

DEPARTMENT OF STATE

Regulation No. 6727

Date: December 2, 2003

Approved: Ferdinand Mercado
Secretary of State



By: Giselle Romero García
Assistant Secretary for Services

RESOLUTION NUMBER 2003-79

The Executive Director of the Puerto Rico Ports Authority submitted the following matter for consideration and approval by the Board of Directors:

REQUEST TO AUTHORIZE THE EXECUTIVE DIRECTOR OF THE PUERTO RICO PORTS AUTHORITY TO ADOPT THE TARIFF NO. M-1-6 THAT ESTABLISHES THE RATES, FEES, RENTAL AND OTHER CHARGES FOR THE USE OF THE FACILITIES AND SERVICES PROVIDED AT THE PORTS AND MARINE TERMINALS.

Mr. Miguel Soto Lacourt, Executive Director of the Puerto Rico Ports Authority (The Authority), explained to the Board of Director, that the Tariff No. M-1-5 adopted through Resolution No. 99-38 as amended, establishes the rates, fees, rentals and other charges for the use of the facilities and services provided at the ports and marine terminals.

The Authority has reviewed all the rates, fees, rentals and other charges at the ports and marine terminals Airport to determine if they comply with the requirements of Act No. 125 of May 7, 1942, as amended and to determine the need to amend or extend the same.

Pursuant this review, the Authority has determined the need to change to the rates, fees, rental and other charges at the ports and maritime terminals.

The Authority published public notices of the Authority's intention to amend Tariff No. M-1-5, and the charges and rates established in the mentioned tariff. The revised tariff was made available for public review and invited the general public to submit written comments or requests for public hearings.

Enclosed with this Resolution and as an integral part of it is attached the Hearing Officer Report, Edwin V. Rosas Bayonet, Esq., who presided the public hearings.

Having evaluated the arguments made by the Executive Director, the Board of Directors approved the followings:

RESOLUTION NUMBER 2003-79

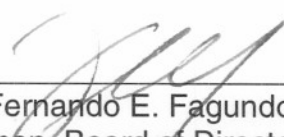
AUTHORIZE THE EXECUTIVE DIRECTOR OF THE PUERTO RICO PORTS AUTHORITY TO ADOPT THE TARIFF NO. M-1-6 THAT ESTABLISHES THE RATES, FEES, RENTALS AND OTHER CHARGES FOR THE USE OF THE FACILITIES AND SERVICES PROVIDED AT THE PORTS AND MARINE TERMINALS.

WE HEREBY RESOLVE: To authorize the Executive Director of the Puerto Rico Ports Authority or his delegate to adopt the Tariff No. M-1-6, because it is necessary and useful for the public interest, and is in keeping with the purposes for which the Puerto Rico Ports Authority was created, and approves the Report prepared by the Hearing Officer, Edwin V. Rosas Bayonet, Esq., establishing the general structure of rates, fees, rentals and other charges for the period from January 1, 2004 to December 31, 2008.

On the effective date of this Resolution, all previous resolutions establishing similar rates, fees, rentals and other charges for the use of the facilities and services at the ports and marine terminals will cease to be effective. Nothing in this Resolution shall in any manner affect the effectiveness for periods prior to January 1, 2004 of such similar rates, fees, rentals and other charges.

The Authority reserves the right to amend the rates, fees, rentals and other charges established hereunder, if during the period of effectiveness of this Resolution happens significant changes that justify necessary amendments to such rates, fees, rentals and other charges.

In San Juan, Puerto Rico, on this November 21, 2003.



Hon. Fernando E. Fagundo
Chairman, Board of Directors



Mr. José Suárez
Secretary, Board of Directors



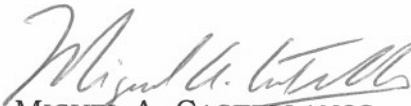
CERTIFICACIÓN

YO, MIGUEL A. CASTELLANOS, mayor de edad, casado y vecino de San Juan, Puerto Rico, en mi carácter de Subsecretario de la Junta de Directores de la Autoridad de los Puertos de Puerto Rico, una Corporación debidamente organizada y existente bajo las Leyes del Estado Libre Asociado de Puerto Rico, certifico que:

En reunión extraordinaria de la Junta de Directores de la Autoridad de los Puertos, convocada y celebrada el 21 de noviembre de 2003, y luego de haberse determinado Quórum, los miembros presentes aprobaron por unanimidad la siguiente resolución:

#2003-79 RESOLUCIÓN PARA AUTORIZAR AL DIRECTOR EJECUTIVO DE LA AUTORIDAD DE LOS PUERTOS a adoptar la tarifa M-1-6 que establece las tarifas, derechos, rentas y otros cargos por el uso de las facilidades y servicios en los puertos y terminales marítimos.

PARA QUE ASÍ CONSTE, expido la presente que firmo y estampo con el sello oficial de la Autoridad de los Puertos, en San Juan, Puerto Rico, hoy, 21 de noviembre de 2003.


MIGUEL A. CASTELLANOS
Subsecretario
Junta de Directores

MAC/mmp

PUERTO RICO PORTS AUTHORITY

TARIFF M-1-6

**RATES, FEES AND CHARGES
FOR THE USE OF THE PUBLIC MARINE FACILITIES
AND PORT SERVICES**

**EFFECTIVE
JANUARY 1, 2004 THROUGH DECEMBER 31, 2008**

- | Item | Rules and Regulations |
|-------------|--|
| 1.0 | DEFINITIONS - For the purpose of this tariff and its Rules and Regulations, the following terms shall have the following meanings and the use of the term in singular shall include the plural and vice versa. |
| 1.1 | Adjacent Island - All the islands surrounding Puerto Rico and depending upon its government. |
| 1.2 | Calendar Day - The 24 hours from midnight to Midnight. |
| 1.3 | Cargo - The goods, merchandise, or whatever is loaded, transported or conveyed in a ship whether in liquid, solid or in any other form. |
| 1.3.1 | Cargo Facility Charge - A charge assessed inbound or outbound to general cargo containers or vehicles for maintenance and development of cargo facilities. |
| 1.4 | Consignee-Agent - The person representing the owner or captain vessel in a town or at the place where certain work is done or the person to whom the cargo is consigned. |
| 1.5 | Container - A permanent type cargo-carrying unit designed to be transported directly and mechanically between vessels and other forms of transportation which has minimum dimensions of eight (8) feet in width, eight (8) feet in height, and twenty (20) feet in length, which is used for the movement of cargo as a unit. All other containers will be considered as general cargo. |
| 1.6 | CWT - Abbreviation for hundredweight. When used with respect to computation of wharfage or demurrage, means (1) by weight, per cwt of 100 pounds; (2) by volume, per cwt of two cubic feet; or (3) board foot measurement in case of lumber, per 24 board feet being equivalent to a cwt. Of two cubic feet. |
| 1.7 | Dock - Any structure used for the mooring of vessels or for the loading or unloading of persons or things. Also to mean port facilities and vice versa. |
| 1.8 | Dockage - the charge assessed against a vessel for berthing at or making fast to a wharf, pier or bulkhead structure or for mooring to another vessel so berthed. |
| 1.9 | Free Time - The period of time prior to the commencement of loading of a vessel, and the period of time following the completion of discharge by a vessel, when outbound and inbound freight respectively, may be held in the transit area without payment of any fee except wharfage. |

- | Item | Rules and Regulations |
|-------------|---|
| 1.10 | Gross Tonnage - (of a vessel) - This term is synonymous with Gross Register Tonnage. It will normally be found in the ship license or in the international or domestic certificate, which the highest will be the official basis used in this tariff. |
| 1.11 | Landing Place - Any place where it is possible for a vessel to embark or disembark persons, or load and unload things, directly to or from land rather than by an intermediate water carrier. |
| 1.12 | Lighter - A barge, with no means of self-propulsion, used to transport cargo from point to point within a port. It is usually towed by a tug. |
| 1.13 | Marine Terminal - A development consisting of one or more piers, wharves, docks, bulkheads slips, basins vehicular roadways, railroad connections, sidetracks, sidings or other building structures facilities or improvements, necessary or convenient to the accommodation of steamships or other vessels and their cargo and passengers. |
| 1.14 | Off-Shore Points - Points not located in Puerto Rico or its adjacent islands, or in the American Virgin Islands. |
| 1.15 | Pier - A structure extending into navigable water for use as a landing place, for persons or things. |
| 1.16 | Ports Authority - The Puerto Rico Ports Authority as created by and existing under the Puerto Rico Ports Authority Act. Of 1942, as amended (23 L.P.R.A. 331-352). |
| 1.17 | Port Services Charges - The Charge assessed against a vessel for entering a port (whether or not it docks anchors, loads or unloads cargo) and receiving thereby the benefits of general services and regulation, which promote commerce and navigation and are unrelated to terminal facilities and services, that are provided by the Ports Authority pursuant to the Docks and Harbor Act of Puerto Rico. These include, by example and without limitation, contributions to the maintenance dredging of port and harbor navigation channels (not terminal or berthing areas) to the extent not performed by the Army Corps of Engineers; construction of dikes when and where needed; assistance and/or supervision of navigation when and as needed, including for example lookout stations, radio communications, and the regulation and control of pilots; clearance of debris from navigation channels; investigation of accidents; provision of Port Captains; and administration of the Docks and Harbors Act provided within port and harbor areas or though the Ports Authority's central offices. |

- | Item | Rules and Regulations |
|-------------|---|
| 1.18 | Quay - Every structure, embankment or wall protecting from the sea and its waves that part of the waterfront, which said structure, embankment or wall limits. Used interchangeably with "Dock". |
| 1.19 | Ship, Vessel or Boat - any vehicle used for the transportation of persons or things on the water, to include the ship's owner, her Master and the agent or any of them. |
| 1.20 | Transit Area - the area covered or uncovered, bordering on the apron of a wharf, pier, or bulkhead structure within which a cargo is assembled for loading on a vessel, and on which it is discharged for delivery from a vessel. |
| 1.21 | Wharf - A structure built along or at an angle from the shore of navigable waters so that ships may lie alongside to receive and discharge cargo and passengers. Also piers, docks and bulkheads. Wharves, pier or bulkhead structures designed primarily for the loading or off-loading of liquid cargo by pipeline shall refer to Yabucoa, Guayanilla, Tallaboa, Las Mareas and other piers used for the loading or off-loading of petroleum related products. The rest shall be considered dry cargo wharves, piers or bulkheads. |
| 1.22 | Wharfage - The charge assessed against cargo for the passage of that cargo on, over, under, or through any wharf premise, pier or bulkhead structure, inward or outward. It also includes the charge assessed against cargo passing or conveyed between vessels (to or from barge, lighter or water) or by pipeline when berthed at wharf or when moored in a slip adjacent to the wharf. |
| 1.23 | Wharf Demurrage or Demurrage - Assessed against cargo, which remains in the transit area related to a wharf, pier, or bulkhead structure after the termination of the free time. Actually a penalty intended to urge for the prompt removal of the cargo from the pier premises. |
| 1.24 | Cruise or Passenger Ships - Means ships engaged in the transportation of passengers, with cabins, (carrying twelve or more passengers), or conducting cruises or tour services and not carrying cargo. |
| 1.25 | Ferryboats or Ferry - Vessels used for transporting passengers and or merchandise in regular periodic and continuous sailing and which may at the same time render cargo services. |

Item Rules and Regulations

1.26 Explanation of Reference Marks or Abbreviations

The following abbreviations or marks are intended to serve as reference of Tariff:

(R)	=	Reduction
(I)	=	Increase
(C)	=	Change in Wording or Expression
(D)	=	Deletion
(A)	=	Addition to Tariff
(N)	=	Change in Item number or Order

1.27 Ports Under the Jurisdiction of the Puerto Rico Ports Authority

Ports under the jurisdiction of the Puerto Rico Ports Authority mean all the ports of Puerto Rico according to the Docks and Harbors Act of Puerto Rico, No. 151 of June 28, 1968 (23 L.P.R.A. 2101-2801). The berths which are part of piers or maritime terminals owned by private persons or entities and which are not owned by the Puerto Rico Ports Authority are included solely for general regulation benefits which might be applicable with safety objectives, but not for dredging responsibility objectives nor safeguarding of property or which belong to the particular terminal or pier operator watchmen services objectives. No terminal facilities at Ponce are under the control or administration of the Ports Authority.

2.0 CONVERSION FACTORS

1 kilogram = 2.2046 pounds
1 pound = 0.45 kilograms
1000 kilograms = 2,204.6 pounds = 1 metric ton
1 metric ton x 0.91 = 1 short ton
1 metric ton x 1.02 = 1 long ton
1 cubic meter = 35.315 cubic feet
(cubic meters x 35.315 = cubic feet)
(1 cubic meter x 1.13 = 40 cubic feet)
(40 cubic feet x 0.88 = 1 cubic meter)
1 centimeter = 0.3937 inches
(centimeters x 0.3937 = inches)
(inches x 2.54 = centimeters)

Item Rules and Regulations

3.0.4 Access to Records

All vessels, their owners and agents, and all other user of the facilities, shall be required to permit access to manifests of cargo, passengers, and all other document for the purpose of audit for ascertaining the correctness of reports filed, or for securing necessary data to permit correct estimate of charges.

3.0.5 Indemnity Bond or a Letter of Credit

Users of the Puerto Rico Ports Authority facilities are required to furnish the Authority with an Indemnity Bond or Letter of Credit, insuring the Authority against loss of any funds and indemnifying the Authority in full for the payment of bills that accrue as a result of dockage, cargo and passenger wharfage, water sales, storage, rentals leases, warehousing, demurrage, electric current and any other charges that may accrue for services rendered by the Authority. The Ports Authority Director is authorized to determine and fix the amount of the required Bond or Letter of Credit.

3.0.6 Insurance

All users of the Ports Authority terminal facilities are required to carry bodily injury liability insurance and property damage liability insurance and to furnish certificates of insurance to the Director. Such insurance shall be in amounts not less than \$500,000 combined single limit and for contract terminal operators not less than \$1,000,000.

3.0.7 Pollution of Air, Water and Land

It is unlawful for any person, firm or corporation to deposit, place or discharge into the waters of the port and facilities any ballast, dunnage, sanitary sewage butcher's offal, garbage, dead animals, gaseous liquid or solid matter, oil, gasoline, residuum of gas, calcium carbide, tar or refuse, or any other matter which is capable of producing floating matter or scum on the surface of the water, sediment or obstruction on the bottom of the waters, or odors or gases or putrefaction, or land, or in water.

All vessels and all persons using Ports Authority facilities shall take every precaution to avoid pollution of the air and land. Authority air pollution control procedures will be strictly enforced.

In addition to these regulations, all appropriate federal, state and local laws, rules and regulations pertaining to air and water pollution shall be rigidly observed.

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(B) In the event any damage is done to any wharf, wharf premise, facility or other property owned by the Puerto Rico Ports Authority and in the possession of, or under the supervision, management or control of the Authority, the person or persons causing, responsible for, or in any way connected with such damage and the person or persons to whom the wharf, wharf premises, facility or other property owner, operator, or agent of any vessel, vehicle, or other instrumentality involved is such damage, shall promptly file a full report thereof with the Ports Authority Executive Director stating the date and hour the damage occurred, the names and address, or, if unknown, a description of witnesses and other persons, vessels or instrumentality involved in the damage, as well as all other pertinent facts and information that may be available. It is unlawful for any person to refuse, neglect or fail to make or give any such report in the form and manner aforesaid, and, in addition to the general penalties prescribed in this Tariff, any such person who so refuses, neglects or fails, may be denied the use of wharf or other facility until the Authority has been fully reimbursed for any such damage.

3.0.10 Emergencies

Anyone on the Authority's property at any time that becomes aware of an emergency situation of any nature shall notify a responsible Ports Authority representative by the fastest means, while taking such immediate direct action as may be appropriate.

In case of fire on board a vessel docked in a Ports Authority facility such vessel should sound five (5) prolonged blasts of its whistle or siren, each blast to be from four to six seconds duration, to indicate a fire on board, or on the wharf at which the vessel is berthed. Such signal should be repeated at intervals to attract attention and be used as an additional method for reporting a fire.

3.0.11 Explosives, Inflammables, and Other Hazardous Materials

Explosives, inflammables and other hazardous commodities or materials will not be handled over or received on the wharves or other facilities of the Ports Authority until and unless approval is obtained from the United States Coast Guard and the Ports Authority. Such approval must be obtained by filing with the Authority and the United States Coast Guard the form Application and Permit to Handle Hazardous Materials within at least 48 hours in advance of ship's arrival. Ships transporting such materials not to be discharged but berthed at Ports Authority facilities shall also within at least 48 hours in advance notify the U.S. Coast Guard and the Ports Authority of such information regarding and included in the docking Application and Permit.

Item Rules and Regulations

The Ports Authority may refuse the use of its facilities or waterfront for the handling, stowing, loading, discharging or transportation of such explosives or dangerous articles which are considered by the Ports Authority Director as offering undue risk or exposure to risk.

Wherever a ship transporting explosives, inflammables or other hazardous materials is berthed at a Puerto Rico Ports Authority facility a copy of the Hazardous Cargo manifest shall immediately or before ships arrival be filed with the Puerto Rico Ports Authority Maritime Bureau Operations Section.

3.0.12 Loitering on Ports Properties

It is unlawful for any person to loiter on the properties of the Puerto Rico Ports Authority. It is unlawful for unauthorized persons to enter cargo movement or handling areas. Persons using the pier facilities will do so at their own risk and the Puerto Rico Ports Authority will assume no responsibility for the occurrence of injuries or damages resulting here from.

3.0.13 Deleted

3.0.14 Signs

Painting signs on structures or facilities' belonging to the Puerto Rico Ports Authority is prohibited without prior approval. Signs to be erected on the ports facilities shall be furnished by the port users and erected or displayed by the user after the Executive Director shall have approved the design, material and size of said signs. All signs will be uniform.

3.0.15 Smoking

It is unlawful for any person to smoke or to light a match upon, or in, at port facility when such act is prohibited by the Authority, the Commonwealth of Puerto Rico Fire Service or the U.S. Coast Guard.

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3.0.16 Solicitation

It is unlawful for any person to solicit or carry on any business on the Authority property without previously obtaining a permit from the Puerto Rico Ports Authority as required by this tariff or any other regulation.

3.0.17 Vehicles

It is unlawful to park automobiles in any prohibited area or to park any automobile, truck, trailer or any other vehicles in loading zones for any longer period than is necessary to load or discharge cargo or passengers.

All vehicles entering the port facilities not engaged in the transportation of cargo shall park in the areas designated by the Puerto Rico Ports Authority Maritime Bureau. It is unlawful for any motor vehicle to be stored on any wharf unless such vehicle shall have been first drained of all gasoline or other liquid petroleum products, except at such places as the Authority may designate.

3.0.18 Security

Puerto Rico Authority officer as well as those of the steamship companies, agents or stevedoring companies may inspect any vehicle at the entrance or exit of any of the pier facilities when they deem it pertinent.

It is the responsibility of all Port users to furnish their own security when they have cargo, vessels, other property and/or responsibility on pier facilities. Watchmen so used must have identification from the Ports Authority Security office. Such identification will be requested through the Security chief who will maintain a list of all watchmen. All watchmen employed, whether armed or not, are required to understand and speak clearly understandable English.

The personal safety provided by employed watchmen requires advance notice of such intended guard activity to the Dock Superintendent in charge of the applicable Transit Shed, the Duty Officer and the Ports Authority Security Chief or representative.

The Ports Authority and its security personnel are not obliged in any manner for the custody of property, cargo, vehicles, vessels or facilities of the users in the premises of the Authority. Security watchmen and/or supervisors of the Authority will observe only for the security and protection of the Ports Authority properties and will cooperate in other aspects of law violations with the Puerto Rico Police.

The Puerto Rico Police in a contract with the Ports Authority and through the Port Police will render a general police service like the one rendered to the community to prevent and avoid crimes and law violations as well as other general police actions.

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3.0.18.1 ID For Crewmembers Required

Foreign flags ships' owners or agents shall require to crewmembers that disembarking in any Ports Authority wharf, piers, dock or bulkhead to carry identification with photo. US Coast Guard shall verify the accomplishment with this rule.

Any fine imposed to the Authority motive by the foreign flags ships' owner or agent fail with this provision, shall be responsibility of the foreign flags ships' owner or agent.

3.0.19 Radioactive and/or Missile Materials

No person shall store, keep, handle, use, dispense or transport at, in, or upon any facility or other property under the jurisdiction and control of the Puerto Rico Ports Authority, any special nuclear material, including, but not limited, to Uranium 233, Uranium 235, Plutonium 239, Plutonium 241; any source material, including, but not limited to, uranium and/or thorium; any irradiated fuel elements; any new reactor fuel or elements thereof; any radioactive material moving under special permit or escort without at least 48 hours prior written notice to and receipt of special permit from the United States Coast Guard and the Ports Authority Maritime Bureau provided, however, that only advance notice is required for the movement of medical or industrial isotopes other than those specifically included in the aforementioned, when packaged, marked, labeled and limited as to quantity and radiation emissions in accordance with the United States Coast Guard regulations relating to the transportation of explosives and other dangerous articles.

3.0.20 Empty Drums, Etc., Must Not Remain on Wharf

Empty drums, tanks, barrels, and other containers, used for the storage or transportation of gasoline, distillate, kerosene, or other flammable products, shall not be allowed to remain on any wharf or landing area after sunset of the day received without securing special permission to do so from the Chief of the Puerto Rico Ports Authority Maritime Bureau, subject to the approval of the U.S. Coast Guard and Chief Industrial Security of the Authority.

3.0.21 Fire Fighting Apparatus

It is unlawful for any person to obstruct or interfere with the free and easy access to, or to use, remove or in an manner disturb, any fire extinguisher, fire hose, fire hydrant, or any part of any fire sprinkler system, or any other fire fighting appliance or apparatus installed in or upon any wharf, warehouse or other building, structure or premises, under the jurisdiction of the Authority, except for the prevention of fire; provided, however, that nothing herein contained shall prevent making necessary repairs or tests by any person duly authorized to do so.

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3.0.26 Inside Fencing

The Ports Authority Executive Direct must authorize all fencing inside transit sheds, warehouses and terminals. All original fencing or subsequent modifications will be installed at the expense of the applicable port user. After installation, the fencing becomes the property of the Puerto Rico Ports Authority, and the Authority reserves its rights to require its removal by the party installing it, in the event of vacating the facility or for any other just cause.

3.0.27 Unlawful to Fish from or Use Any Berth, Wharf or Other Area Without Assignment or Other Permission

It is unlawful for any person to fish from or otherwise use in any manner, or for any vessel or any owner, agent or operator thereof use in any manner, any berth wharf, wharf premise, or other area under the jurisdiction of the Authority without first securing an assignment or other permission to do so.

3.0.28 Making Fast or Remaining at Wharf Without Consent of the Authority

It is unlawful for any person to make any vessel fast, or to cause or permit any vessel to be made fast, to any wharf, or to cause or permit any vessel to remain fastened to any wharf, or to be or remain moored immediately in front thereof, without the consent of Puerto Rico Ports Authority Maritime Bureau and it is unlawful for any vessel to remain fastened to any wharf, or to remain moored immediately in front thereof, after the consent to so remain fastened or moored has been revoked or withdrawn by the Authority.

For the purpose of this Item, each period of 24 hours, or fraction thereof, during which any violation exists or continues, shall be considered a separate offense and shall be subject to the penalties provided in this Tariff for each such separate offense.

Any vessel made fast to or moored in front of any wharf, or remaining fastened to or moored in front of any wharf, in violation of this Item, shall be subject to removal by or at the orders of the Chief of the Puerto Rico Ports Authority Maritime Bureau and at the risk and cost of such vessel, its agent or owner, to such other place as the Chief of the Maritime Bureau may direct.

3.0.29 Vessels Extending Beyond a Pier or Occupying an Outside Berth Area

Every vessel lying at any wharf whose stern or bow extends beyond the edge or end of any wharf, and every vessel lying alongside another vessel berthed at a wharf (outside berth), while occupying such position, shall be responsible for any and all damages to itself and to any other vessel.

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3.0.30 Unloading Garbage from Vessels Prohibited

It is unlawful to unload, remove or discharge, or cause, suffer or permit to be unloaded, removed or discharged, from any vessel in the Ports Authority facilities any garbage or refuse matter of any kind; provided, however, that any garbage or any refuse matter may be unloaded, removed, or discharged from any vessel into such Other vessel or vessels or such other vehicle or vehicles as may be coordinated with the Chief of the Ports Authority Maritime Bureau and his approval for the collection or disposal of garbage or refuse matter and after due assurance of complying with the United States Department of Agriculture, United States Coast Guard and any other local or federal agency regulations or federal and local laws.

3.0.31 Responsibility for Payment

The vessel, its owner, agent or other responsible person must pay all charges rendered under this tariff.

3.0.32 All invoice are due and payable upon presentation unless other arrangements with the Ports Authority are made, are payable, in cash, by the user, vessel, its owners, agents, stevedores or others. Any invoice remaining unpaid for a period of twenty two (22) calendars days after the date of invoice, will be delinquent. Delinquent accounts will be assessed a penalty of 9% annual interest on the outstanding balance calculate from the date of invoice, for as long as the account remains delinquent.

3.0.33 The Ports Authority require payment of charge in advance when billings documents are filed in the pier office or Authority Billing Office as indicated in Item 6.1. Ports Authority will concede for credit holding users a five percent (5 %) discount when all operations are fully paid within fifteen (15) days after completing loading or unloading, for non-holding credit users the period is twenty four (24) hours. Ports Authority will revise the billing documents in (30) calendar days after filed. If Ports Authority do not revise or answer during (30) calendar days period the invoice will be deem correct and final. If in the revision of the billing documents the Ports Authority find any overpayment the amount will be credit. Otherwise if an underpayment is detected, an invoice with the different will be issue and user, vessel, its owners, agents, stevedores or others should be pay in accordance with Item 3.0.3.32, but if the underpayment is more of ten percent (10%) of the total amount, penalty of fifty percent (50%) of the different will be assess and the five percent (5%) discount concessions can be cancel.

3.0.34 Time Limit for Filing Claims

All Claims against the Ports Authority for operational and utilities charges shall be filed within a term of 30 calendar days from the day the first invoice or invoices are presented, after this period the invoice will be deem correct and final . For other charges the term shall be one year

Any monetary claims made against the Ports Authority for any reason may not be used in lieu of payment or such charges.

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- 3.2.8.2** Cargo handling and stevedores' tools, pallets, equipment, and appliances which are taken on a wharf, pier or bulkhead structures for the purpose of loading or discharging a vessel then berthed at the facility. If such tools, equipment and appliances are left or remain at the pier after conclusion of operations they will be subject to demurrage starting twelve (12) hours after the conclusion of operations.
- 3.2.8.3** Passenger's baggage, provided it be carried on the same vessel as the passenger, and the water carrier collects no revenue for its transportation.
- 3.2.8.4** Petroleum and petroleum products in bulk, which are pumped back from vessel to a tank at the same facility, as originally loaded, if they have paid one wharfage charge when loaded from the tank to the vessel in the first place.
- 3.2.8.5** Ballast in bulk, which is not manifested as cargo, has no commercial value, and is handled directly between the vessel and a barge or tank.
- 3.2.8.6** Dunnage and ship lining used in the stowage or bracing of cargo, which is discharged from and reloaded to the same vessel within 30 days.
- 3.2.8.7** Scrap dunnage or scrap ship lining discharge from a vessel provided it has no commercial value, has been used on the vessel for dunnage or bracing of cargo, and is not to be reused for these purposes.
- 3.2.8.8** Cargo which a vessel discharges and reloads prior to departure in order to load or discharge other cargo.
- 3.2.8.9** Merchandise or cargo, including liquid products which are received in Puerto Rico or are sent from Puerto Rico to other countries for assistance purposes to natural disaster cases or of any other nature which are recognized by the Ports Authority Executive Director will be exempted of paying wharfage when this is recognized in writing by the Executive Director of the Puerto Rico Ports Authority.
- 3.2.9** The Puerto Rico Ports Authority may initiate, without a resolution approved by the Puerto Rico Ports Authority Board of Directors, the adoption of changes for clarifications, improvements or additions to this tariff, which do not represent substantial variations and file such changes directly with the Federal Maritime Commission.³

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3.4.1.10 Every ship used for research and/or studies belonging to non-profit organizations and in non-revenue operations at the port.

3.4.2 Payment of the port services charges and of any fines which may have been imposed pursuant to the provisions of law on the captain, consignee, agent or person, or master in charge thereof, shall be made at the corresponding offices of the Ports Authority although no request for payment is made.

3.4.3 The vessel's gross tonnage will appear in the International or Domestic Certificate , license or other official documents and the highest will be used to assess the rates and, in the absence of such documents, upon a fair estimate made by the Ports Authority. Whenever there is more than one tonnage the Ports Authority will use the highest to apply the charges.

3.4.4 No vessel may leave port without first having paid the amount of the port services charges prescribed above and of any fines which may have been imposed pursuant to the provisions of law on the captain, consignee, agent, or person, or master in charge thereof; but in case any vessel should do so, the owner thereof, if he resides in Puerto Rico, or his consignee, agent or person in charge at the port at which such fees have accrued, shall be liable for the payment of such fees and of the fines imposed.

3.4.5 The Authority or its representative may detain any outgoing vessel until payment has been made of the port service charges prescribed above and of any fines which may have been imposed pursuant to the provisions of law on the captain, consignee, agent, or person, or master in charge thereof.

3.5 **FREE TIME AND DEMURRAGE**

3.5.1 The payment of the wharfage rates prescribed in this tariff will entitle inbound cargo to the use of the transit area of a Ports Authority wharf, wharf premise, pier or bulkhead structure without additional charge during all or any part of the period during which the vessel on which it has moved is discharging cargo, and will entitle outbound cargo to the use of this area during all or any part of the period during which the vessel on which it is to move is loading cargo, plus a free-time period of five (5) working days, except for the Ports Authority facilities at Mayagüez, where the free-time period is ten (10) working days except for the following:

3.5.1.1 Shipments of one commodity or one consignee, imported as well as exported, in excess of 3,000 tons and up to 4,999 short tons, a free-time period of six (6) working days, in excess of 5,000 short tons of the same commodity or for the same shipper, a free-time period of seven (7) working days.

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3.5.1.2 Cargo not in containers, or loose and vehicles, originally manifested for transshipment to other ports without change in form or contents paying only incoming wharfage, a free-time period of fifteen (15) working days. Cargo or vehicle for transshipment remaining in the pier in excess of fifteen (15) working days will pay demurrage according to the rate established in this Regulation and will pay in addition outgoing wharfage, if re-embarked. If the cargo or vehicles is not re-embarked, it will be subject to the provisions of Items 3.5.8, and 6.2. If the cargo or vehicle is lifted from the pier to a warehouse, which does not belong to the Ports Authority during the period from the eleventh to the fifteenth days, it will not be considered as transshipment cargo or vehicle in transshipment and will pay demurrage as if it were inbound cargo or vehicle over the regular free time of five (5) working days.

The steamship line will have the responsibility to present all documents evidencing that the shipment concerns transshipment cargo so that it will have the right, which in this connection is established.

3.5.1.3 Cargo or vehicle in containers held in the pier (transit) and/or the company's holding area originally manifested for transshipment to other destinations without change in form or content, including both loaded and empty containers, a free-time period of fifteen (15) working days. Cargo or vehicle remaining in the pier (transit area) in excess of fifteen (15) working days will pay demurrage according to the tariff in effect and will pay in addition outgoing wharfage for transshipment if re-embarked as indicated in Item 5.2.4.

The steamship line will have the responsibility to present all documents evidencing that the shipment concern is transshipment cargo or vehicle so that it will have the right, which in this connection is established.

3.5.1.4 Import cargo or vehicle which requires clearance from Customs and the Departments of Health or Agriculture, a period of six (6) working days.

3.5.1.5 Export cargo or vehicle to foreign countries, a period of six (6) working days. Cargo of federal or state government for purpose of education, health, public aid to attend emergency situation, when exceeding 1,000 tons a free time period of seven (7) working days.

3.5.1.6 Cargo or vehicle consigned to or to be shipped by an embassy or members of foreign diplomatic corps which is considered as diplomatic cargo, particularly furniture and household appliances or effects, up to a maximum of 4,000 pounds, a free-time period of fifteen (15) working days.

3.5.1.7 All cargo or vehicles to be moved through the San Juan Free Trade Zone disregarding its volume and whether it is loose or containerized cargo and disregarding if it is transshipment cargo or not which later is going to be processed or enter the local trade will have a free-time period of ten (10) working days. This cargo will be subject to wharfage for inbound cargo and wharfage for outbound cargo when it is correspondingly shipped.

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3.5.2 Commencement of Free-Time Period

The free-time period for incoming cargo or vehicle will commence at the first midnight after the vessel from which it has been landed finished unloading, or vacates her berth, whichever happens first, and the free-time for outgoing cargo will commence on the first midnight after the merchandise is placed on the pier or pier premises. Free-time for cargo unloaded from a ship starting pier operations at a pier and shifting to another to finish will commence on the first midnight the ship finished operations in the second pier.

3.5.3 Cargo including vehicle remaining in the transit area of a Ports Authority wharf, wharf premises, pier, or bulkhead structure after the close of its free-time period shall, at the option of the Ports Authority, be placed in public storage at the risk and expense of the goods, or assessed demurrage rates.

3.5.4 Outbound empty containers delivered to the transit area of a Ports Authority wharf, wharf premise, pier, or bulkhead structure prior to the time the vessel on which they are to move commences loading, and inbound empty containers remaining in such area after the vessel on which they have moved completes discharging, shall at the option of the Ports Authority, be placed in storage at the risk and expense of the owner or assessed demurrage as prescribed in Item 6.2.5. of this Tariff.

3.5.5 Cargo or vehicle originally manifested to be transferred from one vessel to another at a Ports Authority facility without change in form or content, including both loaded and empty containers, shall be considered as inbound cargo and containers from the standpoint of the right of the Ports Authority to place it in storage and/or to assess demurrage.

3.5.6 Any cargo, container or vehicle which is received and deposited in a pier and is not shipped will, be subject to demurrage. This will be assessed demurrage commencing at the time the cargo or container is deposited until it is dispatched.

3.5.7 Any cargo and vehicle for which the basis to ascertain demurrage is not shown in the manifest or shipping documents will pay demurrage either per hundredweight or cubic feet whichever yields the highest revenue to the Ports Authority, applying instead Article 3.2.4 to the demurrage, if necessary.

3.5.8 Cargo Left on Demurrage, Cargo Damaged or Cargo Abandoned at the Docks

3.5.8.1 All cargo and vehicle remaining at the docks is the responsibility in the first instance of the steamship line or in turn of the consignee or the agent of any of them who will answer to the Authority for any charges accrued, should the cargo be sent to public warehouses or remain abandoned at the pier.

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- 3.5.8.2** The rates or charges owed to the Authority for demurrage constitute a first lien upon the cargo.
- 3.5.8.3** Whenever the cargo or vehicles accrue demurrage for twenty (20) days, the Authority will notify the consignee, steamship line and agents that if the cargo is not removed within a period of ten (10) calendar days, the Authority will proceed to dispose of the cargo or vehicle through public bids, sealed or by the procedure of voiced (auction) system which will be announced in the local press. The money proceeding from the auction will be credited against all charges owed to the Authority including all expenses incurred by the Authority. The steamship line or consignee or the agent of any of them will be held responsible for the payment of the charges not covered by the product of said auction. Any money in excess will be returned to the steamship line or consignee or the agent of any of them.
- 3.5.9 Demurrage on Cargo to Bonded Warehouse**
- 3.5.9.1** All cargo or vehicle imported from foreign countries subject to the payment of federal custom tariffs and to be sent to bonded warehouses after the coordination between the Customs Inspector, the Authority Pier Attendant and the steamship line or agent will be dispatched from the pier accompanied with the official Bureau of Customs form which will be prepared by the steamship line and the Authority will, in turn, proceed to bill the steamship line the demurrage accrued as the responsible party.
- 3.5.9.2** Through the official Bureau of Customs form, the shipping line or its agent, in accordance with the contract established by the Docking Permit will require payment of the demurrage charges accrued from the consignee and the bonded warehouse designated by the Bureau of Customs will make sure that said cargo is not dispatched from its warehouse until the shipping line has been duly paid.
- 3.5.9.3** The public warehouse will respond to the shipping line of charges for demurrage of cargo or vehicle dispatched from their warehouses when the warehouse has allowed its dispatch without due reimbursement to the shipping line.

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3.5.10 Extensions of Free-Time Period

3.5.10.1 The free-time period can be extended whenever there is a just cause as determined by the authorized official to grant the extension as provided in Item (a) of this Article to that effect. Examples of just cause are storms, torrential rains, floods, fires, earthquakes, accidents at the piers, works at the piers undertaken by the Authority and which may prevent or cause difficulties for the picking up or delivery of the cargo. If any extension of free-time period is granted, it will be extended for the same number of days in which cargo could not be hauled away in cases of import cargo and for the number of days in which the vessel was unable to work cargo in cases of exports only through an application in writing made by the consignee, the steamship line or the agent, or by any of them. The Application must be sent to the Authority as soon as there is knowledge that a just cause exists. a) In cases in which the period does not exceed five (5) working days and after the corresponding justification, authorization is given to the Chief of the Maritime Bureau of the Authority to approve such extensions. In excess of five (5) working days and up to a maximum of twenty (20) working days, free-time can only be extended with the approval of the Executive Director and in excess of twenty (20) working days, with the approval of the Puerto Rico Ports Authority Board of Directors.

3.10.2 When the free-time period expires on a Friday, it will be extended until midnight of next Sunday. If it expires the day before a holiday it will be extended until midnight of such holiday.

3.6 RULES FOR SERVICES OR MISCELLANEOUS USES

3.61 Water

3.6.1.1 Fresh water will be supplied to vessels at Ports Authority facilities as per established rate to recover all costs of rendering such services depending on whether the vessel uses or not its own hoses. Cubic meter, plus charges per outlet and number of hoses used will establish such rates.

3.6.1.2 Vessels not equipped to take water by hose will be assessed the rates on a per drum of 55 gallons basis, the drum to be provided by the vessel.

3.6.1.3 All water hoses made available by the vessel must be free of leaks or Ports Authority hoses must be used.

3.6.2 Electricity

Electricity will be supplied for the lighting of transit sheds at Ports Authority facilities upon request by the users at the rates and using the formula prescribed by the Ports Authority in Item 5.8.1.

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3.6.3 Use of Office and Telephone

Any Captain, consignee, agent, person, shipping company, or owner of a vessel not having an office at a Ports Authority pier may use one to be assigned by the Pier Attendant or Ports Authority representative upon payment of the corresponding charges as stated in Item 5.8.2. Telephone use is limited exclusively to local calls.

3.6.4 Use of Cranes and Specialized Equipment

3.6.4.1 The Ports Authority does not provide use of cranes and loading or unloading equipment. Cranes and equipment left at the pier after the end of operations, at designated or non designated areas will be subject to penalty charges on a per calendar day basis. (Article 5.8.3)

3.6.4.2 The assessment of the penalty will commence the midnight of the next day after the vessel finished the unloading operations and when the Pier Attendant observes that the crane is not being used in the receipt, delivery or moving of cargo in the pier. The penalty will be assessed to all cranes and equipment placed in the pier prior to 48 hour of ship loading operations unless such equipment is used for the relocation or receipt of cargo.

3.6.5 Collection of Overtime

In all cases where Ports Authority personnel is used in periods over the regular working hours the Ports Authority shall be paid for the corresponding overtime in addition to the percentage of fringe benefits incurred by the Authority for the services of the pertinent employee.

3.7 ACCESS OF OFFICERS AND EMPLOYEES

Every officer or employee of the Authority properly identified shall have the right of access to any vessel, wharf, or section of the Puerto Rico waterfront to conduct inspections and/or investigations to enforce the compliance with the provisions of this Regulation and no person shall obstruct or intervene in any form with such officers or employees in the performance of their duties of inspections, investigations or in their demand for the compliance with the provisions of the Law and this Regulations or in the discharge of any other duty or power vested by the Act and Regulations of the Authority.

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4.0 LAND RENTALS AND LEASES

- 4.1** The Ports Authority may enter leases into on a monthly basis with steamships lines serving the ports of Puerto Rico for the preferential and exclusive use of certain outside storage areas. A sample of the lease is on file with the Federal Maritime Commission, and the same may be obtained at the Puerto Rico Ports Authority. All ship companies, agents or users will have equal access to these facilities, subject to availability and to the responsibility of the Puerto Rico Ports Authority to maximize the utilization and efficiency of its terminal facilities.
- 4.2** Land back of the berth and transit area at several Ports Authority marine terminals can be made available through leases for acceptable uses such as public warehousing and water related industries. The determination as to the acceptability of a proposed use of such land rests the Executive Director of the Ports Authority
- 4.3** The precise rental rate applicable to a particular parcel of such land will depend at each facility at which land is available on assessments of land values and taking into consideration the size of the particular parcel under consideration, its location in relation to the waterfront, the service highways, the existing utilities, and similar factors which have a direct bearing on rental value.
- 4.4** In accordance with Ports Authority policy, rental agreements, involving land at Ports Authority marine terminals, will provide for the re-establishment of the rental rate by the Ports Authority without limitation.

Item Charges

5.0 RATES AND FEES

5.1 Dockage

5.1.1 Dockage rate per Gross Register Ton per 24 hours or Fraction thereof.

July 1, 2004 till December 2008

5.1.2 Dockage rates for tourist vessels known as "Cruise Ships" and for combination cargo-passenger vessels carrying more than 100 revenues passengers.

\$.0739

<u>CY</u>	<u>CY</u>	<u>CY</u>	<u>CY</u>	<u>CY</u>
<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>

5.1.3 Tanker vessels and tank barges while berthed at wharves, piers or Bulkhead structures designed primarily for the loading or off-Loading of liquid cargo by pipeline.

\$.0839 \$.0854 \$.0869 \$.0884 \$.0900

5.1.4 All vessels while berthed at dry cargo wharves, piers or bulkhead structures in connection with the trade with offshore points.

\$.1510 \$.1537 \$.1564 \$.1591 \$.1619

5.1.5 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.

\$.1133 \$.1153 \$.1173 \$.1193 \$.1214

5.1.6 Vessels including those of non-profit organizations engaged in revenue producing activities while berthed.

\$.1773 \$.1804 \$.1836 \$.1868 \$.1900

5.1.7 Dockage NOS

\$.1713 \$.1743 \$.1773 \$.1804 \$.1836

5.2 WHARFAGE

Cargo which passes on, over, under or through any Ports Authority wharf, wharf premise, pier or bulkhead structure for loading to or after discharge from a vessel shall pay wharfage at the following rates:

<u>CY</u>	<u>CY</u>	<u>CY</u>	<u>CY</u>	<u>CY</u>
<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>

5.2.1 Motorcycles and motor vehicles . (Tons)

\$6.7674 \$6.8858 \$7.0063 \$7.1289 \$7.2537

5.2.1.1 Motorcycles and motor vehicles in Transshipment (Tons)

\$4.2634 \$4.3381 \$4.4140 \$4.4912 \$4.5698

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		<u>CY</u>	<u>CY</u>	<u>CY</u>	<u>CY</u>	<u>CY</u>	
		<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>	
5.2.2	Cargo moved in containers	Ton	\$1.8605	\$1.8930	\$1.9262	\$1.9599	\$1.9942
5.2.3	Empty Containers or Chassis	Each	\$7.0391	\$7.1623	\$7.2876	\$7.4152	\$7.5449
5.2.4	Transshipment cargo in containers	Ton	\$1.1104	\$1.1299	\$1.1496	\$1.1698	\$1.1902
5.2.5	Liquid cargo (including petroleum) handled In bulk via pipeline at wharves, piers, or Bulkhead structure designed primarily for The loading or off-loading of liquid cargo in bulk.	42 Gallon (barrel)	\$.0182	\$.0185	\$.0188	\$.0192	\$.0195
5.2.6	General Cargo or Cargo - NOS	Ton	\$1.5129	\$1.5394	\$1.5663	\$1.5937	\$1.6216
5.2.7	Liquid Sugar and Molasses	Ton	\$.2699	\$.2747	\$.2795	\$.2844	\$.2893

5.2.8 Wharfage charges will be assessed to every cargo vessel less than 400 GRT. entering and using a port of Puerto Rico or adjacent island, as follows:

99 GRT or less	\$229.00	\$233.00	\$237.00	\$241.00	\$245.00
100 to 199 GRT	401.00	408.00	415.00	422.00	430.00
200 to 299 GRT	572.00	582.00	592.00	603.00	613.00
300 to 399 GRT	743.00	756.00	769.00	783.00	796.00
400 GRT and over	743.00	756.00	769.00	783.00	796.00

5.2.9 Wharfage rate for cargo vessels under 400 GRT at Fajardo (Puerto Real) Dock facilities are as follows:

55 GRT or less	\$62.00	\$63.00	\$64.00	\$65.00	\$66.00
56 to 99 GRT	122.00	124.00	126.00	129.00	131.00
100 to 199 GRT	245.00	249.00	254.00	258.00	263.00
200 to 299 GRT	367.00	373.00	380.00	387.00	393.00
300 to 399 GRT	489.00	498.00	506.00	515.00	524.00
400 GRT and over	489.00	498.00	506.00	515.00	524.00

Item Charges

5.3 Fees for Vessels Carrying Passenger on Cruise Ships

July 1, 2004 till December 2008

5.3.0 Per passenger, embarking, disembarking or in transit **\$ 13.25**

5.3.1 Embarking passengers returning in the same trip and in the same ship and disembarking at a Ports Authority facility will be charged only once.

5.3.2 The cruise ship company, agent or ship representative will pay to the Ports Authority the full charge established in Item 5.3.0 and may file for incentive if any with the Puerto Rico Tourist Company , in the manner and form established by them.

5.4 Port Services Charges - Port Services Charges are assessed to every vessel entering and using a port of Puerto Rico or adjacent islands.

	<u>CY</u> <u>2004</u>	<u>CY</u> <u>2005</u>	<u>CY</u> <u>2006</u>	<u>CY</u> <u>2007</u>	<u>CY</u> <u>2008</u>
5.4.1 Per gross registered ton per 24 hours or fraction thereof.	\$0.0469	\$0.0478	\$0.0486	\$0.0494	\$0.0503

5.5 ANNUAL LICENSE FEES

License fees in accordance with Items 3.4.1.1 and 3.4.1.2 will be assessed as follows:

	<u>CY</u> <u>2004</u>	<u>CY</u> <u>2005</u>	<u>CY</u> <u>2006</u>	<u>CY</u> <u>2007</u>	<u>CY</u> <u>2008</u>
Vessels up to 350 tons	\$1,012	\$1,030	\$1,048	\$1,066	\$1,085
Vessels from 351 tons to 1,000tons	1,350	1,373	1,397	1,422	1,447
Vessels from 1,001 to 1,1,500 tons	1,687	1,717	1,747	1,777	1,808
Vessels from 1,501 to 3,000 tons	2,025	2,060	2,096	2,133	2,170
Vessels from 3,001 tons and over	2,362	2,403	2,445	2,488	2,532

5.5.1 Any vessel with the annual license expired shall pay the regular port services charges in accordance with Item 5.4.1.

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5.6 MAYAGUEZ FERRY

	<u>CY</u> <u>2004</u>	<u>CY</u> <u>2005</u>	<u>CY</u> <u>2006</u>	<u>CY</u> <u>2007</u>	<u>CY</u> <u>2008</u>
5.6.1 Motorcycles and motor vehicles in ferry Boats or ferries embarking in the Port of Mayaguez for the Dominican Republic and Accompanying its owner traveling as passenger In the Ferryboat or ferries. (For each inbound and each outbound movement).	\$ 3.60	\$ 3.66	\$3.73	\$3.79	\$3.86
5.6.2 No more than one motorcycle or one passenger vehicle is authorized per passenger. Additional motorcycles or vehicles in charge of one passenger will be assessed the rates of Item 5.2.1.					
	<u>CY</u> <u>2004</u>	<u>CY</u> <u>2005</u>	<u>CY</u> <u>2006</u>	<u>CY</u> <u>2007</u>	<u>CY</u> <u>2008</u>
5.6.3 Passengers embarking and disembarking by the Port of Mayaguez in ferryboats or ferries when such vessels make More than three trips in a period of a week (7 days) per passenger (for each way)	\$1.42	\$1.44	\$1.57	\$1.50	\$1.52
5.6.4 The Master of the ship or her representative shall provide The Puerto Ports Authority a manifest with information concerning the number of passengers and vehicles accompanied by cruise passengers with a complete description of the vehicles including mark, model, type, license plate and motor number.					

5.7 SAN JUAN FERRY

	<u>CY</u> <u>2004</u>	<u>CY</u> <u>2005</u>	<u>CY</u> <u>2006</u>	<u>CY</u> <u>2007</u>	<u>CY</u> <u>2008</u>
5.7.1 Motorcycles and motor vehicles in ferry Boats or ferries embarking in the Port of San Juan for the Dominican Republic and Accompanying its owner traveling as passenger In the Ferryboat or ferries. (For each inbound and each outbound movement).	\$ 3.60	\$ 3.66	\$3.73	\$3.79	\$3.86
5.7.2 No more than one motorcycle or one passenger vehicle is authorized per passenger. Additional motorcycles or vehicles in charge of one passenger will be assessed the rates of Item 5.2.					

Item	Charges	CY	CY	CY	CY	CY
		2004	2005	2006	2007	2008
5.7.3	Passengers embarking and disembarking by the Port of San Juan in ferryboats or ferries when such vessels make morethan three trips in a period of a week (7 days) per passenger (for each way)	\$6.28	\$6.39	\$6.50	\$6.62	\$6.73

5.7.4 The Master of the ship or her representative shall provide The Puerto Ports Authority a manifest with information concerning the number of passengers and vehicles accompanied by cruise passengers with a complete description of the vehicles including mark, model, type, license plate and motor number.

5.8 MISCELLANEOUS

5.8.1 Fresh Water Services are as follows:

5.8.1.1 Vessels equipped to take water by hose at a rate of \$1.70 per cubic meter with a minimum charge of \$3.66 for each such vessel, plus a connection or outlet charge of \$4.89. When the hose is supplied by the Ports Authority, an additional \$2.47 charge per hose segment.

5.8.1.2 Vessels not equipped to take water by hose, a rate of \$2.89 per drum of 55 gallons or less, the drum to be provided by the vessel.

5.8.1.3 Electricity

Electricity will be supplied for the lighting of transit shed and open areas at Ports Authority facilities when request by the users thereof. The charge for electricity thus supplied will be determined by applying a rate of \$.23 per kilowatt-hour to the consumption as estimated by the Authority, which estimates will be controlling.

5.8.2.4 Use of Office and Telephone

Any captain, consignee, agent, person, shipping company, or owner of a ship not having an office at a Ports Authority pier may use one to be assigned by the Pier Attendant or Ports Authority representative upon a charge of \$12.00 for the office and \$6.00 for the use of telephone per ship. The telephone is limited exclusively to local calls.

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5.8.3.5 Use of Cranes and Specialized Equipment

Cranes and equipment left at the pier after the end of operations, at designated or non-designated areas will be assessed a fee of \$28.00 per calendar day or fraction thereof.

Agents or representatives will in addition be held responsible for violations to any Ports Authority resolution or regulation concerning the leaving of equipment in the pier without the corresponding authorization

6.0 PENALTIES

6.1 General - For not Submitting Documents:

All necessary billing documents must be filed either at the piers office or Authority Billing Office, not later than twenty two (22) working days for holding credit users and twenty four (24) hours for non holding credit users, after completing loading or unloading but if the day 22 is on Saturday , Sunday or holyday the due date will be extend until next working day . If these documents are not so filed, a 15 per cent charge for missing documents will be assessed for every additional 24 hours period or fraction thereof.

6.1.1 All necessary billing documents to be filed by ships entering port for fueling or for fuel supply to vessel, must be filed monthly, either at the piers office or Authority Billing Office not later than the fifteenth (15th) day of the following month for holding credit users . If these documents are not so filed, a 10 per cent charge for missing documents will be assessed for every additional 24 hours period or fraction thereof.

6.2	Charges for Demurrage will be as Follows:	<u>Per CWT</u>	<u>Per Cu, Ft.</u>
6.2.1	For each of the five calendar days or fraction thereof, after the free time as freighted.	\$0.16	\$0.04
6.2.2	For each calendar day or fraction thereof, after the first five days of paying the demurrage penalty.	\$0.08	\$0.05
6.2.3	Vehicles for each of the five calendar days or fraction thereof, after the free time.	--	\$0.04
6.2.4	Vehicles for each calendar day or fraction thereof, after the first five days of paying the demurrage penalty	--	\$0.05
6.2.5	Outbound empty containers delivered to the transit area of a Ports Authority wharf. Demurrage rate , per calendar day or per fraction thereof. (See Item 3.5.4 of rules and regulations.)	\$8.17	Per Container

Item

Penalties

6.3 Penalty for not Shifting Berth or not Removing Sunken or Vessel Under Repairs

6.3.1 In accordance and in conjunction with Regulation No.2 (Resolution No. 1060 of July 14, 1971 as amended) any sunk or vessel under repairs or which by any reason stays at any Puerto Rico Ports Authority berth after proper written notice for her removal has been given by the Authority to her owner, agent and or Master will be subject to a penalty of three (3) times the regular dockage assessed to such vessel. The penalty will be effective twenty four (24) hours after notice and for every day or fraction thereof the vessel is not shifted or is not removed. This penalty will be assessed in

addition to any other recourse or damages action the Authority may take to arrange for the removal of the vessel at the cost, risk and expense of the vessel, her owner, agent or Master.

6.4 Penalty for Unauthorized Use of Facilities

No vessels, owner, agent or master or vessel is authorized the use of any berth, pier or facility without the corresponding approval of the Authority as expressed in the docking permit or any written authorization. Any vessel, owner, master or agent of vessel who uses a Ports Authority facility without the corresponding authorization will be subject to a penalty of two (2) times its dockage charges for every day or fraction the facility is used without the pertinent authorization.

6.5 Overtime Payment

For each Authority employee used by any user or have to be present in the operations in overtime periods payment will be made to the Authority of the regular working wage or salary at double time in addition to 65% for fringe benefits incurred by the Authority. These charges will be paid to the Authority through billing or evidence of the corresponding receipt. No user or company will pay directly to the employee and if this is done it will be a violation to this tariff.