notwithstanding an affirmation of continued operation, the Bureau retains the authority to eliminate an earth station antenna's incumbent status if the Bureau receives additional evidence that the antenna has failed to satisfy applicable requirements for maintaining operation or is otherwise ineligible to be considered an incumbent.

This proceeding has been assigned to Office of Administrative Law Judges. The initial decision of the presiding officer in this proceeding shall be issued by December 5, 2023, and the final decision of the Commission shall be issued by June 19, 2024.

Served: December 5, 2022.

**William Cody,**

Secretary.

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## FEDERAL MARITIME COMMISSION

### Agency Information Collection Activities: 30-Day Public Comment Request

**AGENCY:** Federal Maritime Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Federal Maritime Commission (Commission) is giving public notice that the agency has submitted to the Office of Management and Budget (OMB) for approval a new data collection concerning containerized vessel imports and exports to and from the United States described in this notice. The public is invited to comment on the proposed information collection pursuant to the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before January 9, 2023.

**ADDRESSES:** Comments should be addressed to: Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Rita Young, Desk Officer for Federal Maritime Commission, [OIRA\\_Submission@OMB.EOP.GOV](mailto:OIRA_Submission@OMB.EOP.GOV), and to: Lucille L. Marvin, Managing Director, Office of the Managing Director, Federal Maritime Commission, [omd@fmc.gov](mailto:omd@fmc.gov).

Please send separate comments for each specific information collection listed below and reference the information collection's title and OMB number in your comments.

**FOR FURTHER INFORMATION CONTACT:** Copies of the information collections and instructions, or copies of any comments received, may be obtained by contacting Tara Nielsen at 202-523-5800 or [omd@fmc.gov](mailto:omd@fmc.gov).

#### SUPPLEMENTARY INFORMATION:

#### Request for Comments

The Commission, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to comment on the continuing information collections listed in this

notice, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). On August 8, 2022, the Commission published a notice and request for comments in the **Federal Register** (87 FR 48182) regarding collection of information on Container Vessel Imports and Exports. The Commission received six comments from the Maritime Exchange for the Delaware River and Bay, World Shipping Council, American Cotton Shippers Association, BassTech International, National Industrial Transportation League, and National Fisheries Institute. The American Cotton Shippers Association, National Fisheries Institute, BassTech, and National Industrial Transportation League supported the data collection. Both the American Cotton Shippers Association and the National Industrial Transportation League identified benefits to the shipping public from this data collection due to increased transparency and insight. BassTech International recommended that information collected should include equipment type and port. This information is included in the current data collection template.

The Maritime Exchange for the Delaware River and Bay opposed the data collection as redundant with existing Customs and Border Protection (CBP) collections, though they noted that the CBP automated collection of export data is still in a pilot program. The World Shipping Council likewise opposed the data collection noting the CBP data collection, and also suggested supplementing data gaps with information from the Army Corps of Engineers, Bureau of Transportation Statistics, and commercial sources. They further contended that the PRA requires the FMC to utilize data being provided to other Federal agencies.

The Commission acknowledges that the CBP has a rich source of data on U.S. imports and intends to use CBP data to validate the import data that it collects. Additionally, the Commission notes that the commercial sources of data referenced by the World Shipping Council are largely derived from government data and will be helpful in verifying the accuracy of the data submitted to the Commission. None of these data sources (government or commercial) even if used in concert, provide the level and scope of information required to meet the Congressional requirements under the Ocean Shipping Reform Act of 2022 (OSRA 2022). The Commission, however, intends to minimize the data reporting burden as much as possible by using definitions and terminology in its

data collection that align with other Federal agency data collections. This will allow carriers to use and leverage their existing systems to generate the reports for items that have overlap.

Comments submitted in response to this notice will be included or summarized in our request for the Office of Management and Budget (OMB) approval of the relevant information collection. All comments are part of the public record and subject to disclosure. Please do not include any confidential or inappropriate material in your comments. We invite comments on the value of collecting information on cargo loaded and off-loaded outside of the U.S. on service strings that include U.S. port calls.

#### Information Collections Open for Comment

**Title:** Container vessel imports and exports.

**OMB Approval Number:** 3072-XXXX.

**Abstract:** The Ocean Shipping Reform Act of 2022 (OSRA 2022) includes the following language, "The Federal Maritime Commission shall publish on its website a calendar quarterly report that describes the total import and export tonnage and the total loaded and empty 20-foot equivalent units per vessel (making port in the United States, including any territory or possession of the United States) operated by each ocean common carrier covered under this chapter. Ocean common carriers under this chapter shall provide to the Commission all necessary information, as determined by the Commission, for completion of this report." 46 U.S.C. 41110. The FMC will request information on containerized imports and exports from each identified common carrier on a monthly basis. The data elements will include both tonnage and empty and laden 20-foot, 40-foot, and 45-foot containers discharged and loaded. The scope will include each port of call on service strings that include U.S. calls by vessel-operating common carriers operating in the U.S. foreign oceanborne commerce.

The information will be used to compile and publish a quarterly report on total U.S. export and import tonnage deployed and total loaded and empty 20-foot equivalent units per vessel operated by vessel-operating common carriers. The universe will be vessel-operating common carriers that transport 1,500 or more 20-foot equivalent units per month (total across imports and exports, regardless of whether they are laden or empty) in or out of the U.S., in the U.S. oceanborne foreign commerce. The Commission estimates that approximately 70 of the