(6)

No. 4361
Date: November 9, 1990
1:30 P.M.
Approved: Antonio J. Colorado
Secretary of State
By: [signature]
Assistant Secretary of State

COMMONWEALTH OF PUERTO RICO
PUERTO RICO PORTS AUTHORITY
BOARD OF DIRECTORS

RESOLUTION NO. 90-72

Resolution to amend Resolution No. 90-07 of February 21, 1990 in relation to Regulation to Establish the General Structure of Rates, Fees, Rentals and Other Charges for the use of the facilities and services rendered at the Terminals owned and/or operated by the Puerto Rico Ports Authority and for the services rendered in the Ports of Puerto Rico under the Puerto Rico Ports Authority jurisdiction.

Whereas, Resolution No. 90-07 established the date of effectiveness to be July 1, 1990.

Whereas, according to the established procedure a designated Hearing Officer conducted hearings and suggested to the Ports Authority and other parties to meet and come to an agreement regarding different aspects of the rates and charges to be adopted.

Whereas, as a result of the first meetings, a Stipulation dated July 11, 1990 was agreed by the parties, and was endorsed and submitted by the Hearing Officer to the Board of Directors of the Puerto Rico Ports Authority.

THEREFORE, BE IT RESOLVED

I. Postponement of the date of effectiveness of Resolution

The date of effectiveness of Resolution No. 90-07 of February 21, 1990 is hereby postponed until January 1, 1991 and ending December 31, 1993.

II. The Stipulation of July 11, 1990 between the Puerto Rico Ports Authority and the Shipping Companies is adopted and ratified by this Resolution

III. Effectiveness

1. The provisions of this Resolution are approved and shall come into effect at the date of its approval by the Puerto Rico Ports Authority's Board of Directors.

2. This Resolution is approved pursuant to the Puerto Rico Ports Authority Act of 1942, as amended, (23 L.P.R.A. 331-354).

In San Juan, Puerto Rico, this 17th of October 1990.

PRESIDENT
BOARD OF DIRECTOR

SECRETARY
BOARD OF DIRECTORS

Certifico que la presente
es copia fiel y exacta de la
Resolución Núm. 90-72
del 17 de oct de 1990.

Sub-Secretaria

In the matter of rates, fees and other charges for the use of space and exercise of privileges at Marine Terminal facilities of the Puerto Rico Ports Authority and Port Services for the period beginning January 1, 1991 and ending June 30, 1994	*	Hearing under Article 6 (1) of the Puerto Rico Ports Authority Act, as amended

TO THE HONORABLE HEARING OFFICER:

STIPULATION

This Stipulation by and between the Puerto Rico Ports Authority, hereinafter referred to as "the Authority" and The Puerto Rico Shipping Association, hereinafter referred to as the "Association" through the undersigned respective representatives provides:

1. The Authority has reviewed the general structure of rates, fees, and other charges ("rates") for the use of marine terminal facilities and the Board of Directors of the Authority has adopted Resolution No. 90-07, establishing such rates for the period beginning on July 1, 1990 and ending June 30, 1993 for the use of said facilities and services.

2. Subject to the conditions hereinafter stated, the Association accept the rates established by said Resolution Number 90-07 approved by the Board of Directors of the Authority on February 21, 1990.

3. The Association and the Authority have agreed, without prejudice of Article 6 (1) of the Puerto Rico Ports Authority Act to accept the rates established by Resolution Number 90-07 upon the following terms and conditions:

A- Tariff period - The proposed tariff adopted by Resolution No. 90-07 will be for a period of three (3) years beginning January 1, 1991 and ending December 31, 1993.

B- Dockage charges - A 5% reduction in the proposed increase will be adopted for vessels berthed at the terminals owned and/or operated by the Authority.

C- Port service charges - A reduction from 35.6% to 18.7% of the proposed increase will be adopted for all the ports of Puerto Rico according to The Docks and Harbors Act of Puerto Rico.

D- Passenger fees - There will be an increase from $4.67 to $6.70 per passenger.

1) The incentive of $1.00 per passenger in ships having over 40 trips are established to start from the first trip.

2) The level of 90,000 passengers or more moved through the facilities during twelve (12) consecutive months in more than one ship belonging to the same company for passenger fee exemption is raised to 120,000 passengers.

3) When there are more than one turist passenger or cruise ship which belongs to the same company (not agent) and jointly transporting more than 120,000 passengers in the fiscal year commencing July 1, the company will be exempt of the payment of $4.67

of the passenger fee for each passenger over 120,000 who pay the passenger fee.

5- Annual License Fees - A 40% reduction in the proposed increase will be adopted in lieu of Ports Services Charges for local port vessels and ships operating within Puerto Rican ports.

6- Water - This charge will be increased to $1.40 per cubic meter.

4. This Stipulation will be submitted to the Hearing Officer appointed by the Board of Directors of the Authority pursuant to Article 6 (1) of the Puerto Rico Ports Authority Act and the same is subject to the final approval of the Board of Directors of the Authority.

GIVEN at San Juan, Puerto Rico, on this day of July, 1990.

PUERTO RICO PORTS AUTHORITY

By: _____
José A. Buitrago
Executive Director

PUERTO RICO SHIPPING ASSOCIATION

By: _____
José A. Oller
President

Item	Rates and Fees	
5.0	RATES AND FEES	
5.1	DOCKAGE	Dockage Rate Per Gross Register Ton Per 24 Hrs. or Fraction Thereof
5.1.2	Tanker vessels and tank barges while berthed at wharves, piers or bulkhead structures designed primarily for the loading or offloading or liquid cargo by pipeline.	$0.0653
5.1.3	All vessels while berthed at dry cargo wharves, piers or bulkhead structures in connection with the trade with off-shore points.	$0.1176
5.1.4	All vessels while berthed at dry cargo wharves, piers or bulkhead structures in connection with the trade with other Puerto Rico ports or the American Virgin Islands.	$0.0882
5.1.5	Dockage rates for tourist vessels known as "Cruise Ships" and for combination cargo - passenger vessels carrying more than 100 revenue passengers will be:	$0.0582
5.1.6	Vessels including those of non-profit organizations engaged in revenue producing activities while berthed.	$0.14
5.1.7	Dockage NOS.	$0.14
5.1.8	Application of the dockage rates prescribed above shall be subject to a minimum dockage of:	$9.79

Item	Rates and Fees	Unit	Rate
5.3.1	Cruise ships sheduled for two (2) port calls or more weekly (within a period of seven consecutive days) to the Port of San Juan shall be charged the following per passenger rates: a- Ships on their first port call shall be assesed the normal per passenger charge. b- Ships on their second port call during the same seven day period shall pay seventy percent (70%) of the normal per passenger charge. c- Ships on their third port call during the foregoing seven day period shall pay one third (1/3) of the prevailing passenger charge. d- Port calls in excess of three (3) in a seven day period will be assessed the per passenger charge as indicated in Paragraph "c" above.		
5.3.2	Cruise ships making more than 40 trips during twelve consecutive months will be assessed a per passenger rate of only $5.70 for each passenger carried in each trip over 40 trips based on $6.70 fee per passenger, and once the corresponding ship surpases the sum of 40 trips it will be reimbursed the amount of $1.00 accumulated by passenger starting from the first trip.		
5.3.2.1	When there are more than one tourist, passenger, or cruise ship which belong to the same company (not agent) and jointly transporting more than 120,000 passengers, in the fiscal year commencing July 1st. the company will be exempted of the payment of $4.67 of the passengers fees for each passenger over 120,000 passengers who paid the passengers fee.		

Item	Rates and Fees
5.3.3.2	The provisions of Articles 3.3.2, 5.3 and 5.3.2 will not be applicable to ferryboats or ferries servicing between the Port of Mayaguez and the Dominican Republic.
5.3.3.3	Cruise or passenger ships using Pier No. 8 will be assessed only 50% of the charges provided in Item 5.3. In these cases the provisions of Article 5.3.1, 5.3.2 and 5.3.2.1 will not apply.
5.3.3.4	Cruise or passenger ships arriving to the Puerto Rico Ports Authority facilities on Fridays will be assessed only 50% of the passenger charges provided in Item 5.3. In these cases the provisions of Article 5.3.1, 5.3.2, 5.3.2.1 and 5.3.3.3 will not apply.
5.4	Port Services Charges

Port Services Charges are assessed to every vessel entering and using a port of Puerto Rico or adjacent islands, as follows:

	Per Gross Register Ton Per Calendar Day or Fraction Thereof	
	Other Ports	Ponce*
350 Gros Ton, or less	$0.07	0
351 to 999 Gross Tons	0.0526	0
1,000 Gross Ton, or over	0.0438	0
5.4.1 Port Service Charge Minimum	$8.90	0

*Charges at Ponce, which would otherwise continue to be identical to those charged at Other Ports, are deleted under protest to comply with Federal Maritime Commission Order in Docket No. 88-5, served April 25, 1990. Parties who would otherwise have been responsible for paying the deleted charges during the period of deletion will be assessed such charges for collection and will be liable therefor if the Commission's decision is set aside on judicial review.