GOBIERNO DE PUERTO RICO

*AUTORIDAD DE LOS PUERTOS DE PUERTO RICO*
*JUNTA DE DIRECTORES*
*SAN JUAN, PUERTO RICO 00936-2829*

*RESOLUCION NUM. 97-43* 5699

***Resolución número 97-43**, para enmendar la Resolución para enmendar la Resolución número 97-13 que adoptó la **Tarifa A-2-2**, que establece la estructura general de las tarifas, derechos, cánones dearrendamiento y otros cargos por el uso de las instalaciones y servicios en los Aeropuertos Regionales de Puerto Rico, durante el período del 1ero de abrilde 1997 hasta el 31 de diciembre de 1997, para cambiar el cargo por pasajero aplicable a los operadores aéreos que viajan a las Islas Vieques y Culebra.*


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No. 5699
Date: October 3, 1997 1:35p.m.
Approved: Norma Burgos
Secretary of State
By:
Assistant Secretary of State

# BOARD OF DIRECTORS
# PUERTO RICO PORTS AUTHORITY

## Resolution 97-43

Whereas, Tariff A-2-2 adopted pursuant to resolution 97-13 dated February 19, 1997, establishes the general structure of rates, fees, rentals and other charges for the use of the facilities and services of the Regional Airports of Puerto Rico for the period of April 1, 1997 through December 31, 1997.

Whereas, the Puerto Rico Ports Authority held a public hearing on April 11, 1997, to receive testimonies and comments concerning Resolution 97-13 including Tariff A-2-2.

Whereas, the Puerto Rico Ports Authority specifically received comments by the carriers flying to the island municipalities of Vieques and Culebra.

Whereas, the carriers made several points that the new tariffs would impose severe economic hardships on the carriers and ultimately would impact negatively the air transportation between the island of Puerto Rico and the two island municipalities.

Whereas, the air carriers pointed out that they provide other services to the island municipalities that other air carriers on the island of Puerto Rico do not provide. Among these services are the maintenance of an airplane on call overnight at each of the airports to provide emergency transportation to patients in case of an accident or sudden illness. In addition it is the only source of transportation in or out of these islands, when the weather does not permit the transportation of passengers in the ferry system.

Whereas, as a result of the comments received by the carriers of the island municipalities of Vieques and Culebra, the Puerto Rico Ports Authority administration has reviewed Tariff A-2-2 and recommends that the same be amended to provide an incentive to the carriers flying to Vieques and Culebra by reducing the passenger fee from $0.55 to $0.05.

THEREFORE, BE IT RESOLVED

1. The Board determines that the amendment proposed to Tariff A-2-2 is necessary and vital to maintain air transportation to and from the island municipalities of Vieques and Culebra and is harmonious with the purposes for which the Ports Authority was created.

2. The Board hereby approves the amendments to items 5.6, 5.6.1 and the addition of item 5.6.2 in Tariff A-2-2, to read in its entirety as follows:

5.6 Passenger Terminal Fee

5.6.1 A per passenger fee in commercial flights or revenue producing flights in each inbound and outbound flight for all Regional Airports, except for Culebra and Vieques, will be charges as follows:

Per Passenger $0.55

5.6.2 For commercial flights or revenue producing flights in each inbound and outbound flight that arrives or departs from Culebra or Vieques, the Per Passenger Fee will be .....$0.05.

3. The Board hereby approves that the amendments made to Items 5.6, 5.6.1 and the addition of item 5.6.2 be effective as of April 1, 1997.

4. The Board hereby approves the amended Tariff A-2-2, which is attached to this Resolution.

5. The Ports Authority reserves the right to amend rates, fees, rentals and other charges hereby established, if, during the period of validity of this Resolution, there are significant changes that justify amending said rates, fees, rental and other charges.

In San Juan, Puerto Rico, this 3rd day of September, 1997.

Approved By:

Dr. Carlos I. Pesquera
President
Board of Directors

Certified By:

Roberto Biaggi
Secretary
Board of Directors

| Puerto Rico Ports Authority<br>Resolution: 97-43<br>Regional Airport Rates & Fees | Tariff No. A-2-2<br>Page Number 1<br>Effective: April 1, 1997 | 5699 |
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| Item | Rules and Regulations |
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| 1.0 | Definitions |
| 1.1 | Certificated Schedules Air Carriers - Airlines duly certificated by the Federal Aviation Administration through a certificate of public convenience and necessity or any other certificate or permit assigning services, regular routes, or schedules. |
| 1.2 | Commercial Aircraft - Aircraft whose operators are engaged in the carriage of persons, property, baggage, or mail commercially or for hire pursuant to authority granted by the Federal Aviation Administration, or aircraft used to carry cargo or passengers for direct or indirect revenue-deriving activities. This term also includes any private or pleasure aircraft on revenue producing flights as further defined in item 4.7. |
| 1.3 | Non-Commercial Aircraft - Aircraft privately or corporately owned whose operators are not engaged in the carriage of persons, property, baggage, or mail commercially or for hire, and not operating under any type of certificate currently issued by the Federal Aviation Administration for such services. |
| 1.4 | Maximum Allowable Gross Takeoff Weight - The maximum gross weight at which an aircraft may take off from an airport as authorized by the Federal Aviation Administration. |
| 1.5 | Revenue Flight - A departure of a commercial aircraft which produces a revenue for the operator from the carriage of passengers, property, baggage, or mail, or because a charge is made for the flight or for the use of the aircraft. If the departure does not produce revenue, but the previous landing of such aircraft was a revenue producing operation, the departure shall be considered a revenue flight. |
| 1.6 | Public Runways - The runway or runways at a given airport which are provided and made available by the Authority for public and common use by aircraft operations for the landing and taking-off of aircraft. |
| 1.7 | Public Taxiways - The taxiway or taxiways at a given airport which are provided and made available by the Authority for public and common use by aircraft operators for the ground movement of aircraft. |

| Item | Rules and Regulations |
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| 1.8 | Public Ramp and Apron Areas - The ramp and apron areas at a given airport which are provided and made available by the Authority for public and common use by aircraft operators for the purpose or unloading and loading of passengers, baggage, freight, mail, supplies, and other cargo from and to aircraft; and for the purpose of parking mobile equipment actively used in connection with such permitted uses. |
| 1.9 | Ramp Services to Aircraft - Services incidental to the immediate preparation of aircraft for scheduled departure, such to include, among others, fueling, inspection, and interior cleaning. Minor and emergency maintenance, exterior cleaning, and similar items will be deemed to be ramp service only when they can be performed within the time permitted by the rules and regulations of the Authority relating to the use of loading positions. |
| 1.10 | Service Stop Flight - A service flight shall mean an aircraft arrival and departure for the purpose of fueling, crew change or cabin service without enplaning of revenue passengers or the loading or unloading of revenue items of any kind. |
| 1.11 | Emergency Return Flight - Emergency return flight shall mean the return landing and subsequent departure of an aircraft for mechanical, meteorological, bomb search or other emergency reasons. |
| 1.12 | Regional Airports - For the purpose of this tariff, the regional airports include all airports owned or controlled by the Puerto Rico Ports Authority except the Luis Muñoz Marin International Airport. |
| 1.13 | Aviation Schools - Those entities or persons duly credited by the Commonwealth of Puerto Rico Department of Education with up-to-date status and certificated as such by the Federal Aviation Administration. |
| 1.14 | Miscellaneous Services - The Ports Authority may provide services or the use of facilities at the charges established in this tariff to include washing aircraft, use of electricity, etc. |

| Item | Rules and Regulations |
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| 2.0 | Landing Fees - These fees will be assessed to any commercial or non-commercial aircraft for each landing including the subsequent departure, if either be for revenue, expressed in terms of a rate per thousand pounds of maximum allowable gross weight of the aircraft at takeoff, for the use of the landing area. |
| 2.1 | There shall be no charge for a landing by commercial aircraft if neither the landing nor the following departure be for revenue. This refers to emergency return flights. Service stop flights are also excluded provided no revenue is derived from the operation. However, in the case of non-revenue flights, the aircraft operator must submit a certified statement within the next five calendar days after the flight, otherwise said flight will be subject to payment of charges as they apply to revenue flights. |
| 2.2 | Landing fees include the right to use aircraft loading positions as provided in agreements between airport users and the Authority or, in the absence of such agreements, as provided in Airport Rules and Regulations as amended, to provide for penalties and exemptions from penalties for unauthorized parking. |
| 3.0 | Aircraft Parking |
| 3.1 | The charge for parking indicated in the tariff will not apply to fixed base operations, aircraft owners or operators leasing hangar or parking space for the storage of their aircraft when the aircraft is on their own leased area. |
| 3.2 | The monthly aircraft parking fees will be paid by the owner or operator using the airport at his base station, except for those aircraft not stationed in Puerto Rico which will be paid at the Ports Authority offices of the airport where the aircraft is parked unless otherwise agreed with the Ports Authority in which case copy of such agreement will have to be shown to the officer or supervisor in charge at the airport. |
| 3.3 | Parking rates will not apply to aircraft owners or operators leasing hangar or parking space for the storage of their aircraft when such aircraft is parked in their own areas in accordance of a lease agreement with the Puerto Rico Ports Authority. |

| Item | Rules and Regulations |
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| 3.4 | Free time to certificated scheduled airlines with operating bases at other airports - Free time for certificated scheduled airlines not having base operations at the regional airports and which stop at the same for taking or leaving of passengers or cargo is established in accordance with Regulation No. 8213, Section 2.7.(b) as amended, applicable to the airports operated by the Puerto Rico Ports Authority in the same manner as the Luis Muñoz Marín International Airport. |
| 4.0 | General Conditions |
| 4.1 | Certified statements providing all necessary information required by the Ports Authority for statistical purposes or for the application of rates, fees, rentals and other charges set forth herein shall be filed by each airport user, certificated scheduled airline or commuter airline within five (5) business days after the close of each calendar month. Said information shall include, but will not be limited to, advanced copy of monthly flight schedules published and a certificated statement during the first five (5) days of every month of the changes made to the previous month's published flight schedule. A penalty of an annual 1.5% computed daily of the total billing will be assessed to those carriers submitting the information after the ten (10) business days indicated herein, subject to a maximum of $10.00 daily. |
| 4.2 | Government - Owned Aircraft<br><br>No fees or charges shall be imposed on any of the following aircraft: |
| 4.2.1 | Public type aircraft, including military or those used in the service of the United States Government, the Commonwealth Government of Puerto Rico and alien governments and its subdivisions, not including public corporations. |
| 4.2.2 | Aircraft used for search and rescue services by the Coast Guard Auxiliary by the US Coast Guard Commandant in Puerto Rico and which certification is accepted by the Ports Authority in regard to type of aircraft and principal activity. |
| 4.3 | Penalty for Withholding Payment of Fees After the Effective Date of Tariff Resolution - The Puerto Rico Ports Authority will assess a penalty of 9% annual interest to those carriers withholding any amount of payment at any time beyond the initial effective date of this tariff. |

| Item | Rules and Regulations |
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| 4.4 | Interest on Terms Due - Any sum due to the Puerto Rico Ports Authority for any of the fees, penalties or rentals established under this tariff will accrue interest at the maximum legal rate of interest allowable under the laws of Puerto Rico. |
| 4.5 | Parking Penalties - Monthly parking fees may be paid in advance and any owner or operator of any aircraft using the parking facilities of the Puerto Rico Ports Authority on a monthly basis under agreement to pay at the beginning of the month and not paying on time will be assessed a penalty of $1.00 per 1,000 pounds MAGTOW above the applicable per day fee for each calendar day after 10 days of the due date with the penalty to be paid stating the first day after due. Paying of the monthly parking advance is the evidence for fixed base stationed aircraft for not paying at other regional airports. |
| 4.5.1 | The Ports Authority reserves its rights not to fuel and to stop or deny the use of its facilities to any aircraft which owes any parking or landing fees, unless such aircraft conduct such operations by paying in cash. |
| 4.5.2 | To determine the applicable monthly parking fee the greater of the daily charge per 1,000 pounds MAGTOW and the monthly minimum will be collected. - Example 1: an aircraft of 20,000 pounds MAGTOW would pay $300 for monthly parking, which is the greater of 20 x $0.50 (the daily rate per 1,000 pounds MAGTOW) x 30 days = $300 and the monthly minimum of $45; - Example 2: an aircraft of 2,500 pounds MAGTOW would pay $45 for monthly parking, which is the greater of 2.5 x $0.50 (the daily rate per 1,000 pounds MAGTOW) x 30 days = $37.50 and the monthly minimum of $45. |
| 4.6 | Illegality of Charging Rates - The collection by any operator or person of any different tariff to that herein established for the services rendered by the Ports Authority and/or the use of its facilities at the regional airports is illegal unless allowed under specific contract and/or consent of the Ports Authority. |
| 4.7 | Private or Pleasure Aircraft on Revenue Producing Flights - Any private or pleasure aircraft carrying passengers or cargo through hire, or by charter or producing revenues or for a revenue producing activity will be treated as a commercial aircraft and will be subject to the corresponding commercial aircraft charges. |

| Item | 1997 Rates and Charges |
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| 5.0 | 1997 Rates and Charges |
| 5.1 | Passenger Terminal Space Rental Effective April 1, 1997 through December 31, 1997 - Rent for the use of either air conditioned or not air conditioned space at the passenger terminals at all regional airports of the Puerto Rico Ports Authority is $12.50 per square foot per year. |
| 5.2 | Landing Fees Effective April 1, 1995 through December 31, 1997 - The following fees will apply for the use of public runways, taxiways and ramps at all regional airports for each landing: |
| 5.2.1 | All flights, including certificated scheduled airlines, commercial and non-commercial aircraft on revenue and non revenue flights over 7,500 lbs MAGTOW per 1,000 pounds MAGTOW, or fraction thereof:.....$0.60 |
| 5.2.1.1 | Minimum per flight:.....$7.00 |
| 5.2.2 | For all commercial aircraft up to 7,500 MAGTOW per 1,000 pounds MAGTOW or fraction thereof:.....$0.40 |
| 5.2.2.1 | Minimum per landing:.....$1.00 |
| 5.2.2.2 | Additional fuel flowage fee - per gallon of.....$0.10 per fuel purchased at the regional airport gallon |
| 5.2.2.3 | For all aircraft used exclusively by their owners or renters for pleasure flying or Aviation School instruction flights on aircraft up to 7,500 pounds MAGTOW (hereinafter "general aviation aircraft") a fuel flowage fee will be charged per gallon of fuel purchased in the airport in lieu of landing fee.[1].....$0.10[2] |

[1] General Aviation Aircraft not purchasing fuel at the regional airports will pay the landing fees applicable to aircraft over 7,500 lbs MAGTOW as established in items 5.2.1 and 5.2.1.1 above.

[2] General Aviation Aircraft used for owners own business, on revenue or non-revenue flights in the transportation of cargo or passengers; general aviation aircraft used in charter flights, aerial advertising or aerial photography will also pay the landing fee established herein in items 5.2.2 and 5.2.2.1 above.

| Item | 1997 Rates and Charges | |
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| 5.3 | Parking Rates Effective April 1, 1997 through December 31, 1997 - Any aircraft which utilizes any space at any of the regional airports will pay rates per 1,000 pounds MAGTOW or fraction thereof as follows: | |
| 5.3.1 | Unpaved Areas | |
| 5.3.1.1 | Daily | $ 0.30 |
| 5.3.1.2 | Daily Minimum | $ 3.25 |
| 5.3.1.3 | Monthly Minimum | $35.00 |
| 5.3.2 | Paved Areas | |
| 5.3.2.1 | Daily | $ 0.50 |
| 5.3.2.2 | Daily Minimum | $ 3.50 |
| 5.3.2.3 | Monthly Minimum | $45.00 |
| 5.4 | Ground Rental Effective April 1, 1997 through December 31, 1997 - Rent for ground at all regional airports is $0.55 per square foot per year. | |
| 5.5 | Hangar and Warehouse Rental Effective April 1, 1997 through December 31, 1997 - Rent for hangar and warehouse space, including cargo terminal space, at all regional airports is $1.75 per square foot per year. | |
| 5.5.1 | The rent for hangars and storage areas, including cargo terminals, at all regional airports for activities not related to aviation, will be determined by negotiations based on market value and using as a guide the proper established minimum. | |
| 5.5.2 | The Ports Authority Executive Director may, with the consent of the Board of Directors of the Puerto Rico Ports Authority, amend or alter the aforementioned established fees and charges so as to provide for incentives for the establishment of aviation related services at the different regional airports. | |

| Item | 1997 Rates and Charges |
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| 5.6 | Passenger Terminal Fee |
| 5.6.1 | A per passenger fee in commercial flights or revenue producing flights in each inbound and outbound flight for all Regional Airports, except for Culebra and Vieques, will be charged as follows:<br><br>Per Passenger $0.55 |
| 5.6.2 | For commercial flights or revenue producing flights in each inbound and outbound flight that arrives or departs from Culebra or Vieques, the Per Passenger Fee will be.....$0.05 |
| 5.7 | Miscellaneous Services Effective April 1, 1997 through December 31, 1997 |
| 5.7.1 | Water used for washing aircraft per hour or fraction thereof is $4.50. |
| 5.7.2 | Electricity use, per hour or fraction thereof is $4.50. |
| 5.7.3 | Services, not classified, per hour or fraction thereof are $18.00. |
| 5.7.4 | Services, nor classified, using Ports Authority employees; per employee per hour or fraction thereof are $45.00. |