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Territory of Guam
Territorio Guam

OFFICE OF THE GOVERNOR
URISINAN I MAGA'LAHI
AGANA, GUAM 96910 U.S.A.

REFER TO
LEGISLATIVE SECRETARY

JAN 2 1993

REFER TO
LEGISLATIVE SECRETARY

RECEIVED
OFFICE OF THE SPEAKER
DATE: 1/4/93
TIME: 5:47 PM
RECEIVED BY: [Signature]

The Honorable Joe T. San Agustin
Speaker, Twenty-First Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker:

Enclosed herewith is Bill No. 939 which I have signed into law this date as Public Law 21-142.

I have signed this measure into law today because of my commitment to having the newly-approved tariff for the Port Authority of Guam phased in over the next three years, as this measure prescribes, as well as to make the 45 day clock which went into effect with the submission of the original tariff proposal.

This phase-in tariff schedule will not only enable the Port officials to begin addressing critical capital improvement projects to enhance operations at the port, such as new cranes, expansion of the yard and construction of a maintenance facility; it will also enable port users to absorb the necessary increases over a reasonable period of time.

I wish to commend the Twenty-First Guam Legislature, particularly committee Chairman Senator John Aguon, for working closely with my office, the Port officials and our island's business community in carving out this phase-in plan.

One provision of this measure, however, which may require revisiting in the future is the one which mandates the Public Utilities Commission to implement a lifeline rate for both the Guam Power Authority and the Guam Telephone Authority by October 1, 1993.

While I support lifeline rates for our people of Guam, and while there are no apparent difficulties with GPA implementing such a rate -- indeed GPA has indicated its ready willingness to begin this -- I must note that lifeline requirements for power and phone service and the resultant impacts on each are not identical. Further, the absence of any guidelines makes it difficult to gauge who precisely will be eligible for this service. This is a complex matter which the Legislature should look into, immediately after the inauguration of the 22nd Guam Legislature.



Commonwealth Now!


Page Two

GTA officials worry that being forced to subsidize rates out of existing GTA revenues will force increases in rates for some customers. This in turn may make them less competitive in areas where GTA does face competition, and may effect revenues further. We do not want to do anything that will adversely effect phone service for all our people negatively, especially with our current dealings with the FCC.

Some Legislative revisitation of this specific area of concern may be necessary in order to work out a mechanism that does not threaten phone service for all.

Thank you in advance for your consideration.

Sincerely yours,


JOSEPH F. ADA
Governor

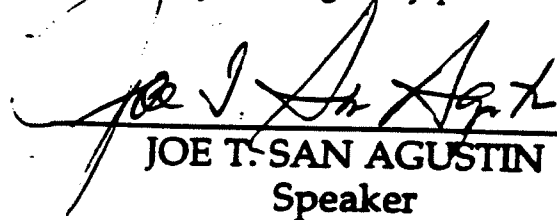
211028

Attachment

TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 939 (COR), "AN ACT TO ADD A NEW SUBPARAGRAPH (c) TO §12000, TITLE 12, GUAM CODE ANNOTATED, TO AMEND §§12004 AND 12015 OF SAID TITLE TO AUTHORIZE THE PUBLIC UTILITIES COMMISSION TO ESTABLISH GENERAL LIFELINE RATES FOR RESIDENTIAL UTILITY CUSTOMERS ON GUAM; TO MODIFY THE AMENDED TERMINAL TARIFF APPROVED BY THE PORT AUTHORITY AND THE GOVERNOR; AND TO PROVIDE FUNDS TO GUAM'S DELEGATE TO CONGRESS TO COVER DISLOCATION EXPENSES," was on the 31st day of December, 1992, duly and regularly passed.




JOE T. SAN AGUSTIN
Speaker

Attested:




PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 31st day of December, 1992,
at 6:35 o'clock P.M.



Assistant Staff Officer
Governor's Office

APPROVED:



JOSEPH F. ADA
Governor of Guam

Date: JAN 2 1993

Public Law No. 21-142

TWENTY-FIRST GUAM LEGISLATURE
1992 (SECOND) Regular Session

Bill No. 939 (COR)

As substituted by the Committee
on Energy, Utilities and Consumer
Protection, as further substituted
by the principal author, and as
substituted by the Committee on Rules.

Introduced by:

J. P. Aguon
F. R. Santos
D. L. G. Shimizu
A. C. Blaz
E. P. Arriola
M. Z. Bordallo
H. D. Dierking
C. T. C. Gutierrez
P. C. Lujan
G. Mailloux
D. Parkinson
J. T. San Agustin
J. G. Bamba
D. F. Brooks
E. M. Espaldon
M. D. A. Manibusan
M. J. Reidy
M. C. Ruth
T. V. C. Tanaka
A. R. Unpingco

AN ACT TO ADD A NEW SUBPARAGRAPH (c) TO §12000, TITLE 12, GUAM CODE ANNOTATED, TO AMEND §§12004 AND 12015 OF SAID TITLE TO AUTHORIZE THE PUBLIC UTILITIES COMMISSION TO ESTABLISH GENERAL LIFELINE RATES FOR RESIDENTIAL UTILITY CUSTOMERS ON GUAM; TO MODIFY THE AMENDED TERMINAL TARIFF APPROVED BY THE PORT AUTHORITY AND THE GOVERNOR; AND TO PROVIDE FUNDS TO GUAM'S

DELEGATE TO CONGRESS TO COVER
DISLOCATION EXPENSES.

1 **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**

2 **Section 1. Legislative findings and intent.** On April 3, 1992, the
3 Twenty-First Guam Legislature adopted Resolution No. 33 requesting the
4 Public Utilities Commission ("PUC") to establish lifeline utility rates for the
5 people of Guam, because, in part, the Legislature is deeply distressed that
6 those in need, including the elderly, those on fixed incomes, those on public
7 financial assistance, and those other less fortunate, will continue to be
8 burdened with ever increasing utility rates.

9 The Legislature therefore finds there to be a real and justified need for
10 lifeline rates for residential customers so they may continue to be served with
11 those utility services considered essential for an acceptable standard and
12 quality of living, at basic and affordable rates.

13 The Legislature further finds that, since it has been the increasing, and
14 at times uncontrolled and unmanageable, economic growth and development
15 of Guam that have caused the rise in demand for basic utility services, it is the
16 restated opinion of the Twenty-First Guam Legislature that utility rates
17 which place a greater percentage of the burden of the costs of increasing the
18 capacities and reserves of the island's utilities upon those most responsible
19 for the growing demand would neither be unreasonable nor unjustified.

20 On July 24, 1992, PUC transmitted to the Legislature the evidentiary
21 record of Docket 92-002 and a statement indicating that PUC agrees with the
22 findings of their consultants that the Legislature must pass legislation
23 expressly granting PUC the authority to establish and implement lifeline
24 rates.

25 The Legislature therefore finds that PUC must be given the authority to

1 modify the rate structure of the utilities to allow for a lifeline rate and
2 appropriate gradual differentials between rates for respective blocks of usage
3 in order to insure the following:

4 (a) That residential utility customers are given the opportunity
5 to receive the lowest possible rate for a level of utility service
6 necessary to satisfy their essential needs;

7 (b) That residential utility customers are not made to pay for
8 incremental costs incurred as a result of demand by large
9 developments and other customers whose consumption
10 requirements and habits are greater than those required to sustain
11 the necessities of life.

12 The Legislature further finds that energy conservation may be a benefit
13 of imposition of lifeline rates and appropriate gradual differentials between
14 rates for respective blocks of usage because a greater premium placed on high
15 demand levels would make the rewards of conservation more visible to
16 consumers.

17 The Legislature further finds that, relative to electric power utilities,
18 general lifeline rate schemes can be justified on the basis of traditional cost of
19 service principles which demonstrate that commercial and high usage
20 residential demand are primarily responsible for additional generative
21 capacity needed to meet an increasing peak demand.

22 It is therefore the intent of the Legislature to authorize PUC to
23 implement general lifeline rates and appropriate gradual differentials
24 between rates for respective blocks of usage for utilities.

25 **Section 2.** A new subparagraph (c) is added to §12000, Title 12, Guam
26 Code Annotated, to read:

27 "(c) "General lifeline rate" means a lower than average cost

1 per unit charge for a level of utility service necessary to fulfill the
2 essential needs of all residential customers."

3 **Section 3.** §12004 of Title 12, Guam Code Annotated, is amended to
4 read:

5 **"§12004. General powers and duties.** The Commission shall
6 have regulatory oversight supervision of rates as set forth in this
7 Chapter over each public utility and shall perform the duties and
8 exercise the powers imposed or conferred upon it by this Chapter.
9 The Commission in the discharge of any of its duties or the exercise
10 of any of its powers, except a final determination affecting a public
11 utility, may act through one or more of its Commissioners
12 designated by the Commission for this purpose. The Commission
13 shall investigate and examine any rates and charges charged by any
14 utility, and all records pertinent thereto. The Commission may seek
15 advice from an independent utility expert, shall approve,
16 disapprove, increase or reduce rates for each utility. The
17 Commission shall establish and modify from time to time, reasonable
18 rates and charges for services, including General Lifeline Rates,
19 which as far as Guam Telephone Authority and Guam Power
20 Authority are concerned, when all rates for respective blocks of
21 usage are considered together, shall be at least adequate to cover the
22 full cost of such service or subject to any contractual agreements of
23 the utilities to the holders of any bonds and shall increase rates or
24 charges from time to time as may be necessary pursuant to any
25 contractual obligations, except that General Lifeline Rates may only
26 be increased when the total actual overall cost of providing service
27 to all classes of customers, increases by no less than twenty percent

1 (20%). The utilities shall not, however, enter into any contractual
2 agreements or obligations which could increase rates and charges
3 prior to the written approval of the Commission. No money in any
4 utility sinking fund may be released except for the purpose for which
5 it is dedicated.

6 No rate change may be approved by the Commission unless it
7 is affirmatively established, by a preponderance of the evidence, that
8 a rate change is necessary. The Commission shall conduct such
9 investigation and hearings as to any such rate changes as it deems
10 necessary. As to the Guam Power Authority, the Commission shall
11 ensure that rates will, at all times, be sufficient to enable the utility to
12 meet its financial obligations, operating expenses, debt service and
13 capital improvement needs. Any rate change shall be considered by
14 the Commission using standards and financial criteria consistent
15 with generally accepted rate-making practices of public utilities and
16 in full consideration of the requirement to establish and maintain
17 General Lifeline Rates.

18 The Commission shall have the power to enter into contracts
19 and execute all instruments necessary or convenient in the exercise
20 of its powers, adopt a seal, and sue or to be sued in its own corporate
21 name.

22 **Section 4.** §12015 of Title 12, Guam Code Annotated, is amended to
23 read:

24 "**§12015. Regulation of rates.** All rates, charges, all
25 assessments, costs made or charged by any public utility shall be just
26 and reasonable and in conformance with public law, and shall be
27 filed with the Commission, and no rate, charge, or assessment cost,

1 shall be established, abandoned, or modified, departed from or
2 changed without a public hearing and the prior approval of the
3 Commission. The Commission, upon notice to the public utility, may
4 suspend the operation of any proposed rate, charge or assessment
5 cost, or any proposed abandonment or modification thereof or
6 departure therefrom, and after a public hearing by order regulate,
7 fix and change all such rates, charges, General Lifeline Rates, or
8 assessment costs so that the same shall be just and reasonable, and
9 may prohibit rebates and discrimination between localities, or
10 between consumers, under substantially similar conditions."

11 **Section 5. Implementation of General Lifeline Rates.** Upon the
12 effective date of this Act, the Public Utilities Commission shall begin the
13 process of implementing General Lifeline Rates for Guam Power Authority
14 and Guam Telephone Authority residential customers. Such rates shall be
15 implemented as soon as practicable, but in no case later than October 1, 1993.

16 **Section 6. History of Terminal Tariff.** The Terminal Tariff of the Port
17 Authority of Guam (the "Authority") naming rates, charges, rules and
18 regulations applying at Apra Harbor, the Port of Guam, as approved by the
19 Board of Directors of the Authority on September 23, 1992, was filed with the
20 Legislative Secretary of the Twenty-First Guam Legislature on October 9,
21 1992, was withdrawn by the Authority on November 19, 1992, and was refiled
22 by the Authority with the Legislative Secretary on November 19, 1992.

23 (a) **Modification to Tariff.** The Legislature modifies the Amended
24 Terminal Tariff, as approved by the Authority and the Governor, (herein the
25 "Amended Terminal Tariff"), a copy of which is attached hereto, marked
26 Exhibit "A", and is incorporated herein by reference, as follows:

27 (A) **Three (3) Year Phase-In.**

1 RATE FOR CONTAINERS

2 Rates will be phased in over a three year period:

3		<u>HANDLING</u>	<u>STEVEDORING</u>	<u>TOTAL</u>
4	Year 1			,
5	Containers:			
6	Chassis	\$71	\$94	\$165* per container
7	Grounded	\$141	\$94	\$235* per container
8	Year 2			
9	Containers:			
10	Chassis	\$75	\$100	\$175* per container
11	Grounded	\$145	\$100	\$245* per container
12	Year 3			
13	Containers:			
14	Chassis	\$80	\$105	\$185* per container
15	Grounded	\$150	\$105	\$255* per container

16 *This is a one-way charge for every container loaded or empty, and is subject
17 to a minimum charge of ten (10) containers. For less than ten (10) containers,
18 the labor and equipment charge-out rate will be used.

19 Once a container is discharged from the vessel to the ground any future
20 movements of that container after normal business hours will be charged
21 through a special service request at the labor and equipment charge out rate.

22 **(B) Wharf Demurrage Rates.**

23 (1) Transit Shed Wharf Demurrage charges are Fifteen Dollars (\$15) per day
24 per revenue ton after the free period.

25 (2) Outside Wharf Demurrage charges for paved area are Ten Dollars (\$10)
26 per revenue ton after the free period.

27 (3) In the case of export or transshipments cargos which are accruing

1 demurrage charges, such charges shall cease on the date stevedoring services
2 are performed. When the carrier, or its agent, requests for stevedoring
3 service to commence within twenty-four (24) hours of the vessel's arrival and,
4 through no fault of the carrier or its agent, the Port is unable to provide such
5 services, demurrage charges shall cease on the date of vessel arrival.

6 (4) Each full container that has been in the yard past the free time allowed
7 will be charged a daily rate of:

8 First Six (6) Months after the Tariff's Effective Date

9 20 foot dry container or less: \$21 from day eleven (11)
10 through day twenty (20); and
11 \$42 every day thereafter;

12 Greater than 20 feet: \$42 from day eleven (11)
13 through day twenty (20); and
14 \$84 every day thereafter;

15 All Operating Refrigerated Containers: \$70 for day three (3) and four
16 (4); and \$140 every day
17 thereafter.

18 Beginning with the Seventh Month after the Tariff's Effective Date

19 20 foot dry container or less: \$21 from day eight (8) through
20 day fourteen (14); and \$42
21 every day thereafter;

22 Greater than 20 feet: \$42 from day eight (8) through
23 day fourteen (14); and \$84
24 every day thereafter;

1 All Operating Refrigerated Containers: \$70 for day three (3) and four
2 (4); and \$140.00 every day
3 thereafter.

4 (5) Daily demurrage charges applies for a 24-hour period, or fraction
5 thereof, commencing with 08:00 of one day to 08:00 of the following day and
6 includes Saturdays, Sundays, and holidays.

7 (6) Empty containers will be placed on the next available carriers vessel;
8 otherwise there will be a daily charge of Seven Dollars (\$7) per day subject to
9 force majeure.

10 (C) **Annual Review.** The Authority shall annually review the
11 revenues collected from its Amended Terminal Tariff. An annual report shall
12 be prepared by the Authority in compliance with this Section and the report
13 shall be submitted to the Governor and the Speaker of the Guam Legislature
14 within sixty (60) days of the end of the Authority's fiscal year. Within sixty
15 (60) days of the submission of the annual report by the Authority as required
16 herein, the Authority shall submit to the Guam Legislature in accordance with
17 the Administrative Adjudication Law any amendments to its Terminal Tariff
18 as determined by the Authority.

19 (D) **Capital Improvement Fund.** A separate fund shall be
20 established by the Authority which shall be referred to as the "Capital
21 Improvement Fund". A percentage, as determined by the Board of Directors
22 of the Authority, but in no event less than sixty percent (60%) of the
23 Authority's net earnings plus current depreciation and amortization, as
24 defined in accordance with generally accepted accounting principles, shall be
25 deposited into the Capital Improvement Fund. Any and all expenditures
26 from the Capital Improvement Fund shall be used solely for capital
27 improvement projects at the Authority as approved by the Board of Directors

1 of the Authority. No expenditure from the Capital Improvement Fund shall
2 be authorized for operating, general or management and administrative
3 expenses of the Authority as those terms are used by the Authority. Any
4 person who intentionally violates the provisions of this Section shall be
5 personally liable for any unauthorized expenditure as described herein.

6 (E) **Revisions in Amended Terminal Tariff.** Delete paragraph
7 (g) from Item 1 on page 7 of Section I of the General Rules and Regulations of
8 the Amended Terminal Tariff (Exhibit A) and add to Item 4 on page 11 of said
9 Section I the following new paragraph (e) to read:

10 "(e) A certificate of financial responsibility or equivalent
11 property and indemnity or liability insurance or bond acceptable
12 to the Port shall be required for all vessels entering the port
13 facilities. The certificate of financial responsibility or equivalent
14 shall include coverage for the costs of any hazards that may be
15 caused by the subject vessels including but not limited to oil
16 pollution liability and property damages. Carriers shall provide,
17 at a minimum, coverage as defined by federal and/or local laws,
18 rules or regulations.

19 Carriers either directly or through their agents shall be
20 responsible for providing proof of such certificate of financial
21 responsibility or equivalent to the Port Authority prior to entering
22 territorial waters. If a carrier fails to provide the Port Authority
23 with a certificate of financial responsibility or equivalent for a
24 vessel it represents, then such carrier will be denied access to any
25 and all facilities under the jurisdiction of the Port Authority."

26 (b) **Severability.** If any provision of this Section or the application
27 thereof to any person or circumstances is held invalid, such invalidity shall

1 not affect the other provisions or applications of this Section which can be
2 given effect without the invalid provision or application and to this end the
3 provisions of this Section are severable.

4 **Section 7. Expenses of Delegate.** (a) Ten Thousand Dollars (\$10,000)
5 are appropriated from the General Fund to the Chairman of the Committee
6 on Rules of the Legislature for disbursement to cover the dislocation-from-
7 Guam expenses, including transportation of persons and household goods,
8 housing, and other expenses, of Guam's Delegate to Congress-elect, incurred
9 in the transition to representing Guam at the nation's capital.

10 (b) Ten Thousand Dollars (\$10,000) are appropriated from the General
11 Fund to the Chairman of the Committee on Rules of the Legislature for
12 disbursement to cover the dislocation expenses, including transportation of
13 persons and household goods, housing, and other expenses, of Guam's
14 Delegate to Congress, incurred in the transition from representing Guam at
15 the nation's capital in the capacity as Delegate.

16 (c) The appropriation made in subsection (b) of this Section shall expire
17 one (1) year from the date of enactment of this Section.

EXHIBIT "A"

GOVERNMENT OF GUAM

PORT AUTHORITY OF GUAM
1026 Cabras Highway
Suite 201
Piti, Guam 96925

**AMENDED
TERMINAL TARIFF**

Naming

Rates, Charges, Rules and Regulations

Applying at

Apra Harbor, Port of Guam

SUBSCRIPTION PRICE

Interested parties may obtain a subscription to this tariff on a yearly basis for a charge of \$25.00. The subscription will include a complete tariff and all subsequent notices, amendments and supplements filed thereto for one year. Copies may be obtained from: Address above.

Issued:

Effective:

By: Board of Directors
Port Authority of Guam

GOVERNMENT OF GUAM
PORT AUTHORITY OF GUAM

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A.M.	Ante Meridiem
ASO	American Organization for Standardization
Cu/Ft	Cubic Feet
Diff	Differential
ETC.	Et Cetera - and so forth
EX	Removal Out of or Front
ISO	International Organization for Standardization
Lbs.	Pounds
MBM	1000 Board Feet
N.O.S.	Not Otherwise Specified in this Tariff
PAG	Port Authority of Guam
S/T	Straight Time
U.S.	United States of America
&	And
%	Percentage
\$	United States Dollars
¢	Cents
n	Addition
s	Change in wording resulting in neither an increase nor reduction in charges
u	Increase
l	Reduction

ISSUED:

EFFECTIVE:

GOVERNMENT OF GUAM
PORT AUTHORITY OF GUAM

TERMS	DEFINITIONS
1. <u>Arrival and Departing Facility Service</u>	Shall mean a charge assessed against a passenger departing or arriving through the Port facilities for the purpose of tourism. Terminating passengers are subject to compliance with all applicable Federal and Territorial Laws, Rules and Regulations.
2. <u>Authority</u>	Means the Port Authority of Guam.
3. <u>Board</u>	Means the Board of Directors of the Port Authority of Guam.
4. <u>Breakbulk Cargo</u>	Means cargo which is not classified as unitized or containerized.
5. <u>Bulk Scrap Metal</u>	Shall mean the loading of any salvaged "Bulk" scrap metal to clean up the island of Guam.
6. <u>Bunker</u>	The loading of fuel into a vessel's bunker for its own use. The meaning of the term is usually to the conveyance of the fuel over the ship's sides.
7. <u>Cargo</u>	Goods, wares, materials, merchandise or any other object that is or is to be transported.
8. <u>Containers</u>	Shall mean rigid, re-usable, dry cargo, insulated, refrigerated, flat rack, liquid tank or open top cargo container capable of being readily mounted onto or dismounted from wheels, chassis or flat bed trailer. The container shall be 8 feet wide, 20 feet, 24 feet, 27 feet, 35 feet - 40 feet, or longer and 4 feet to 13 feet high, subject to restrictions of shoreside gantries. Except for dimensions, which are given above, it shall be constructed in conformity with the specifications for freight containers
ISSUED:	EFFECTIVE:

GOVERNMENT OF GUAM
PORT AUTHORITY OF GUAM

TERMS

DEFINITIONS

adopted by the International Organization for Standardization (ISO) and the American Standardization Organization (ASO). The container will have top and bottom corner castings conforming to ISO/ASO specifications.

9. Containerized Cargo

Shall mean cargo in a container conforming to the above definition and is within the container. (See item 8)

10. Container Chassis Operation

That which requires the continued utilization of shipping agents/carriers chassis for the receiving/delivering of revenue loaded containers to/from vessel and/or to/from customer.

11. Container Grounding Operation

That which requires the utilization of Ports equipment (Rubber tired gantry crane and other related container handling equipment) for the receiving/delivering of revenue loaded containers to or from a grounding area.

12. Container Overstow

The single movement or single crane lift of a container from a vessel slot or cell to another position in stowage or from vessel stowage to deck or dock or from deck or dock to vessel stowage.

13. Dock

Any bulkhead structure, piling structure, pier, quay landing, or wharf to which a vessel may make fast to discharge or load cargo and/or passengers for any purposes.

14. Dockage

The charge assessed against a vessel for berthing or made fast to a wharf, dolphin or other structure; or lying alongside of or tied up to a vessel which is made fast to or is lying alongside of a wharf, dolphin or other structure; or, not tied up to or lying alongside of but using a wharf by means of boats, rafts, lighters, barges, or otherwise.

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PORT AUTHORITY OF GUAM

TERMS	DEFINITIONS
15. <u>Free Time</u>	The specified period of time during which cargo may occupy space assigned to it in the terminal area free of demurrage charges prior to loading or subsequent to the discharge of such cargo from or off the vessel.
16. <u>Handling Services</u>	Services rendered for the benefit of the cargo, during the period it is in the care and custody of the Port, when received at the place of rest assigned to the cargo by the Port, and from which cargo may be delivered to/from consignee/shipper trucks within the Port premises.
17. <u>Manager</u>	Means the General Manager of the Authority.
18. <u>Overstowage</u>	Means faulty loading, as when cargo for another port of discharge is stowed above, next to, or around cargo for Guam and therefore the latter cannot be discharged at Guam.
19. <u>Port</u>	Means Port Authority of Guam, located in the Territory of Guam located on Cabras Island, Apra Harbor.
20. <u>Port Facilities</u>	Means channels, basins, sea walls, docks, piers, land areas, utilities, warehouses, cargo handling machinery and equipment, and any other works, properties, structures or other facilities necessary for the development or operation of the Port of Guam.
21. <u>Preslung Cargo</u>	Shall mean cargo received and/or delivered as one unit at the Port premises in unbroken loads bearing one mark and consigned to one consignee such cargo(s) shall be in 2 ton preslung bags and/or in 2 ton preslung bundles. The slings must remain with the cargo for issue, otherwise the breakbulk rate will be charged.
ISSUED:	EFFECTIVE:

GOVERNMENT OF GUAM
PORT AUTHORITY OF GUAM

TERMS

DEFINITIONS

22. Revenue Ton Shall mean the revenue ton used by the carrier according to the vessel's manifest to assess the carrier's freight charges. Based on the following as appropriate:
- a) MBM (thousand board measurement) - 1,000 board feet.
 - b) LONG TON - two thousand two hundred forty (2,240) pounds.
 - c) MEASUREMENT TON - a ton of forty (40) cubic feet.
 - d) METERED TON - two hundred forty (240) U.S. gallons
 - e) METRIC TON - two thousand two hundred four and six tenth (2,204.6) lbs. weight, or 35.314 cubic feet.
 - f) SHORT TON - two thousand (2,000) lbs. weight.

When the basis of the freight charges is not shown on the manifest, port charges shall be assessed on the basis of weight or measurement, whichever will yield the greater revenue.

23. Roll On Roll Off Vessels Shall mean vessels with adjustable ramps. Ro/Ro shall be defined as the discharge or loading of cargo without Port equipment.

24. Stevedoring Services Services rendered by the Port in removing or handling cargo from the end of the vessel's tackle or place of rest on pier to the vessel's hold, dock, between decks and deep tanks or to any spaces in the vessel; from any space in the vessel, remove and handle cargo, including on deck, between decks, holds, and deep tanks, and place said cargo at rest on the pier.

25. Throughput A charge assessed for the movement of cargo from vessel storage to point of issue from the Port facilities or such other container storage facilities as authorized by the port General Manager, and return of the empty container from point of receipt to vessel storage or, in the case of export cargo, from the point of receipt at the Port to vessel storage.

ISSUED:

EFFECTIVE:

GOVERNMENT OF GUAM
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TERMS	DEFINITIONS
26. <u>Transshipment Rate</u>	Shall mean a charge assessed against cargo(s) received from a vessel for the purpose of passing or conveyed through Guam.
27. <u>Unitized Cargo</u>	Shall mean cargo received and/or delivered as one unit at the Port premises in unbroken unitized loads bearing one mark consigned to one Consignee. Such cargo must be securely strapped or fastened together on pallets or skids or shipped in a manufactured re-usable cargo van, vanpac, or cargo van, vanpac, or other synonymous term for van, with the exception of containers. Any single unit load which is otherwise unsuitable for forklift handling will not be considered as unitized cargo.
28. <u>Vehicle</u>	Shall mean any device for carrying passengers, goods or equipment, usually one moving on wheels, i.e., passenger cars, sedans, station wagons, pick-up trucks to 3/4 ton capacity, ambulances, hearses or panel trucks to 3/4 ton capacity.
29. <u>Vessels</u>	Shall mean steamboats, motorboats, sailing vessels, motor vessels, barges, lighters, liners, pleasure craft or any structure(s) made to float on the water for navigation.
30. <u>Wharf</u>	See Dock.
31. <u>Wharfage</u>	A charge assessed against all cargo passing or conveyed over, onto or under any wharves or between vessels (to or from barge, lighter, or water) when berthed at a wharf or moored in any slip, channel, basin, or canal or made fast to another vessel which is made fast to a wharf or moored in any slip, channel, basin or canal. Wharfage is solely the charge for the use of the wharf, slip, channel, basin, and canal, and does not include charges for any other activity or service.
ISSUED:	EFFECTIVE:

GOVERNMENT OF GUAM
PORT AUTHORITY OF GUAM

SECTION I	GENERAL RULES AND REGULATIONS	ITEM NO.
<u>APPLICATION OF RATES, LAWS, RULES AND REGULATIONS</u>		
<p>(a) This tariff, published and filed by the Port after public hearings and made effective is notice to the public, to shippers, consignees and to carriers or their agents that the rates, charges, rules and regulations apply to all traffic without specific notice, quotation to (except as hereinafter may be specified) or arrangements with shippers or carriers.</p> <p>(b) The rates, charges, rules and regulations, additions, revisions, or supplements named in this tariff, apply on all freight received at the terminal or wharves of the Port on and after the effective date of this tariff, or effective dates of additions, revisions of supplements thereto.</p> <p>(c) The use of the commercial waterways and facilities under the jurisdiction of the Port Authority shall constitute a consent to the terms and conditions of these rules, and evidences an agreement on the part of all vessels, their owners and agents, and other users of such waterways and facilities to be governed by, and to pay all charges specified by, these rules.</p> <p>(d) If any owner, master, operator, agent, charterer, partnership, trust, corporation or individual who is duly accredited with the Port purports to act for a vessel by communicating with the Port in behalf of a vessel, he/it thereby assumes responsibility for all sums due the Port in accordance with the fee schedules as set forth in these rules and for timely submission of required Port reports on forms provided by the Port for that vessel and its cargo as well as for any barge and its cargo which the vessel may have in tow. For agents, this applies only for the period they are engaged as agents for the vessel. Any agent whose request through Harbor Master for "Acceptance of Agencyship" for any vessel will be responsible for all charges and until the account is satisfied financially, only then can agencyship be terminated.</p> <p>(e) Whenever any vessel under the terms of these rules shall become obligated to pay any sum of money for any purpose whatsoever, the owner, charterer, agent, master, operator, possessor and person in whose service the vessel is operated or maintained shall be jointly and severally liable for the payment of such sums.</p>		1

ISSUED:

EFFECTIVE:

GOVERNMENT OF GUAM
PORT AUTHORITY OF GUAM

SECTION I	GENERAL RULES AND REGULATIONS	ITEM NO.
<p>(f) Use of territorial harbors and harbor facilities is subject to compliance with all applicable federal or territorial laws, rules and regulations.</p> <p>Particular attention is directed to:</p> <ol style="list-style-type: none">(1) Rules of the United States Public Health Service and of the territorial department of health, relating to the use of rat guards, and other measures required to prevent rodents from leaving the vessel.(2) Rules of the Guam Environmental Protection Agency pertaining to air and water pollution.(3) Rules of the Department of Public Safety.		1
<p>(g) A certificate of financial responsibility or equivalent property and indemnity insurance shall be required for all commercial vessels entering port facilities. The responsibility shall cover the cost of any hazards that may be caused by subject vessels. The certificate of financial responsibility or equivalent shall include, but not limited to, coverage for oil pollution liability and property and indemnity insurance. Carriers or agents representing a vessel shall be responsible for providing proof of such certificate of financial responsibility or equivalent. If a carrier or agent fails to provide the Port Authority of Guam with a certificate of financial responsibility or equivalent for a vessel it represents, then such carrier or agent shall become financially responsible for any hazard that may be caused by such vessel.</p>		

ISSUED:

EFFECTIVE:

GOVERNMENT OF GUAM
PORT AUTHORITY OF GUAM

SECTION I GENERAL RULES AND REGULATIONS	ITEM NO.
<p>(1) Minimum Billing Charge - No invoice shall be issued by the Port for any service, or combination of services, as provided in this tariff, for less than ten (\$10) dollars. Such minimum billing charge shall take precedence over any other provision in this tariff. Service charges of less than ten (\$10) dollars will be accumulated and invoiced when the aggregate total exceeds the minimum amount.</p> <p>(2) Partial clearance of any Bills of Lading will not be allowed.</p> <p>(3) The carrier or its agent is authorized to retain one fourth of one percent (0.25%) of all charges assessed against cargos to defray the cost of collecting these charges on behalf of the Port Authority.</p> <p>(d) The Port reserves the right to withhold delivery of cargo until all accrued terminal charges against such cargo have been paid. For the purpose of enforcing the payment of charges named in this tariff, on cargo handled over or stored on the Port Authority of Guam facilities, the Board may take possession of such cargo and may remove and store the same at the risk and expense of the owner or consignee thereof or may sell the goods at public auction or pursue such other remedies as may be provided by law.</p> <p>(e) Any agent, charterer, master, operator or owner who proposes to enter a vessel, other than a small craft, within the jurisdiction of the Port and utilize any of the facilities shall deposit in cash or other legal tender, funds in an amount determined by the General Manager as being sufficient to guarantee the payment of any and all bills for normal charges incurred by, for, or on behalf of such vessel or its cargo for a period of ninety days. This deposit will not be required for those agents, charterers, masters, operators or owners who are placed on the Authority's approved credit list following submission of a written application in which they agree to:</p> <p style="padding-left: 20px;">(1) Ensure payment of any and all bills for normal charges incurred by, for, or on behalf of such vessel or its cargo (for agents, only during the period while so engaged as the vessel's agent).</p>	3

ISSUED: EFFECTIVE:

GOVERNMENT OF GUAM
PORT AUTHORITY OF GUAM

SECTION I	GENERAL RULES AND REGULATIONS	ITEM NO.
<p>(2) Provide a bond or irrevocable letter of credit from a bank doing business in Guam equivalent to the amount of expected charges to be incurred within a ninety-day period. This requirement is waived for those who have maintained a satisfactory payment record with the Port Authority for the immediate preceding two-year period.</p> <p>(f) The Port shall remove those agents, charterers, masters or owners from the credit list should they become delinquent for three successive months except in cases where a bona fide dispute is being negotiated.</p> <p>(g) Claims for recovery of overcharges must be filed in writing with the Port within six (6) months following the date of billing or payment date against which such overcharge is claimed.</p>		
<p><u>CLAIMS, LIABILITY FOR LOSS OR DAMAGE</u></p> <p>(a) The Port will not be responsible for loss or damage caused by: fire, heating, leakage, evaporating, natural shrinkage, wastage or decay, animals, rodents, moths, weevils or other insects; leakage or discharge from fire protection system; breakdown of plant machinery or equipment; dampness; floats, logs or piling required for breasting vessels away from wharves or piers; strikes of any persons in its employ or in the employ of others or from any consequences arising therefrom; insurrection, war, or shortage of labor; insufficient notification; the elements or any causes unavoidable or beyond the Port's control; concealed damage; spoilage of dry or refrigerated cargo; and in particular (but without limitations) the Port will not be responsible for damage by the elements to goods or property stored in open or unshedded areas.</p> <p>(b) Claims to the Port for loss or damage to freight or merchandise occurring while in the custody of the Port, on its terminals or property, must be filed in writing within one (1) year following the final delivery of such freight or merchandise from its terminals or property. If delivery was not made then the date that delivery would have been made.</p>		4

ISSUED:

EFFECTIVE:

GOVERNMENT OF GUAM
PORT AUTHORITY OF GUAM

SECTION I	GENERAL RULES AND REGULATIONS	ITEM NO.
<p>(c) The person, or persons, responsible for, and the person or persons to whom a wharf, facility or other Port property may be assigned, or by whom it is being used, and the master, owner, operator or agent of any vessel, vehicle or other instrumentality involved in any damage to such Port properties for facilities, in excess of fair wear and tear shall promptly give a full report thereof to the Harbor Master, giving the date and hour the damage occurred, the names and addresses, or, if unknown, a description of witnesses and other persons, vessels or instrumentalities involved in the damage, as well as all other pertinent facts and information that may be available. Refusal, neglect or failure to make or give any such report shall subject such person to applicable penalties under these rules. In addition, the Port may refuse the use of any wharf or facility until such report has been received.</p> <p>(d) Any person responsible for damage to Port property shall make repairs in accordance with Port specifications. Failure to do so will result in the Port making such repairs at the expense of the responsible party or parties.</p>		4
<p><u>REQUESTS AND AVAILABILITY OF PORT SERVICES AND FACILITIES</u></p> <p>(a) The Port Manager or his authorized representative must be given twenty (20) hours advance notice during normal working hours prior to reporting time for services, in writing. For services to be performed on Saturday, Sunday or Monday, notice must be given no later than 15:00 hours on the previous Friday. Special services will be provided only upon presentation of a properly signed and approved special service request form.</p> <p>(b) The Port will not accept for storage frozen or chill cargo when such storage facilities are not available or are inadequate. Written instructions from the carrier must be submitted to the Port Manager as to the disposition of such cargo before it is discharged from the vessel.</p> <p>(c) Stevedoring and Handling service will be provided by the Port subject to availability of longshoremen, checkers and equipment on a first come first serviced basis.</p> <p>(d) The Port may designate areas to be used only for specific purposes or operations. These areas shall be designated by appropriate signs.</p>		5

ISSUED:

EFFECTIVE:

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PORT AUTHORITY OF GUAM

SECTION I	GENERAL RULES AND REGULATIONS	ITEM NO.
<p>(e) Whenever another vessel is standing by, awaiting the use of a berth where handling equipment is located, the vessel on berth will be required to work until loading or discharging has been completed. Any vessel on berth which refuses to work continuously shall vacate the berth upon order of the General Manager. When a vessel loses her right to a berth by refusing to work continuously, such vessel will forfeit her turn and go to the bottom of the list of vessels scheduled and available.</p> <p>(f) Any and all vessels at a berth where handling equipment is located, after completion of loading or discharging, will be required to vacate the berth. However, at the discretion of the General Manager, two hours grace may be allowed after completion of loading or discharging before sailing, and any and all vessels finishing loading or discharging after midnight shall be allowed to remain on berth until six o'clock that morning. Should any vessel fail to vacate the berth under the above conditions, the General Manager shall have the right, authority and privilege to move the vessel at the vessel's own risk and expense.</p> <p>(g) The Port Authority reserves the right to refuse the handling of any commodity which, in its opinion, is not suitable for the handling equipment.</p>		5
<p><u>REQUIREMENTS AND CONDITIONS FOR THE EXPORT OF CARGO</u></p> <p>Outbound cargo will be received by the Port when such cargo is firmly booked with the carrier or its agent, properly marked as to cube, weight and consignee, no less than twenty-four (24) hours in advance of the scheduled arrival of the vessel on week days. Cargo booked for vessels departing during weekends will be received no later than five (5) hours before vessel departure. Charges for such vessels will be computed on labor charge-out and equipment rental rates in addition to the Cargo Throughout Rate for the account of the consignee being serviced. Such requests must be acknowledged and approved by the General Manager or authorized representative of the Port.</p>		6
ISSUED:		EFFECTIVE:

GOVERNMENT OF GUAM
PORT AUTHORITY OF GUAM

SECTION I	GENERAL RULES AND REGULATIONS	ITEM NO.
<u>DANGEROUS CARGO AND EXPLOSIVES</u>		
<p>Handling of shipments of explosives and other dangerous articles as defined by the Interstate Commerce Commission, will be permitted only after a full compliance by shipper, carrier, and terminal operator with all applicable rules and regulations of that Commission, and of the United States Coast Guard governing the packaging, marking, labeling, handling, and transporting of such articles. Failure to comply with this directive shall be subject to penalties provided in item 2.</p>		7
<u>AMENDMENT OF TARIFF</u>		
<p>Amendments or revisions to this tariff shall be made by the Port Authority Board of Directors in accordance with formally adopted procedures consistent with requirements established under the Administrative Adjudication Act and by the Federal Maritime Commission.</p>		8
<u>PORT AUTHORITY GENERAL MANAGER'S DUTIES AND RESPONSIBILITIES</u>		
<p>(a) The General Manager and such other persons as he may designate may enter upon and inspect any vessel using port facilities or upon any premises rented or leased from the Port for the purposes of either ascertaining the kind and quantity of cargo thereupon or to insure the safety, welfare and health of the general public.</p> <p>(b) The General Manager or authorized representative may order the suspension of any loading or unloading operation when in his opinion such suspension is necessary to insure the safety, health and welfare of the public.</p> <p>(c) The provisions of this tariff and its application shall be interpreted and enforced by the General Manager or authorized representative of the Port Authority of Guam. Such interpretation shall be recorded and made available for public inspection.</p> <p>(d) Requests and complaints on matters relating to these rules must be made to the General Manager in writing.</p>		9

ISSUED:

EFFECTIVE:

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PORT AUTHORITY OF GUAM

SECTION I	GENERAL RULES AND REGULATIONS	ITEM NO.
<p>(e) Special services and rates can be established by the General Manager, until sufficient cost data are available to establish a rate. Special arrangements may be made by written contract for stevedoring scrap cargo, bulk cement and other cargos that are not normally handled by the Port and/or of great volume. Contracts may also be executed when vessels' characteristics or cargo stowage require special or unusual provisions for stevedoring; or when Port employees are called upon to salvage cargo, equipment, stores or personal effects; or when the vessel is owned by the United States Government. These arrangements will be based on estimated loading rates, manhour and hazardous pay rates presented in this tariff.</p> <p>All such special rates shall be established in accordance with the Port Authority Law. Such Special Rate shall apply for a maximum of one (1) year after which a rate for the services provided shall be adopted by the Board of Directors or the Special Rate shall be discontinued. These rates will be afforded to all similarly situated port users.</p>		9
<p style="text-align: center;"><u>RESPONSIBILITY OF CLEANING OF PROPERTY BY USER</u></p> <p>Users of Port Authority property will be required to maintain same in an orderly manner as prescribed by the General Manager.</p> <p>If the User does not properly clean property used, the General Manager shall order the work performed and the User will be billed at cost plus twenty percent.</p> <p>NOTE: Does not apply to cleaning of berths, except as to excessive or unusual cleaning thereof.</p>		10

ISSUED:

EFFECTIVE:

GOVERNMENT OF GUAM
PORT AUTHORITY OF GUAM

SECTION II	WHARFAGE RATES	ITEM NO.																															
<p>Wharfage rates in dollars per unit shall be assessed as set in the following schedule:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 40%;"></th> <th style="width: 20%; text-align: center;"><u>Outbound</u></th> <th style="width: 20%; text-align: center;"><u>Inbound</u></th> <th style="width: 20%;"></th> </tr> </thead> <tbody> <tr> <td colspan="4">Stuffed Containers:</td> </tr> <tr> <td style="padding-left: 20px;">25 feet and less</td> <td style="text-align: center;">\$32.60/container</td> <td style="text-align: center;">\$ 62.60/per container</td> <td rowspan="2" style="vertical-align: middle; text-align: center;">11</td> </tr> <tr> <td style="padding-left: 20px;">Over 25 feet</td> <td style="text-align: center;">\$55.50/ container</td> <td style="text-align: center;">\$107.50/per container</td> </tr> <tr> <td colspan="4">All other cargo:</td> </tr> <tr> <td style="padding-left: 20px;">Transhipped Other Than Tuna</td> <td style="text-align: center;">\$1.75/revenue ton</td> <td></td> <td></td> </tr> <tr> <td style="padding-left: 20px;">Transshipped Tuna</td> <td style="text-align: center;">\$3.50/revenue ton</td> <td></td> <td></td> </tr> <tr> <td style="padding-left: 20px;">All Other Cargo</td> <td style="text-align: center;">\$1.75/revenue ton</td> <td style="text-align: center;">\$3.50/revenue ton</td> <td></td> </tr> </tbody> </table> <p>Minimal charge per Bill of Lading will be \$3.50 or \$1.75 where applicable. Wharfage for outbound empties is included in the inbound rate.</p>				<u>Outbound</u>	<u>Inbound</u>		Stuffed Containers:				25 feet and less	\$32.60/container	\$ 62.60/per container	11	Over 25 feet	\$55.50/ container	\$107.50/per container	All other cargo:				Transhipped Other Than Tuna	\$1.75/revenue ton			Transshipped Tuna	\$3.50/revenue ton			All Other Cargo	\$1.75/revenue ton	\$3.50/revenue ton	
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<u>BUNKERING/FUEL THROUGHPUT/WASTE OIL</u>																																	
<p>Wharfage rates for the use of Port facilities in order to import, export, or store petroleum products, per 42-US gallon barrel shall be:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 60%;"></th> <th style="width: 20%; text-align: center;"><u>RATES</u></th> <th style="width: 20%;"></th> </tr> </thead> <tbody> <tr> <td>Import</td> <td style="text-align: center;">\$.16</td> <td rowspan="5" style="vertical-align: middle; text-align: center;">12</td> </tr> <tr> <td>Export</td> <td style="text-align: center;">\$.075</td> </tr> <tr> <td>Bunkering</td> <td style="text-align: center;">\$.21</td> </tr> <tr> <td>From truck to vessel when serviced at port piers</td> <td style="text-align: center;">\$.16</td> </tr> <tr> <td>Direct to or from vessel through privately-owned pipelines located on Port property</td> <td style="text-align: center;">\$.14</td> </tr> </tbody> </table>				<u>RATES</u>		Import	\$.16	12	Export	\$.075	Bunkering	\$.21	From truck to vessel when serviced at port piers	\$.16	Direct to or from vessel through privately-owned pipelines located on Port property	\$.14																	
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ISSUED:	EFFECTIVE:																																

GOVERNMENT OF GUAM
PORT AUTHORITY OF GUAM

SECTION II	WHARFAGE RATES	ITEM NO.
<u>RATES</u>		
Vessel to vessel	\$.16	
Storage	\$.40	
Unless otherwise provided, there will be additional charges for:		
<ul style="list-style-type: none"> (a) All services not specifically described in the Tariff. (b) Use of Port facilities and any other terminal services for which specific rates are named in the Tariff which because of unusual conditions or requirements of users not normally incidental to such use or services precludes the use of Port facilities or performance of such services at the rates named. (c) Services of clearing terminals of damage or cleaning up releases of petroleum products caused by Users. (d) Services of Bunkering or oversight of waste oil facility or for any operation delayed on account of Bunkering, or oversight of waste oil facility. (e) The PAG or its Manager may recover its labor cost at \$25 per hour, OT and holiday cost at \$27.50 per hour for all bunkering and waste oil operation or tank truck loading in Area A. 		12
All services and use of Port facilities will be charged based on these rates plus an adjustment for local inflation or costs incurred by the Port or its manager due to compliance with new governmental laws, rules and regulations.		
<u>ARTICLES ON WHICH NO WHARFAGE WILL BE CHARGED</u>		
<ul style="list-style-type: none"> (a) Authorized carrier or consignees' equipment taken on a wharf to move merchandise (but not for shipment). (b) Baggage when accompanying travelers, not including automobiles. (c) Cargo which a Vessel discharges and reloads prior to departure, in order to load or discharge other cargo (overstowed cargo). 		13

ISSUED:

EFFECTIVE:

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SECTION II	WHARFAGE RATES	ITEM NO.
<p>(d) Ship's stores, repair materials and dunnage lumber for use in ordinary stowage of freight, when all are intended for vessel's use, crew's consumption or repairs, unless Port Authority employees are required to account for such supplies or stores as may be received or discharged on the wharf.</p>		13
<p><u>CONDITIONS FOR NONASSESSMENT OF WHARFAGE CHARGES ON TRANSSHIPPED CARGO</u></p> <p>Provided the cargo does not leave the control of the Port Authority of Guam while awaiting transshipment and the second carrier's bill-of-lading provided by the agent involved indicates the first carrier's vessel's name, voyage number, and other pertinent information, freight assessed full inward wharfage may be transshipped by water from the same wharf where received or may be transferred direct to any other wharves or facilities owned by the Port Authority for transshipment or delivery to an outbound carrier without being subject to further assessment of wharfage.</p>		14
<p><u>RESPONSIBILITY FOR COLLECTION OF WHARFAGE CHARGES</u></p> <p>(a) All wharfage charges applicable to outbound containerized tuna cargo are for the account of the cargo, to be collected by the outbound carrier.</p> <p>(b) The charge for wharfage is due to be paid by the owners of cargo but the collection of the wharfage shall be guaranteed by the vessel, her master, operator, charterer, agents, or owners for the loading or unloading of cargo shall be deemed an acceptance and acknowledgement of this guarantee.</p>		15
<p><u>MANIFEST</u></p> <p>All inbound documentation shall be made available to the Port Authority officials two (2) days prior to vessel operation. Vessels calling from the CNMI must submit documentation 16 hours prior to vessel arrival. Outbound dock receipt and/or load list shall be distributed to Port Authority of Guam prior to loading. All outbound cargo and freight manifest shall be made available to the Port Authority of Guam officials three (3) days after completion of vessel operation, in numerical order as manifested. If PAG must sort this information, the rate to provide this service is \$25 per hour. If documentation is not furnished within this time schedule a penalty of \$250 per day will be assessed by PAG until the documentation is furnished. In addition, the vessel will be sent to anchorage and standby time assessed by PAG.</p>		16

ISSUED:

EFFECTIVE:

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SECTION III STEVEDORING AND HANDLING CHARGES	ITEM NO.
<u>DESCRIPTION</u>	
<p>Stevedoring and Handling charges shall be assessed for, and include all services listed below provided for the movement of import cargo from vessel storage to point of issue from the Port facilities or such other container storage facilities as authorized by the Port General Manager, or, in case of export cargo, from the point of receipt at the Port to vessel storage.</p>	17
<u>FEES AND CHARGES NOT ASSESSED ON VESSEL OR CARGO WHEN CARGO THROUGHPUT RATE IS APPLIED</u>	
<ol style="list-style-type: none"> 1. Port Entry Fee 2. Dockage 3. Line handling 4. Equipment Rental, unless otherwise specified 5. Labor Charge-Out Rates, including differentials, unless otherwise specified 	18
<u>MINIMUM TONNAGE REQUIREMENTS</u>	
<p>Discharge and/or loading (provided it is done on a single operation) of vessels or hatches of 50 tons or less shall be charged as per the labor charge out (schedule) and equipment rate.</p>	19
<u>WAIVER OF CHARGES ON TRANSSHIPMENT CARGO</u>	
<p>Provided the cargo does not leave the control of the Port Authority of Guam, while awaiting transshipment and the second carrier's bill-of-lading provided by the agent involved indicates the first carrier's vessel's name, voyage number, and other pertinent information, freight assessed full inward charges may be transshipped by water from the same wharf where received or may be transferred direct to any other wharves or facilities owned by the Port Authority for transshipment or delivery to an outbound carrier without being subject to the handling charges included in the Cargo Throughput Rate applicable to the inbound and outbound cargo.</p>	20

ISSUED:

EFFECTIVE:

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PORT AUTHORITY OF GUAM

SECTION III STEVEDORING AND HANDLING CHARGES

ITEM NO.

RATE FOR CONTAINERS

Rates will be phased in over a three year period:

	<u>HANDLING</u>	<u>STEVEDORING</u>	<u>TOTAL</u>
Year 1			
Containers:			
Chassis	\$71	\$94	\$165* per container
Grounded	\$141	\$94	\$235* per container
Year 2			
Containers:			
Chassis	\$75	\$100	\$175* per container
Grounded	\$145	\$100	\$245* per container
Year 3			
Containers:			
Chassis	\$80	\$105	\$185* per container
Grounded	\$150	\$105	\$255* per container

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* This is a one-way charge for every container loaded or empty, and is subject to a minimum charge of ten (10) containers, otherwise the labor charge-out rate will be used.

Once a domestic container is discharged from the vessel to the ground any future movements of that container after normal business hours will be charged through a special service request at the labor and equipment charge out rate.

CONTAINERIZED CARGO STEVEDORING AND HANDLING SERVICES

(a) INCLUSIONS:

Use of working areas, facilities at the terminal, and services in connection with receipt delivery, checking, care, custody and control required by vessel in the transfer of containers between vessel and container yard and/or inland carrier, including:

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<p>(1) Opening and closing hatches within capacity of container crane.</p> <p>(2) Preplanning meeting with vessel agents.</p> <p>(3) Conventional lashing, unlashng in stowage.</p> <p>(4) Sorting of containers in the container yard as determined by the Port Authority.</p> <p>(5) Documentation (for Port operation)</p> <p>(6) Ordinary securing by bottom corner locking devices on compatible chassis.</p> <p>(7) A single sequence of sorting and stacking empty and loaded containers as may be specified by the vessel.</p> <p>(8) Planning layout of containers and chassis in the container yard.</p> <p>(9) Providing Guards and protective security within the Port Container Yard and onboard the vessel, at the labor charge out rate subject to availability, if requested.</p> <p>(10) Weighing containers as may be required on scales at the container yard and supplying vessel or agent with a record of such weights. Cost of weight tags and scale services not included.</p> <p>(11) Any shoreside equipment utilized in discharging or loading the vessel.</p> <p>(12) Tower services.</p> <p>(13) Gate house services (receiving/issuing containers)</p> <p style="padding-left: 40px;">Import Delivery Services:</p> <p style="padding-left: 40px;">(a) A customer presents a Bill of Lading at the gatehouse window, all information is verified on the document (s) and on the PAG's Container Tracking System. Storage fees are charged when applicable, the Seal is also inspected. If the seal is damaged or missing while in the yard, the proper shipping agency is notified and the container is resealed. For Domestic Carriers, a copy of the Equipment Interchange Report (EIR)</p>		22

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	<p>is filed with related documents until at such time the container is returned to the Port as an empty container. When the container is returned as an empty, the empty receipt is entered into the Container Tracking System and a copy of the Container Delivery Receipt (CDR) is attached to the filed documents. These documents are given to the appropriate Carriers and the PAG's Tariff Section.</p> <p>(b) When a customer is issued a CDR for an import and the container is not removed from the container yard, the container data must be re-entered into the Container Tracking System. All documents are filed until such time that the container is actually delivered.</p> <p>Export Receipt Services:</p> <p>(a) A customer presents a Dock Receipt at the gatehouse window, all information is verified on the document (s) and on the PAG Container Tracking System. The container seal is inspected, the container will not be accepted if the seal is missing or damaged. The customer is then given a copy of the Container Delivery Receipt and instructed to the proper yard location for storage.</p> <p>Foreign Empty Receipts:</p> <p>(a) Special documents are not required for foreign empty receipts. The container number is entered into the Container Tracking System and the customer is directed to the proper yard location for storage. A copy of the Container Delivery Receipt is given to the customer.</p> <p>(14) Requests to open gates not normally open during this time will be assessed the appropriate Labor Charge Out Rate.</p> <p>(15) Issuing and receiving of containers during straight-time hours, Monday through Friday, 0800 to 1200 and 1300 to 1700 except weekends, Government of Guam holidays, and during normal meal time.</p>	22

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<p>(b) <u>EXCLUSIONS:</u></p> <p>(1) Any services associated with containerized cargo other than those outlined in Inclusions above shall be performed by the Port on the basis of its labor charge out and equipment rates, plus materials.</p> <p>(2) Overstow/shifted container(s) shall be charged fifty (\$50.00) dollars per container per move.</p> <p>(3) Specialized rigging for containers which cannot be routinely accommodated by the container crane's lifting devices. Such specialized rigging services shall be charged thirty-five (\$35.00) dollars per container per move.</p>		22
<p><u>RATE FOR BREAKBULK</u></p>		
<p>Breakbulk Handling Stevedoring</p>	<p>\$ 6.80 per revenue ton \$13.90 per revenue ton</p>	23
<p><u>RATE FOR UNITIZED CARGO</u></p>		
<p>Unitized Cargo Handling Stevedoring</p>	<p>\$ 7.00 per revenue ton* \$5.65 per revenue ton*</p>	24
<p>* Units which are less than forty (40) cubic feet or less than two thousand (2,000) pounds shall be assessed a minimum charge of one (1) ton.</p>		
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SECTION III STEVEDORING AND HANDLING CHARGES

ITEM
NO.

BREAKBULK AND UNITIZED CARGO SERVICES

(a) INCLUSIONS:

Included are use of working areas, facilities at the terminal, and services in connection with receipt, delivery, checking, care, custody and control required by vessel in the transfer of cargo between vessel and ultimate point of rest within the Port includes:

- (1) Opening and closing of hatches as part of one continuous operations.
- (2) Preplanning meetings with vessels' agents.
- (3) Documentation.
- (4) Sorting of cargo in the transit shed.
- (5) Planning layout of cargo in the transit shed or outdoor storage areas.
- (6) Port labor and equipment, in providing the above services, at Straight-Time Rates, unless otherwise specified in the tariff.

(b) EXCLUSIONS:

- (1) Recoopering services shall be charged at the Port labor charge-out and equipment rates, plus materials.
- (2) Any services associated with handling of breakbulk and unitized cargo not enumerated in (a) INCLUSIONS above shall be charged at Port labor charge-out and equipment rates plus materials.
- (3) Overstow cargo shall be charged at the Port labor charge-out and equipment rates.
- (4) Handling for outbound cargo received by the Port during weekends and/or Holidays shall be charged at Port labor charge-out and equipment rates.

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<p>(c) <u>ACCOUNTABILITY:</u></p> <p>The Port will not be responsible for accountability of contents of unitized cargo. Accountability will be for the number of units manifested only.</p>		
<p><u>RATE FOR TUNA STUFFING</u></p>		
Tuna Stuffing	\$ 10.25 per revenue ton*	26
* Rate excludes differential where applicable.		
<p><u>TUNA STUFFING SERVICES</u></p>		
<p>(a) The use of Port personnel and equipment, including cranes, in handling whole tuna from the vessel to awaiting refrigerated containers.</p> <p>(b) The use of Port personnel and equipment to dray containers from precooling location to shipside and to ground.</p> <p>(c) The use of personnel and equipment, including cranes, to put containers on chassis (if necessary) to dray containers to scale, to arrange scale weighing of containers, return containers to container yard location for storage pending shipment, and to ground containers. Arranging and weighing does not include the cost of weight tags and scale service.</p> <p>(d) The use of personnel and equipment to stevedore containerized tuna.</p> <p>(e) Tuna stuffing services performed on weekends, holidays and at nighttime shall be charged at the Stevedoring and Handling rate plus applicable differential as indicated on Item 40.</p> <p>(f) Availability of personnel and equipment is subject to Item 5c. See also Item 45b.</p>		27

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<u>RATE FOR PRESLUNG CARGO</u>		
Preslung Cargo	\$ 15.00 per revenue ton	28

<u>PRESLUNG CARGO SERVICES</u>		
<p>This rate shall be inclusive of the following services.</p> <ul style="list-style-type: none"> A. Use of working areas, facilities at the terminal, and services in connection with receipt, delivery, checking, care, custody and control required by vessel in the transfer of cargo between vessel and ultimate point of rest between the Port (does not include leased warehouse space). B. Opening and closing of hatches as part of one continuous operation. C. Preplanning meetings with vessel agents. D. Documentations. E. Sorting of cargo in the transit shed. F. Planning layout of cargo in the transit shed or outdoor storage areas. G. Port Labor and Equipment. Providing the above services, at straight time rates unless otherwise specified in the Tariff. 		
<p>This rate shall be exclusive of the following services:</p> <ul style="list-style-type: none"> A. Reoopering services shall be charged at the Port labor charge-out and equipment rates, plus materials. B. Any services associated with handling preslung cargo not enumerated in inclusions above shall be charged at Port labor chargeout and equipment rate plus materials. 		

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<p>C. Penalty charge as described in Item No. 41 is not included on this rate.</p> <p>NOTE: The Port shall not be responsible for accountability of contents of preslung cargos, accountability will be for the number of units manifested only.</p>		
<u>AUTO DEVANNING AND STUFFING RATE</u>		
Auto Devanning and Stuffing	\$ 250.00 per vehicle*	30
* Rate excludes differential where applicable		
<u>AUTO DEVANNING AND STUFFING SERVICES</u>		
Such services shall include blocking, unblocking, and surveying of vehicles. Blocking materials ex carriers devanned vehicles shall be made available for stuffing export vehicles. Any and all additional materials required for the stuffing export vehicles will be for the account of the carrier.		31
<u>RATE FOR VEHICLES (ROLL ON/ROLL OFF)</u>		
Vehicles Roll On/Roll Off	\$ 35.00 per vehicle	32
Vehicles Loaded or Unloaded weighing more than 6000 lbs.*	\$ 12.65 per revenue ton per move	
* Not otherwise specified in this tariff.		
<u>VEHICLES (ROLL ON/ROLL OFF) SERVICES</u>		
Shall include vehicle surveying and a minimum of 2 gallons of gasoline.		33
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<u>TRANSSHIPMENT RATE</u>		
Containers	\$ 212.00 *	34
* Rate includes wharfage, stevedoring and handling charges.		
<u>TRANSSHIPMENT SERVICES</u>		
This rate shall be inclusive of the following services:		
<ul style="list-style-type: none"> A. Discharge stuffed containers from first carrier's vessel B. Load empty containers back to first carrier's vessels C. Load stuffed transshipment containers to second carrier's vessel D. Discharge empty containers from second carrier's vessel E. Lashing F. Standby time (within Operational Norms) G. Equipment Rentals H. Wharfage 		35
<u>PROVISIONS</u>		
<ul style="list-style-type: none"> 1. Container(s) will not leave the control of the Port Authority of Guam while awaiting shipment. 2. The second carrier's bill of lading provided by the agent involved must indicate the first carriers' vessel's name and voyage number. 3. Minimum number of 40 containers to be transhipped per vessel for the second carrier. No minimum number of containers for the first carrier. These containers must be shipped within 15 calendar days to qualify for the 40 minimum. If the 40 minimum is not met, the second vessel will be charged two times the grounded container rate less the previously billed transshipment rate per container. 		
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<p>4. All other services rendered would be through the Port's "Special Service Request" i.e., transferring cargos in containers, devanning, stuffing, etc.</p> <p style="text-align: center;"><u>BULK SCRAP METAL</u></p> <p>"Bulk" Scrap Metal \$12.50 Per Revenue Ton.</p>		36
<p>NOTE: Does not include penalty charge as described in Item No. 41.</p>		
<p><u>BULK SCRAP METAL SERVICES</u></p> <p>This tariff shall include the following services:</p> <ul style="list-style-type: none"> A. Use of working areas, facilities at the terminal and services in connection with the loading of scrap cargo. B. Opening and closing hatch. C. Preplanning meeting with vessels agent. D. Documentation of Port services. E. Planning layout of cargo in open storage. F. Services of clearing or cleaning terminals of scrap debris. G. Labor Charge-Out Rates, including differentials, unless otherwise specified. 		37
<p>NOTE: Operation delays through no fault of the Port will be assessed as per the Port's Terminal Tariff Labor Chargeout Rates as scheduled. The Penalty Charge as described in Item No. 41 is not included on this rate.</p>		

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SECTION III STEVEDORING AND HANDLING CHARGES

ITEM
NO.

HEAVY LIFT CHARGES

Any single unit of cargo other than containers as defined in this tariff over 6,000 pounds and above shall, in addition to the rates it would otherwise be assessed, be assessed \$2.10 per 2,000 pounds, or fraction thereof, for stevedoring and/or \$2.10 per 2,000 pounds or fraction thereof for handling, except for motorized wheeled vehicles which are driven off/on the vessel over a ramp without utilizing any lifting equipment. However, motorized equipment or vehicle in excess of 6,000 pounds, which though wheeled, must be lifted off/on the vessel to avoid potential damage to the dock, shall be assessed heavy lift charges per move.

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LONG LENGTH CHARGES

Any single unit of cargo over 45 feet in length and above shall, in addition to rates it would otherwise be assessed, shall be assessed the following rates:

Scale of Charges

Over 45 feet and not over 50 feet	\$16.30
Over 50 feet and not over 60 feet	\$38.15
Over 60 feet and not over 70 feet	\$49.15

Pieces or packages over 70 feet add to rate specified above for lengths over 60 feet and not over 70 feet \$10.15 for each additional ten (10) feet, or fraction thereof.

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SECTION IV

LABOR CHARGE OUT RATES

ITEM
NO.

APPLICABILITY OF LABOR CHARGE OUT RATE

Unless otherwise provided, man-hour charge out rates will be charged for:

- (a) All services not specifically described in the tariff.
- (b) Services of loading, unloading, handling or transferring cargo for which the Cargo Throughput Rate is not applicable and cargo in packages or units of such unusual bulk size, shape or weight as to preclude performing such services at rates named under individual items in the Tariff.
- (c) Services of loading and unloading cargo and any other terminal services for which specific rates are named in the Tariff but which because of unusual conditions, or requirements of shippers not normally incidental to such services, precludes the performance of such services at rates named.
- (d) Services of extra sorting, special checking, inspection, recoopering, reconditioning or for any operation delayed on account thereof.
- (e) Services of cleaning or preparing cars, trucks or containers for loading.
- (f) Services of clearing terminals of damage.
- (g) Operations involving less than 50 revenue tons per hatch loaded or unloaded in a continuous operation or unusual vessels and conditions.
- (h) Stevedoring and handling overstowed breakbulk and unitized cargos.
- (i) Except as otherwise provided in individual items, charges for materials furnished in connection with services will be assessed at actual cost plus thirty (30%) percent.
- (j) Exceptions - Labor Charge-Out Rates shall not be applied to cargo subject to Cargo Throughput Rate except where labor charge-out rate pay differentials are otherwise expressly applied.

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SECTION IV

LABOR CHARGE OUT RATES

ITEM
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LABOR CHARGE OUT RATES

All services billed at the charge out rate in 1992 will be charged at the hourly rates shown below. Subsequent years will be charged based on these rates plus an adjustment for local inflation, or legislative mandated increases. This rate includes straighttime, overtime, holiday and night differential.

Schedule of Man Hours Charge Out Rates

<u>Labor Classification</u>	<u>Straight Time</u>	<u>Over Time</u>	<u>Over Time Diff</u>	<u>Holiday Diff</u>	<u>Night Diff</u>
1) Stevedores	\$22.50	\$33.75	\$ 11.25	\$17.85	\$1.80
2) Crane Operators	22.13	33.20	11.07	17.54	1.77
3) Equipment Operator (excluding crane operators)	20.97	31.46	10.49	16.62	1.68
4) Auto Mechanics	21.92	32.88	10.97	17.37	1.76
5) Diesel Mechanics	22.19	33.29	11.10	17.58	1.77
6) Crane Mechanics	24.69	37.04	12.35	19.56	1.97
7) Riggers	22.10	33.15	11.04	17.51	1.77
8) Electrician	22.83	34.25	11.42	18.09	1.82
9) Cargo Checkers	20.25	30.38	10.13	16.05	1.62
10) Security Guard	22.46	33.69	11.24	17.79	1.79
11) Carpenters	22.56	33.84	11.28	17.88	1.80
12) Plumbers	22.56	33.84	11.28	17.88	1.80
13) Painters	20.07	30.11	10.04	15.90	1.61
14) Refrigeration Mechanics	21.77	32.66	10.89	17.25	1.74
15) Preventive Maint. Mechanic	22.56	33.84	11.28	17.88	1.80
16) Welders	24.00	36.00	12.00	19.02	1.91
17) Clerks	16.08	24.12	8.04	12.74	1.29
18) Guahan Crew	21.47	32.21	10.74	17.01	1.73

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SECTION IV

LABOR CHARGE OUT RATES

ITEM
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DESCRIPTION OF MISCELLANEOUS CHARGES AND PENALTY

(a) Overtime Rates

All work performed in normal stevedoring activities at regular cargo rates on an over-time basis and legal holidays observed by the Government of Guam, in connection with any stevedoring function except special services, shall be charged an overtime differential in addition to the regular stevedoring charges, or differential of 100 percent on regular employees working on legal holidays according to the schedule of Man-Hour Charge Out Rates. Overtime hours shall be defined as any hours in excess of eight hours of any workday or forty (40) hours in a normal workweek. Overtime shall also include Saturdays and Sundays for operations employees assigned to the loading and unloading of cargoes whose work week begins on Saturday, provided that when there is no work assigned on Saturdays or Sundays the normal work week shall be from Monday through Friday and all hours worked in excess of eight hours a day shall be on overtime rate of pay.

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(b) Night Differential

A surcharge will be added for all work performed between 1800 hours to 0600 hours and will be charged on the basis of rates shown in the schedule of Man-Hour Charge-Out Rates.

(c) Detention or Stand-By Time

When employees of the Port are ordered for water carriers and are required to stand-by due to vessel power failure, vessel gear failure, or for any other reasons through no fault of the Port Authority, the charge-out rate will be assessed. If employees of the Port are directed to stand-by at the request of the carrier or agent the charge-out rate will be assessed.

(d) No Work Provided

When employees of the Port are ordered for water carriers and the vessel completes loading or discharges prior to completion of a shift or half shift, water carriers will be assessed the unused hours on the basis of the Labor Charge-Out Rate if no other port work is available.

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SECTION IV	LABOR CHARGE OUT RATE	ITEM NO.						
<p>(e) <u>Cancellation Time</u></p> <p>When employees of the Port are ordered for water carriers and cancellation notice is given to the Port before reporting time, the water carriers will be assessed a minimum charge of two straight time or overtime hours at the appropriate Charge-Out rate for each employee notified.</p> <p>When employees of the Port have reported to work and cancellation notice is given to the Port, before four hours have elapsed since the scheduled starting time, the water carriers will be assessed four hours at the Charge-Out Rate for each employee involved at straight time or overtime rate with other differentials as appropriate.</p> <p>When employees of the Port have reported to work and cancellation notice is given to the Port, after four hours of work has been performed but prior to the completion of a minimum eight-hour shift, the water carriers will be assessed the unused hours at the Charge-Out Rate for each employee involved.</p>		42						
<p>(f) <u>Meal-Time Penalty</u></p> <p>When stevedores and related personnel are required to work through their regularly scheduled meal period, the water carriers will be assessed the penalty rate (overtime differential) for each employee involved in addition to the regular stevedoring charges.</p>								
<p>(g) <u>Penalty Pay</u></p> <p>Charges assessed carriers agents or persons responsible for stevedoring charges other than those included with the rate schedule above, in addition to the straight-time rates included in the Stevedoring and Handling Charge for inbound and outbound cargo for penalties compensated to individuals under applicable Personnel Rules and Regulations of the Government of Guam.</p> <p>Penalty Rate Schedule (Inbound and Outbound)</p> <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th></th> <th style="text-align: center;"><u>Rate</u></th> <th style="text-align: center;"><u>Basis</u></th> </tr> </thead> <tbody> <tr> <td>Cleaning Ship's Oil Tanks (Hatch work only)</td> <td style="text-align: center;">\$3.50</td> <td style="text-align: center;">Per Man Hour</td> </tr> </tbody> </table>			<u>Rate</u>	<u>Basis</u>	Cleaning Ship's Oil Tanks (Hatch work only)	\$3.50	Per Man Hour	
	<u>Rate</u>	<u>Basis</u>						
Cleaning Ship's Oil Tanks (Hatch work only)	\$3.50	Per Man Hour						

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