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----- Office of the Secretary Int'l Trade Commission

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January 8, 2015

**BY ELECTRONIC SUBMISSION**

Hon. Lisa R. Barton, Secretary  
U.S. International Trade Commission  
500 E Street, SW, Rm. 112A  
Washington, DC 20436

**Re: Sugar from Mexico, Inv. Nos. 701-TA-513 and 731-TA-1249 –  
Petition for Review of Suspension Agreements**

Dear Secretary Barton:

On behalf of AmCane Sugar LLC (“AmCane”), we hereby request review of the suspension agreements announced by the U.S. Department of Commerce (“Commerce”) on December 19, 2014 in the above-referenced countervailing and antidumping duty investigations.<sup>1</sup>

The statute provides that an “interested party” who is a “party to the investigation” may request (and thereby trigger) a review to “determine whether the injurious effect of imports of the subject merchandise is eliminated completely” by a suspension agreement.<sup>2</sup> The Commission’s regulations state that “the Commission, upon petition, shall initiate an investigation to determine whether the injurious effect of imports of the merchandise which was the subject of the suspended investigation is eliminated completely by the agreement.”<sup>3</sup>

AmCane is a U.S. producer of a domestic product that is like the subject imported merchandise. Therefore, AmCane is an “interested party” pursuant to Section 771(9)(C) of the Tariff Act of 1930, as amended, and is the type of interested party that is entitled to request review of the suspension agreements.<sup>4</sup> Having completed responses to the Commission’s questionnaires in the preliminary phase and filed a

<sup>1</sup> *Sugar From Mexico: Suspension of Countervailing Duty Investigation*, 79 Fed. Reg. 78,044 (Dec. 29, 2014); *Sugar From Mexico: Suspension of Antidumping Investigation*, 79 Fed. Reg. 78,039 (Dec. 29, 2014).

<sup>2</sup> 19 U.S.C. §§ 1671c(h)(1)-(2), 1673c(h)(1)-(2).

<sup>3</sup> 19 C.F.R. § 207.41.

<sup>4</sup> 19 U.S.C. § 1677(9)(C) (provision for “manufacturer” and “producer” in the United States of a domestic like product); 19 U.S.C. §§ 1671c(h)(1), 1673c(h)(1) (interested parties identified in subparagraph (C) of section 1677(9) are entitled to seek review of this type of suspension agreement).

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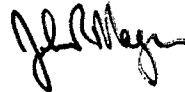
notice of appearance in the final phase, AmCane also is a "party to the investigations."

Commerce suspended the investigations on December 19, 2014, and published suspension notices in the *Federal Register* on December 29, 2014.<sup>5</sup> Submitted within 20 days of the suspensions, this petition is timely.<sup>6</sup>

Agreements of the type used by Commerce here, which allow the continuation of some dumping and subsidization, must completely eliminate the injurious effects of the subject imports. While AmCane supports, in principle, the settlement of this trade litigation through suspension agreements, it believes the agreements accepted by Commerce here fall short of statutory requirements and indeed will exacerbate, rather than completely eliminating, injury associated with the subject imports. That is why AmCane is invoking its statutory right to secure review of the agreements, and why the Commission should promptly commence the requested review.

Please contact the undersigned if you have any questions regarding this submission.

Respectfully submitted,



John R. Magnus  
Sheridan S. McKinney  
Counsel to AmCane Sugar LLC

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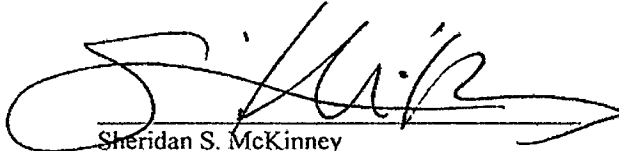
<sup>5</sup> *Sugar From Mexico: Suspension of Countervailing Duty Investigation*, 79 Fed. Reg. 78,044 (Dec. 29, 2014); *Sugar From Mexico: Suspension of Antidumping Investigation*, 79 Fed. Reg. 78,039 (Dec. 29, 2014).

<sup>6</sup> 19 U.S.C. §§ 1671c(h)(1), 1673c(h)(1); 19 C.F.R. § 207.41.

CERTIFICATION OF FACT

Sugar from Mexico  
Inv. Nos. 701-TA-513 and 731-TA-1249

I, Sheridan S. McKinney, of TradeWINS LLC, certify that (1) I have read the attached submission, and (2) based on the information made available to me, I have no reason to believe that this submission contains any material misrepresentation or omission of fact.



Sheridan S. McKinney  
TradeWINS LLC  
1919 M Street NW, #700  
Washington, DC 20036

District of Columbia: SS

Subscribed and sworn to before me on this 8<sup>th</sup> day of January 2015



Notary Public

MELANIE D. BERNHARDT  
NOTARY PUBLIC DISTRICT OF COLUMBIA  
My Commission Expires March 31, 2018

My Commission Expires \_\_\_\_\_

Dated: January 8, 2015

