

DEPARTAMENTO DE ESTADO



Número: 8130

Fecha: 27 de diciembre de 2011

Aprobado: Hon. Kenneth D. McClintock
Secretario de Estado

Por: Eduardo Arosemena Muñoz
Secretario Auxiliar de Servicios

Mayagüez Port Commission

Handbook and Tariff No. 02
Rules, Regulations, and Tariffs

Effective Date
January 1, 2012 – December 31, 2016

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ESTADO LIBRE ASOCIADO DE PUERTO RICO
COMISION DEL PUERTO DE MAYAGÜEZ
MAYAGÜEZ, PUERTO RICO

RESOLUCIÓN NÚMERO 3

SERIE 2011-12

RESOLUCIÓN APROBADA EL 8 DE DICIEMBRE DE 2011, A LOS EFECTOS DE APROBAR LA RADICACIÓN DEL MANUAL TARIFARIO NÚMERO 2 EN EL DEPARTAMENTO DE ESTADO.

POR CUANTO: El 29 de noviembre de 2011 se llevaron a cabo Vistas Públicas del Manual Tarifario Número 2 de la Comisión del Puerto de Mayaguez, según dispuesto en la Resolución Número 2, Serie 2011-12.

POR CUANTO: El 8 de diciembre de 2011, en Reunión Ordinaria, fue presentado y discutido el Informe del Oficial Examinador, por el Sr. Enrique Santiago Cardona, que dirigió los procesos de Vistas Públicas y evaluó los cambios propuestos por las entidades que participaron del proceso de Vistas Públicas mediante la presentación de ponencias escritas. En dicha reunión, fue acogido unánimemente el Informe del Oficial Examinador con sus respectivas recomendaciones y se ordenó a la Sra. Carmen Gloria Maldonado, proceder de inmediato con la incorporación de los cambios recomendados.

POR CUANTO: En dicha Reunión Ordinaria fue a su vez presentada una edición revisada del Manual Tarifario Número 2, conteniendo los cambios y sugerencias propuestos por el Oficial Examinador que fueron aprobados por los Comisionados, luego de una discusión detallada de cada uno de los puntos presentados. La Comisión en pleno, constituido el quórum por los Comisionados Dennis Bechara, Sergio Zeligman, Alfredo Archilla y Wilfredo Phiths,

mediante moción presentada a estos fines, aprobó unánimemente este documento.

POR CUANTO: Para que el Manual Tarifario Número 2 sea propiamente adoptado y cobre vigencia deberá ser presentado en el Departamento de Estado y aprobado por el Secretario de Estado.

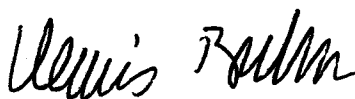
POR TANTO: LA COMISION DEL PUERTO DE MAYAGÜEZ RESUELVE Y ORDENA;

Sección 1ra. - Que se proceda con la radicación del Manual Tarifario Número 2 ante el Departamento de Estado para su aprobación final, en cumplimiento con las disposiciones de la Ley Núm. 170 del 12 de agosto de 1988, según enmendada.

Sección 2da. - Que, luego de que el Secretario del Departamento de Estado apruebe la presentación del Manual Tarifario Número 2, se proceda en conformidad con lo establecido en la Ley de Procedimiento Administrativo Uniforme para hacer vigente el mismo de manera inmediata, haciendo llegar copia del documento y su aprobación al Administrador del Puerto: Holland Group Port Investments (Mayagüez), Inc..

Sección 3ra. - Se archive copia de la presente Resolución para auditorías futuras de la Comisión y de las Agencias Gubernamentales correspondientes.

Esta Resolución se adopta en beneficio del interés público hoy día 8 de diciembre de 2011.



Dennis Bechara
Presidente

CERTIFICATION AND APPROVAL

This Handbook and Tariff No. 2 is prepared, adopted and promulgated by the Mayagüez Port Commission, as ordered in Article 4, item (1) of the Mayagüez Port Commission Organic Law No. 10 of May 18, 1959 (23 LPRA § 551, et seq.) and in compliance with Law No. 170 of August 12, 1988, as amended, and Regulation 5281 of August 3, 1995 of the Department of State of the Commonwealth of Puerto Rico. The Handbook and Tariff No. 2 rules and regulates the maritime operations and activities conducted at the Port of Mayagüez, as well as, determine, fix and impose tariffs, charges, rents and other miscellaneous fees for the services or use of the Port's facilities. (See 23 LPRS 555(1)).

This document supersedes Rule No. 7973 of December 27, 2010, entitled "Handbook and Tariff No. 1A" since it is due in December 31, 2011. Handbook and Tariff No. 2 improves language, and incorporate certain clarifications to rules and conditions, such as to identify the specific tariffs value applicable for the use of the Port's facilities and services. In addition, are established the tariffs valid from January 1st of 2011 until December 31, 2016.

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ESTADO LIBRE ASOCIADO DE PUERTO RICO
COMISION DEL PUERTO DE MAYAGUEZ

Volante Supletorio al Reglamento Tarifario titulado
Mayagüez Port Commission Handbook and Tariff No. 2

Agencia que aprobó el Reglamento:	Comisión del Puerto de Mayagüez
Autoridad Legal:	Ley Núm. 10 de 18 de mayo de 1959, conocida como Ley de la Comisión del Puerto de Mayagüez Ley Núm. 170 de 12 de agosto de 1988, según enmendada, conocida como Ley de Procedimiento Administrativo Uniforme
Fecha de aprobación:	8 de diciembre de 2010
Evidencia de aprobación:	Resolución 3, Serie 2011-12 de la Junta de la Comisión del Puerto de Mayaguez
Nombre y títulos de las personas que aprobaron la Resolución 3, Serie 2011-12	Dennis Bechara Bravo, Presidente Sergio Zeligman Perkal, Vicepresidente Wilfredo Phiths, Tesorero Luis A. Olivares López, Secretario Alfredo Archilla, Subtesorero/Subsecretario
Propósito:	Enmienda el Handbook and Tariff No. 01a del 27 de diciembre de 2011 a los fines de clarificar el contenido de algunas disposiciones del Reglamento y establecer las tarifas vigentes del 1ro de enero de 2012 al 31 de diciembre de 2016.
Autoridad Legal afectada:	Enmienda el Reglamento Núm. 7973 del 27 de diciembre de 2011.
Fecha de radicación en el Departamento de Estado:	<u>27</u> de diciembre de 2011 (fecha propuesta al momento de la firma de este Volante Supletorio)

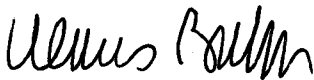
Volante Supletorio
Manual Tarifario Núm. 2
Página 2

Fecha de vigencia: Comenzará a regir a los treinta días después de su radicación ante el Departamento de Estado, a tenor con la Ley Núm. 170 de 12 de agosto de 1988, según enmendada.

Cumplimientos con LPAU: Anuncios promulgando el Reglamento el 21 de octubre de 2011 en los periódicos Primera Hora y El Vocero; mediante portal www.mayaguezpr.gov. (Documentos adjuntos) Vistas Publicas celebradas el 29 de noviembre de 2011

Certifico que el procedimiento de reglamentación seguido en este caso, se llevó a cabo a tenor con las disposiciones de la Ley 170 del 12 de agosto de 1988, y que el reglamento a que hace referencia este Volante Supletorio fue debidamente revisado y no contiene errores sustantivos, tipográficos o clericales.

En Mayaguez, Puerto Rico, hoy 8 de diciembre de 2011.



Dennis Bechara
Presidente

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INTRODUCTION

The Port of Mayagüez is located on the west coast of the island of Puerto Rico, positioned in the Caribbean Sea between Hispaniola Island (Haiti/Dominican Republic) and the U.S. Virgin Islands. The Port of Mayagüez is Puerto Rico's third largest port, has a natural harbor of 3.8 miles with depths ranging from 24' to 30', and is under the jurisdiction of the Mayagüez Port Commission. Capitalized terms used but not otherwise defined herein will have the same meaning ascribed to them in Section 1.0 entitled "DEFINITIONS."

The Mayagüez Port Commission is a public corporation created and governed by Act Number 10 of May 18, 1959 ("Act. No 10"). It formally commenced operations pursuant to Boletín Informativo No. OE-2003-77 issued by the Governor of Puerto Rico as of December 18, 2003. In accordance thereof and pursuant to a certain Transfer Agreement AP 04-05(4)-033, the Puerto Rico Ports Authority transferred title of the Port of Mayagüez property and facilities, including the land encompassing such facilities, the terminal building, and other real and personal assets to the Mayagüez Port Commission. The latter now has legal ownership of the Port of Mayagüez and establishes the public policy, general norms, and regulations for the development and use of the Port of Mayagüez, including the tariff rates and charges to be paid by users of such facilities.

Among its various duties, the Mayagüez Port Commission is empowered by Act No. 10 to implement business strategies to foster the development of the Port of Mayagüez. During 2007, a master plan for the design and development of the Port's infrastructure was adopted by the Mayagüez Port Commission through the execution of a certain Lease and Development Agreement with Holland Group Port Investment (Mayagüez), Inc., as administrator and developer of the port facilities (the "Port Administrator"), on May 17, 2007. The purpose of this master plan is to provide for the substantial (i) development of the port facilities and (ii) the increase of Maritime Operations conducted therein. The Mayagüez Port Commission retains sole authority over the determination of applicable tariff rules, rates, and fees, and the Port Administrator manages and operates the facilities of the Port of Mayagüez (including, without limitation, the collection of all tariff rates and fees)

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and is responsible for its development in accordance with the Master Plan approved by the Mayagüez Port Commission.

Tariff History. Upon the Mayagüez Port Commission officially commencing its administration and operation of the facilities of the Port of Mayagüez on August 23, 2004, it adopted most of the Puerto Rico Port Authority's Tariff M-1-6 regulations, rules, norms, and tariffs, to ensure the continuity of the operations at the Port of Mayagüez until its subsequent approval of Handbook and Tariff No. 01 on January 24, 2008. Subsequently on December 27, 2010, the Mayagüez Port Commission approved certain amendments to such regulations, norms, and tariffs, all of which are contained in the Handbook and Tariff No. 01a, which is currently in effect. The Handbook and Tariff No. 01a is applicable through December 31, 2011, to any Vessel, Vessel Owner, or Vessel Agent conducting any type of activity at the Port of Mayagüez.

This Handbook and Tariff No. 02 (2012-2016) is being made effective from January 1, 2012 through December 31, 2016, unless otherwise extended, in accordance with the provisions of Section 15 hereof. New tariff rates and fees as a result of additional services, new type of commercial activities or market changes, or utilities cost increases will require due approval by the Mayagüez Port Commission. No tariff rates and fees may be collected or enforced by any party other than those specifically contemplated herein.

This Handbook and Tariff No. 2 will be amended by the Mayagüez Port Commission, without prior notice or public hearings, to the extent any provision may be determined to be inconsistent with (i) U.S. or Puerto Rico law or (ii) the regulations of any U.S. or Puerto Rico government agency or instrumentality with jurisdiction which supersedes that of the Mayagüez Port Commission including without limitation, the rules of the U.S. Federal Maritime Commission, as currently in effect at any time.

1. DEFINITIONS

For purposes of this Handbook and Tariff, the following terms will have the meanings provided below. The use of the term in singular will include the plural and vice versa. Words or phrases defined in this Section are identified throughout this Handbook and Tariff by using capital letters at the beginning of such words or phrases.

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1.1 Adjacent Islands: All the islands surrounding Puerto Rico and subject to the jurisdiction of the government of the Commonwealth of Puerto Rico, such as Vieques and Culebra.

1.2 Ballast: A heavy substance used to improve the stability and control of the draft of a ship.

1.3 Barge: A roomy, usually flat-bottomed boat used primarily for the transport of goods on inland waterways that is usually propelled by towing.

1.4 Bill of Lading: Refers to the document used as a contract of carriage between the shipper and the carrier as well as a receipt for any item of movable property tendered to the carrier, and which, in some cases, may indicate the certificate of title for such goods.

1.5 Calendar Day: A twenty-four (24) hour period commencing on 12:00:00am and ending on 11:59:59pm of any given day.

1.6 Cargo: Refers to goods, merchandise, or any other type of movable property that is loaded and unloaded, transported, or conveyed in a Vessel, regardless of its nature (i.e., solid, liquid, gas, or any other physical state) and how it is packed or managed for transportation. Any Cargo is subject to measurement conversion as established in this Handbook and Tariff, when applicable, for the determination of applicable tariffs.

1.7 Cargo Tools: Refers to any type of equipment, instrument, appliance, or any other sort of tool used to load or unload Cargo to or from a Vessel, such as stevedores, pallets, forklifters (pallet jacks), hand trucks, wagons, carts, machinery and furniture movers, drum handlings, mules, yard tractors, conveyor belts, Dunnage, and ship lining, among others, used for the purpose of loading or unloading a Vessel when berthed at the Wharf or Pier.

1.8 Cargo Vessels: Any Vessel designed for the exclusive purpose of carrying Cargo from one port to another or whose permit or license is limited to this type of activity.

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1.9 Commission for Pilotage - An independent organization created by Act Number 226 of August 12, 1999 (23 LPRA §361 et seq.), to provide pilotage services through Harbor Pilots, to Vessels meeting certain size specifications and which are engaged in business or other activities at any Puerto Rico seaport. Such pilotage services are contracted through a Vessel Agent, and the fees therefore are based on such commission's tariff schedule.

1.10 Container: A reusable object used for carrying and transporting Cargo. The measurement of a Container is computed by multiplying the height, width, and length of such object.

1.11 Cruise Vessel: A Vessel engaged in transporting or carrying exclusively Passengers in pleasure voyages or tours. The term "Cruise Vessel" does not include Pleasure Crafts, Pleasure Charters, Local Ferryboat Vessels, and International Ferryboat Vessels.

1.12 Cruise Vessel's Maiden Voyage: A Cruise Vessel's first time of call to the Port of Mayagüez, notwithstanding such Cruise Vessel may have changed its name or ownership.

1.13 CWT: Abbreviation for hundredweight. When used with respect to computation of Wharfage or Demurrage, each CWT will be equivalent to the following: (1) by weight, one CWT for each 100 pounds; (2) by volume, one CWT for each two (2) cubic feet; or (3) in case of lumber, each 24 board feet will be equivalent to a CWT of two (2) cubic feet.

1.14 Davit: Refers to the concrete and/or steel structure of two goose neck form columns which hold the Harbor Pilot Boat at the Wharf.

1.15 Demurrage: The charge assessed against Cargo which remains in the Transit Area of a Wharf, Pier, or bulkhead structure after the expiration of the Free-Time.

1.16 Dock: Any facility structure of the Port of Mayagüez used for the mooring of Vessels or for the loading or unloading of Passengers or Cargo.

1.17 Dockage: Refers to the charges assessed against a Vessel for berthing at the facility or for mooring to a Vessel so berthed.

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1.18 Docking Permit Application: Form used by a Vessel Owner, Vessel Agent, or Vessel Captain to request authorization to access and use the facilities of the Port of Mayagüez during a given time period, according to the Rules and Regulations prevailing at the Port of Mayagüez at any given point in time. The Docking Permit Application is granted by the Port Administrator's signature on the Docking Permit Application.

1.19 Dunnage: Any material or objects utilized to protect Cargo. Examples of "Dunnage" are blocks, boards, burlap, and paper.

1.20 Empty Container: Refers to an empty and unsealed Container available for inspection. Sealed Containers must be unsealed at the time of unloading from a Vessel or promptly upon the request of the Port Administrator.

1.21 Emergency Situation on a Vessel: A sudden, generally unexpected occurrence or set of circumstances demanding immediate action, thus requiring a Vessel to call a port for a non-scheduled stop due to an immediate risk to health, life, property or the environment.

1.22 Ferryboat Vessels: Vessels designed and used for transporting both Passengers and Cargo across a body of water, (a) carrying a minimum of twelve (12) Passengers with their respective personal belongings and motorized vehicles as well as (b) Cargo, and which maintains a regular sailing schedule of not less than twelve (12) voyages per year.

1.23 Free-Time: The period of time indicated in Section 12.3 hereof, during which Cargo or materials may occupy space assigned to it free of storage charges, Demurrage, or penalties, prior to the loading or subsequent to the discharge of such Cargo on or off the Vessel.

1.24 Force Majeure: Means (a) Acts of God; (b) war, hostilities (whether war be declared or not), invasion, act of foreign enemies; (c) rebellion, terrorism, revolution, insurrection, military or usurped power, or civil war; (d) munitions of war, explosive materials, ionizing radiation or contamination by radioactivity, except as may be attributed to the use of such munition explosives, radiation or radioactivity, and (e) natural catastrophes such as water spouts or tornadoes, hurricanes, tropical storms, earthquakes, or floods, among others.

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1.25 Gross Tonnage: With respect to a Vessel, $(0.2 + 0.02 \log_{10} V)$, where V is the volume in cubic meters of all enclosed spaces on the Vessel. Since 1994, it replaces "Gross Registered Tonnage." An approximate conversion ratio is $1NT = 1.7GT$ and $1GT = 1.5DWT$. The "Gross Tonnage" is ordinarily provided in the Vessel license certificate.

1.26 Harbor Dues: The charges assessed to a Vessel for entering the Port of Mayagüez (whether or not it docks, anchors, or loads or unloads Cargo), which are payable to the Puerto Rico Ports Authority pursuant to the Puerto Rico Dock and Harbor Act of 1968, as amended.

1.27 Harbor Pilot: A master mariner licensed to guide Vessels between the Port of Mayagüez and the open sea, between two points within the territorial limits of the Port of Mayagüez, or between the open sea and the Port of Mayagüez. Harbor Pilots are regulated by the Puerto Rico Commission for Pilotage. They provide pilotage services to Vessels meeting certain size specifications, which are engaged in business or other activities at any Puerto Rico seaport.

1.28 Harbor Pilot Boat: A Harbor Pilot Boat is a Vessel used to transport Harbor Pilots between land and the Vessels they are piloting.

1.29 Holiday: Off-duty calendar day, as certified by the Puerto Rico Department of Labor and Human Resources, and applicable to employers in certain commercial and retail service fields. The occurrence of a Holiday will not disrupt the operations of the Port of Mayagüez and will only be considered as a time extension to Free-Time or any compliance deadline provided herein to the extent so indicated.

1.30 International Ferryboat Vessels: Refers to any Ferryboat Vessel traveling between the Port of Mayagüez and any seaport outside the jurisdiction of the Commonwealth of Puerto Rico or the U.S., but specifically including any seaport from any U.S. territory which is not a state thereof.

1.31 Landing Place: Any place where it is possible for a Vessel to embark or disembark persons, or load or unload Cargo, directly to or from land and not involving an intermediate Vessel.

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1.32 Lighter: An open or covered barge towed by a tugboat and used mainly in harbors and inland waterways to carry Cargo to, from, or alongside a Vessel.

1.33 Local Ferryboat Vessels: Refers to any Ferryboat Vessel traveling solely between the Port of Mayagüez and any seaport solely within the jurisdiction of the Commonwealth of Puerto Rico or the U.S., but specifically excluding any seaport from any U.S. territory which is not a state thereof.

1.34 Marine Terminal: An assigned area for the accommodation of Passengers, or in which Containers are prepared for loading into or unloading from a Vessel or truck or stacked immediately after discharge from the Vessel or truck.

1.35 Maritime Operation: Refers to any commercial or other activity conducted at the Port of Mayagüez, including without limitation, the transport of Passengers or Cargo, the maintenance and rendering of services to a Vessel, or the use or exploitation of the facilities of the Port of Mayagüez or any services rendered therein.

1.36 NOS Tariff: A tariff for a Maritime Operation which is not otherwise specified in this Handbook and Tariff.

1.37 Off-Shore Points: Points not located in the Commonwealth of Puerto Rico or in the U.S. Virgin Islands.

1.38 Operating Day: Refers to a Calendar Day on which the Port of Mayagüez is regularly open for business.

1.39 Operating Hours: Period of time during which the Port of Mayagüez is open for business as determined by the Port Administrator, or as otherwise may be coordinated between any user of the facilities of the Port of Mayagüez and the Port Administrator, in order to enable the fulfillment of all Maritime Operations while a Vessel is anchored or moored to a Dock, to complete the embarking or disembarking of Passengers, or the loading or unloading of Cargo. Other business activities conducted at the Port of Mayagüez, including without limitation, parking services and other amenities, will operate during the Calendar Days and hours individually agreed between the operator of such business activities and the Port Administrator.

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1.40 Passengers: Refers to any person who is embarking or disembarking any Vessel which is departing or arriving from or to the Port of Mayagüez, excluding any crew member of any such Vessel.

1.41 PBC: Acronym for Passenger Baggage Cargo, and refers to a Passenger's personal belongings, baggage, and related items when a passenger is traveling in the same Vessel.

1.42 Pier: The structure perpendicular to the shoreline to which a Vessel is secured for the purpose of loading and unloading Cargo.

1.43 Pilotage Service Fees: Refers to the charge assessed by a Harbor Pilot for the piloting services rendered to a Vessel.

1.44 Pleasure Craft: Refers to a boat, yacht, or any other type of watercraft used for personal purposes, and for non-revenue activities such as pleasure, recreation, or sporting purposes.

1.45 Pleasure Charter: Refers to a boat, yacht, or any other type of watercraft which may be hired by a person to be used for the pleasure, recreation, or sporting activities of such person or groups of twenty-five (25) people or less, and whose scheduling and destination are determined by such person.

1.46 Port Administrator: Holland Group Port Investment (Mayagüez), Inc., designated in such capacity in accordance with the terms and conditions of that certain Lease and Development Agreement with Holland Group Port Investment (Mayagüez), Inc. dated May 17, 2007, or any other entity designated by the Mayagüez Port Commission to act in such capacity.

1.47 Ports Authority: The Puerto Rico Ports Authority.

1.48 Port Regulatory Agency(ies) - Refers to any and all U.S. Federal, Commonwealth of Puerto Rico, and municipal government agencies or instrumentalities with jurisdiction over the enforcement and implementation of the laws and regulations applicable to the facilities of the Port of Mayagüez and the Maritime Operations conducted therein, as well as public safety, security, customs,

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traffic, levies of any sort, and any other legal or regulatory matter pertaining to the Port of Mayagüez.

1.49 Quay: A structure attached to land to which a Vessel may be moored, which may also protect the port facilities from the sea and its waves, and sets the limits to the waterfront.

1.50 Scow: Large flat-bottom boat with broad square ends, used primarily for transporting bulk material.

1.51 Small Cargo Vessel: Refers to such Vessels engaged in trading merchandise, usually as loose Cargo (packed in boxes of different sizes, measures, and weights and stacked in containers, or contained in barrels, among others) due to the size and capacity of transporting Cargo.

1.52 Specialized Equipment: Cranes, air lift systems, hydraulic jacks, heavy duty pullers, hydraulic axle trailers, and such other equipment used for loading and unloading Cargo.

1.53 Transit Area: The area covered or uncovered, bordering and adjacent to a Wharf, Pier, or bulkhead structure within which a Cargo is assembled for loading onto a Vessel, and which may also be used for unloading Cargo from a Vessel and storage until dispatched or loading onto another Vessel, if it is Transshipment Cargo.

1.54 Transshipment Cargo: Cargo to be transferred from one destination to another using the facilities of the Port of Mayagüez as an intermediate destination. Any transshipment movement with respect to Transshipment Cargo must be completed within fifteen (15) Operating Days. To the extent any such transshipment movement is not completed within fifteen (15) Operating Days, Transshipment Cargo will be deemed to be regular Cargo, subject to all the provisions applicable thereto under this Handbook and Tariff.

1.55 Tugboat: Also known as "towboats." Powerful boat used for towing or pushing a Vessel or any non-propelled watercraft.

1.56 Vessel - Any craft designed to navigate on the water used for the transportation of Passengers and/or Cargo, used either for commercial purposes or for pleasure.

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1.57 Vessel Agent: Person or entity authorized to represent or act on behalf of a Vessel Owner or Vessel Captain before, during, and after the conclusion of a Maritime Operation effected at the Port of Mayagüez and who will be responsible for complying with the terms and conditions of this Handbook and Tariff as if he/she were the Vessel Owner or Vessel Captain. Whenever a Vessel carries Cargo which is consigned to two or more Vessel Agents, the role of primary Vessel Agent will be assigned to the one who is representing the Vessel Owner or Vessel Captain, regardless if the whole Cargo (or part thereof) is consigned to another Vessel Agent. The primary Vessel Agent will be solely and absolutely responsible for all tariffs, fees, and other charges resulting from all Maritime Operations conducted by the Vessel. The term "Vessel Agent" will also include any person or entity that has leased, chartered, or is otherwise authorized to use a Vessel, and such person or entity is not otherwise considered a Vessel Owner as provided below.

1.58 Vessel Captain: The officer in command of a Vessel and who is responsible for its operation, including Passenger and Cargo operations, navigation, crew management, and ensuring that a Vessel complies with all laws and regulations, as well as Vessel Owner or Vessel Agent, as applicable, and flag-state policies.

1.59 Vessel Manifest: The statement submitted by the Vessel Owner, Vessel Agent, or Vessel Captain to the Port Regulatory Agencies, detailing the inbound and outbound Passengers and Cargo to be loaded or unloaded. The Vessel Manifest statement is supported by, but not limited to, (1) Bill(s) of Lading describing Cargo and weight, (2) a list of Passengers including identification facts such as name, date of birth, nationality, and sex, among others, (3) a list of motorized vehicles detailing model, brand, motorized vehicle identification number, and weight, among other information, and (4) any other documentation which provides a clear description of the type of Cargo and weight.

1.60 Vessel Operation Report: Form used by a Vessel Owner, Vessel Agent, or Vessel Captain to inform a Vessel's completed Maritime Operation at the Port of Mayagüez, including actual arrival and departure time, and type of Maritime Operation(s) effected, among other information. The Vessel Operation Report must be accompanied and supported by (i) the Vessel Manifest and

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hazardous cargo Vessel Manifest (if applicable); (ii) Bill(s) of Ladings; (iii) waybills, (iv) freight bills showing names or consignees or consignors and the weight and volume of all freight or other such information data or documents, and (v) any other documentation and information which may be reasonably requested by the Port Administrator, in order enable the proper assessment of tariffs and charges as well as to compile statistical records for the Port of Mayagüez.

1.61 Vessel Owner: Refers to the person or entity who holds legal property title to a Vessel. The term "Vessel Owner" will also include any person or entity which charters a Vessel from someone who holds legal property title to such Vessel, and such person or entity has complete control, management, and operation of the Vessel, appoints the corresponding Vessel Captain and crew, and pays all operating costs, for the period of time during which the Vessel is so chartered.

1.62 Wharf or Wharves: A structure built along or at an angle from the shore of navigable waters so that Vessels may lie alongside, and includes Piers, Docks, and bulkheads.

1.63 Wharfage: Refers to the charge assessed on inbound and outbound Cargo and Passengers travelling on any Vessel, for the use of a Wharf in the loading or unloading of such Vessel, including Barges, Lighter, Ferryboat Vessels, or other watercraft, or unloaded and reloaded to another Vessel, while both Vessels are berthed or moored on the Wharf. For purposes of clarity, all Cargo once received at the Transit Area or Wharf will be assessed Wharfage charges. Wharfage will also be collected for the movement of Cargo on, over, under, or through any Wharf, whether or not it is loaded aboard a Vessel, including Barges, Lighter, Ferryboat Vessels, or other watercraft.

1.64 Working Hours: Refers to the hours of operation of the administrative personnel of the Port Administrator at the Port of Mayagüez. Such hours of operation will be from Monday through Friday, except Holidays, from 7:00am to 4:00pm.

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2. OPERATING HOURS

2.1 Regular Operating Hours and Operating Days.

2.1.1 The regular Operating Hours and Operating Days will be from 7:00am to 4:00pm from Monday through Friday, except Holidays. The Port Administrator may vary the Operating Hours from time to time, to accommodate any specific business activity at the Port of Mayagüez.

2.1.2 The administrative office and employees of the Port Administrator will be in operation every Operating Day during Working Hours.

2.2 Extended Operating Hours and Holidays.

2.2.1 The Port of Mayagüez has flexible time shifts to attend to all Vessel, Cargo, and Passenger needs and is available for Maritime Operation twenty-four (24) hours a day and any day of the week (including Holidays), subject to prior coordination and scheduling. Extended Operating Hours will be scheduled upon written request to, and approval of, the Port Administrator. Such request must be filed with the Port Administrator by 12:00pm of the Calendar Day for which extended Operating Hours are requested.

2.2.2 The Port of Mayagüez will also be available to open for business on Holidays, subject to written request to, and approval of, the Port Administrator. Such request must be filed with the Port Administrator by 12:00pm of the prior Operating Day.

For illustrative purposes only, each of the following days will be considered a Holiday, subject to any determination by the Puerto Rico Department of Labor and Human Resources to the contrary.

- New Year
- Three King's Day
- Good Friday
- Thanksgiving Day

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• Christmas Day

3. CONVERSION FACTORS

For purposes of this Handbook and Tariff, the following conversion factors will be used in effecting any computation required hereunder:

1 pound = 0.45 x 1 kilogram;

1,000 kilograms = 2,204.6 pounds = 1 metric ton;

1 metric ton x 0.91 = 1 short ton = 2,000 pounds;

1 metric ton x 1.02 = 1 long ton;

1 cubic meter x 35.315 = 1 cubic feet;

1 cubic meter x 1.13 = 40 cubic feet;

1 inch x 0.3937008 = 1 centimeter;

1 inch x 39.37008 = 1 meter;

1 feet x 3.28084 = 1 meter;

1 cubic meter = 423.78 feet board measure (FMB);

1 liter = 0.264 gallons = 0.0063 barrels;

1 CWT = 100 pounds = 2 cubic feet = 24 board feet
measurement of lumber;

1 gallon fuel oil (Bunker "C") = 8.33 pounds;
6.40 barrels per ton of 2,240 pounds, 350
pounds per barrel of 42 gals;

1 gallon lubricating oil = 7.69 pounds; 6.94
barrels per ton of 2,240 pounds; 322.8
pounds per barrel of 42 gals;

1 gallon diesel oil (Navy) = 6.96 pounds; 7.67
barrels per ton of 2,240 pounds; 292.2
pounds per barrel of 42 gals;

1 gallon diesel oil (Commercial) = 7.25 pounds;
7.36 barrels per ton of 2,240 pounds; 304.5
pounds per barrel of 42 gals;

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1 gallon gasoline (Commercial) = 6.15 pounds;
8.66 barrels per ton of 2,240 pounds; 258.3
pounds per barrel of 42 gals;

1 gallon kerosene (Commercial) = 6.75 pounds;
7.91 barrels per ton of 2,240 pounds; 283
pounds per barrel of 42 gal; and

1 open waste container = 4.6 short ton = 30 yards
= 90 drum bags of 55 gallons each.

4. GENERAL RULES AND REGULATIONS APPLICABLE

4.1 The Rules and Regulations provided hereunder are applicable to all users of the Docks, Landing Places, Marine Terminals, Quays, Transit Areas, Wharves, or any other facility of the Port of Mayagüez used for loading and unloading any Cargo and embarking and disembarking inbound and outbound Passengers. The Port Administrator will provide a copy of this Handbook and Tariff to all first-time users of the facilities of the Port of Mayagüez and will ensure that copies of this Handbook and Tariff are readily available to the public, upon request. Notwithstanding, the users of the facilities of the Port of Mayagüez will be solely responsible for complying with the rules and regulations, as well as the terms and conditions, of this Handbook and Tariff.

4.2 The facilities at the Port of Mayagüez are not administered by the Ports Authority. Notwithstanding, the Ports Authority is the governmental agency which authorizes the entrance to the harbor of the Port of Mayagüez. Accordingly, all Vessel Owners and Vessel Agents, if applicable, are required to obtain authorization prior to entrance to the harbor and before approaching its Marine Terminal(s) and will be responsible to the Port Authority under its own tariff schedule, for the payment of any fees or charges (i.e., any harbor dues). To the extent that pilotage services from Harbor Pilots are required, such pilotage services may be arranged through a Vessel Agent, at the Vessel's cost. Pilotage Service Fees will be payable directly to the Harbor Pilots by the Vessel Owner, Vessel Agent, or Vessel Captain.

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4.3 U.S. Federal, Commonwealth and Municipal Regulations.

4.3.1 The Port of Mayagüez is also subject to the regulations issued under the U.S. Homeland Security Act, as amended (or any successor law thereto) as well as certain regulations issued by the U.S. Coast Guard, the U.S. Customs and Border Patrol, and the U.S. Department of Agriculture, as well as other U.S. Federal and Commonwealth of Puerto Rico government agencies.

4.3.2 The Port Administrator as well as all users of the Port of Mayagüez will comply with, and will cause its officers, employees, and any other persons over whom it has control, to comply with all U.S. Federal and Commonwealth of Puerto Rico laws and regulations (including the ordinances of the Municipality of Mayagüez) applicable to the management and use of the facilities of the Port of Mayagüez, but not limited to, those adopted by the U.S. Occupation Safety and Health Administration, U.S. Customs and Border Patrol, U.S. Coast Guard, U.S. Environmental Protection Agency, Puerto Rico Department of Natural Resources, Puerto Rico Department of Transportation, and Ports Authority. Moreover, the Port Administrator as well as all users of the Port of Mayagüez and their respective officers, employees, and any other persons whom they control, will provide their full cooperation to all duly appointed officers, employees, and other agents of any government agency or instrumentality having jurisdiction over the Port of Mayagüez and its operations.

4.3.3 The Port Administrator will provide the Mayagüez Port Commission adequate office space within the facilities of the Port of Mayagüez, at no cost. The Port Administrator will also provide space to any Port Regulatory Agency which may request it in compliance with the laws and regulations applicable to the facilities of the Port of Mayagüez and the Maritime Operations conducted therein, as well as public safety, security, customs, traffic, levies of any sort, and any other legal or regulatory matter

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pertaining to the Port of Mayagüez, at a cost equivalent to the lowest annual rate accepted by any such Port Regulatory Agency (i.e., the rate could be as low of one dollar [US\$1] per year).

4.3.4 Additionally, the Port Administrator will provide space at the Wharf to accomodate the Davit and the Harbor Pilot Boat, free of charge. Moreover, the Harbor Pilot is exempted from the following: (i) the payment of any tariff rates and charges on any Maritime Operation effected at the Port of Mayagüez; (ii) the requirement to submit Docking Permit Applications and Vessel Operation Reports; and (iii) the payment of Dockage fees while entering the harbor of the Port of Mayagüez, while transiting within the Port of Mayagüez limits, and while docked at the Wharf or Davit.

4.3.5 Additional office space, whenever available, for the purpose of any Port Regulatory Agency establishing an office location within the facilities of the Port of Mayagüez, to conduct any other activities besides those previously contemplated herein, will be subject to the terms and conditions of this Handbook and Tariff and as may be agreed to between the Port Regulatory Agency desiring such additional office space and the Port Administrator and the concerning Port Regulatory Agencies.

4.4 Consent to Terms and Conditions of this Handbook and Tariff.

Any user of the facilities of the Port of Mayagüez will be deemed to consent to all the rules and terms and conditions of this Handbook and Tariff, and accordingly will be obligated to pay any tariff rate or fee as well as any other charge, fine, or penalty set forth herein.

4.5 Requirements of Insurance and Credit Guarantees

4.5.1 The tariff rates and charges provided in this Handbook and Tariff provide insurance covering any Vessel Owner's or Vessel Agent's interests or those of any user of the facilities of the Port of Mayagüez. Accordingly, the Port

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Administrator may deny use of the facilities of the Port of Mayagüez to any person without a reasonably adequate insurance coverage.

4.5.2 All Vessel Owners or the corresponding Vessel Agents, stevedoring firms, and/or the sub-contractors of any Vessel Agent will be responsible for furnishing certificates of insurance to the Port Administrator, duly evidencing bodily injury and property damage coverage in amounts not less than \$5,000,000 combined single limit, and for contract terminal operators, not less than \$10,000,000, and naming the Mayagüez Port Commission and the Port Administrator as "additional insured" of any such policy. The Vessel Agents, stevedoring firms, and/or the sub-contractors of any Vessel Agent must submit to the Port Administrator, on an annual basis, evidence of policy renewal in accordance with the before-mentioned requirements. The Port Administrator may, at its reasonable discretion, require higher policy limits in extraordinary cases.

4.5.3 Vessel Owners or Vessel Agents granted credit privileges must provide the Port Administrator with a letter of credit or a payment bond. The amount of such letter of credit or payment bond must be determined based on the frequency of Maritime Operations conducted at the Port of Mayagüez, number of calls, and average amount of invoices.

4.6 Liability for Loss and Limitation on Damages

4.6.1 Except as may be directly caused by its own negligent acts or omissions, the Port Administrator will not be responsible for loss of any Cargo being loaded or unloaded at the facilities of the Port of Mayagüez, nor for damage to or loss of Cargo by reason of Force Majeure; fire; leakage or discharge or water from fire protection sprinkling system; collapse of buildings, sheds, platforms, Wharves, floors, or foundations; or breakage of pipes. The Port Administrator will not be liable under any circumstance for any loss or damage caused by rats, mice, moths, or other animals or insects.

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4.6.2 The Port Administrator will not be liable for any delay, loss, or damage by reason of Force Majeure or arising from or attributable to strikes, tumults, insurrections, riots, or sabotage.

4.6.3 On all Cargo shipments transported through the Port of Mayagüez where shippers and/or consignees do not have a representative present at the Dock to verify the check count or measurement made by the Port Administrator's attendant, such check count or measurement will be deemed to be accurate and correct for purposes of this Handbook and Tariff.

4.6.4 Neither the Mayagüez Port Commission nor the Port Administrator will be liable for any property that is abandoned at the facilities at the Port of Mayagüez.

4.7 Damages to Facilities

4.7.1 It is prohibited for any person to destroy, damage, disturb, deface, or interfere with any buoy, float, life preserver, sign, notice, or any other real or personal property to which the Mayagüez Port Commission holds legal title or which is under the jurisdiction of the Port of Mayagüez.

4.7.2 If during the use of any facilities of the Port of Mayagüez, any such property of the Mayagüez Port Commission is destroyed, damaged, disturbed, or defaced, any responsible party will be liable for the replacement or repair costs and expenses including but not limited to labor, use or lease of equipment (including replacements thereto), materials, and parts as well as all contractor, design, technical, and environment-related costs (including, without limitation, all environment remediation costs).

4.7.3 The Vessel Owner, Vessel Agent, or any other person responsible for the destruction, damage, disturbance, or defacement of any real or personal property to which the Mayagüez Port Commission holds legal title or which is under

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the jurisdiction of the Port of Mayagüez, will immediately report such incident to the Port Administrator, and within a period of twenty-four (24) hours, will submit a written report explaining the incident and the damages caused, including the following information, as well as any other pertinent facts and information: (1) the date and time that the incident occurred; (2) the name(s) and address(es) of person(s) involved in the incident as well as any witness(es) thereto; (3) a description of the incident, the property damaged, and the type of damage caused; (4) the identity of the Vessel Owner, Vessel Agent, and any other entity involved in, or responsible for (in any manner), the incident; (5) the name and contact information of any representative; and (6) the contact information of any of the before-mentioned parties.

4.7.4 Based on such information, the Port Administrator will determine the responsibility and the costs of remediation for such damages to the facilities of the Port of Mayagüez and will immediately proceed against the responsible party to recover such costs. The Port Administrator may, at its discretion, remedy any damages to any facility of the Port of Mayagüez and obtain reimbursement of the corresponding costs from the responsible party.

4.7.5 Any user of the facilities of the Port of Mayagüez will be deemed to consent to, and the Port Administrator may at its discretion, detain any Vessel, Cargo, Container, watercraft, motorized vehicle, or any other object which is responsible for any damage to the facilities of the Port of Mayagüez until the responsible party has provided sufficient guarantee, in the opinion of the Port Administrator, to ensure payment for any damage. During such detention, any Vessel, Cargo, Container, watercraft, motorized vehicle, or any other object so detained will continue accruing any applicable tariff provided herein, and the owner thereof will be responsible for the payment therefor.

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4.8 Port Hold Harmless; General Indemnification.

4.8.1 All users of the facilities of the Port of Mayagüez will hold harmless, indemnify, and defend the Port of Mayagüez, the Mayagüez Port Commission, and the Port Administrator from and against any and all causes of action, suits, claims, damages, and demands of whatsoever kind or nature including, but not limited to, claims for consequential damages, claims for personal injury, wrongful death, breach of contract, property damage or destruction, natural resource or environmental damages, losses of income and/or earnings, civil or criminal fines or penalties, liabilities, attorney's fees, expert witness fees, court costs, and all other expenses arising from, or incidental to, the users' operations on the facilities of the Port of Mayagüez.

4.8.2 No provision in this Handbook and Tariff will limit or otherwise relieve the Port Administrator from liability for its own negligence nor will any user of the facilities of the Port of Mayagüez be required to hold harmless, indemnify, and defend the Port Administrator against any and all causes of action, suits, claims, damages, and demands of whatsoever kind or nature including, but not limited to, claims for consequential damages, claims for personal injury, wrongful death, breach of contract, property damage or destruction, natural resource or environmental damages, losses of income and/or earnings, civil or criminal fines or penalties, liabilities, attorney's fees, expert witness fees, court costs, and all other expenses arising from or incidental to the Port Administrator's negligent acts.

4.8.3 ACCESS TO THE FACILITIES OF THE PORT OF MAYAGÜEZ ARE PROVIDED BY THE MAYAGÜEZ PORT COMMISSION TO USERS ON AN "AS IS, WHERE IS" BASIS ONLY, SOLELY UNDER THE RESPONSIBILITY OF THE USERS THEREOF, WITHOUT WARRANTY OF ANY KIND (EITHER EXPRESS OR IMPLIED), INCLUDING BUT NOT LIMITED TO ANY IMPLIED WARRANTY OF FITNESS FOR A SPECIFIC OR GENERAL PURPOSE AND THOSE ARISING BY STATUTE OR BY LAW, OR FROM A CAUSE OF DEALING OR

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USAGE OF TRADE. IN NO EVENT, REGARDLESS OF CAUSE, SHALL THE PORT OF MAYAGÜEZ OR THE MAYAGÜEZ PORT COMMISSION BE LIABLE FOR ANY INDIRECT, SPECIAL, INCIDENTAL, PUNITIVE, OR CONSEQUENTIAL DAMAGES OF ANY KIND, WHETHER ARISING UNDER BREACH OF CONTRACT, TORT (INCLUDING NEGLIGENCE), STRICT LIABILITY OR OTHERWISE, AND WHETHER BASED ON THIS AGREEMENT OR OTHERWISE, EVEN IF ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

4.9 Jurisdiction.

4.9.1 The Port Administrator and any user of the facilities of the Port of Mayagüez will be deemed to consent to the primary jurisdiction of the Mayagüez Port Commission for purposes of the adjudication of any claims regarding (i) the applicability and interpretation of this Handbook and Tariff No. 2 and (ii) the interpretation of any term or condition of any contract entered into by the Port Administrator and any user of the facilities of the Port of Mayagüez, which is covered or addressed by this Handbook and Tariff No. 2. Subject to compliance with Section 7.7 below, any such claims will be initially submitted to the Mayagüez Port Commission for its review and adjudication.

4.9.2 Jurisdiction for any action, whether in law or equity and whether founded in contract or in tort, brought by any user or the Port Administrator against the Port Administrator or the Mayagüez Port Commission for any claim (i) arising from, or incidental to, the use of the facilities of the Port of Mayagüez and not otherwise contemplated in Section 4.9.1 or (ii) arising from the adjudication of any claim by the Mayagüez Port Commission, will lie exclusively with the Courts of the Commonwealth of Puerto Rico.

5. RESTRICTIONS AND LIMITATIONS ON THE USE OF FACILITIES; EMERGENCIES

5.1 Space Usage and Allocation.

5.1.1 The Port Administrator will determine the usage and allocation of all spaces within the

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Port of Mayagüez, to ensure maximum efficiency and flexibility as to the utilization of available space within the facilities of the Port of Mayagüez. The Port Administrator will determine the space allocation based on the number of Maritime Operations to be conducted at the same time, the type, length and availability of space.

5.1.2 All persons using the facilities of the Port of Mayagüez will coordinate such use with the Port Administration and comply with any determination by the Port Administrator as to allocation of space.

5.1.3 The Port Administrator may move any Cargo or other object located within the facilities of the Port of Mayagüez, in order to enforce its determination of allocation of space, and any such movement will be at the corresponding Vessel Owner's or Vessel Agent's risk and expense.

5.2 Making Fast or Remaining at Wharf without the Port Administrator's Consent.

5.2.1 It is prohibited for any person to make fast any Vessel, or to cause any Vessel to be made fast, to any Wharf or to cause any Vessel to remain fastened to any Wharf, or to be or remain moored immediately in front thereof, without the Port Administrator's consent. It is also prohibited for any Vessel to remain fastened to any Wharf, or to remain moored in front thereof, after the Port Administrator's consent therefor has been revoked, expired or withdrawn by the Port.

5.2.2 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, will be subject to removal by or at the orders of the Port Administrator and at the risk and cost of such Vessel, its Vessel Agent or Vessel Owner. Each period of twenty-four (24) hours, or fraction thereof, during which any such violation exists will be considered a separate offense and will be subject to the penalties

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provided in this Handbook and Tariff for each such offense as well as to the payment of the applicable Dockage tariff.

5.3 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, will be responsible for any and all damages to itself and to any other Vessel.

5.4 Inside Fencing.

The Port Administrator must provide prior authorization for all fencing within transit sheds, warehouses, and terminals. All requests to install fencing will be submitted in writing to the Port Administrator with the following information: (1) purpose of the fencing; (2) location and extension of the fence; and (3) size and material to be used for the fence. Any fencing will comply with applicable U.S. Federal and Commonwealth of Puerto Rico regulations. Installation or modifications to any fencing will be at the user's cost.

Upon installation, such fencing will become part of the facilities of the Port of Mayagüez and will be the sole property of the Mayagüez Port Commission. Notwithstanding, the Port Administrator reserves the right to require such fencing's removal by the corresponding user.

5.5 Signs.

The Port Administrator must provide prior authorization for all signs to be fixed or placed within the facilities of the Port of Mayagüez. All requests to install signs will be submitted in writing to the Port Administrator with the following information: (1) purpose of the sign, (2) text and images to be included on the sign, and (3) the size and material for the sign. All signs will comply with applicable U.S. Federal and Commonwealth of Puerto Rico regulations. Installation or modifications to any signs will be at the user's cost.

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5.6 Smoking; Lighting Fires.

It is prohibited for any person to smoke or to light a fire within the facilities of the Port of Mayagüez, unless approved by the Port Administrator, the Commonwealth of Puerto Rico Firemen's Department, and any Port Regulatory Agency with subject matter jurisdiction over the Port of Mayagüez.

5.7 Persons Not Allowed on Certain Premises.

It is prohibited that any person under the influence of intoxicating liquors or any drugs, enter the facilities of the Port of Mayagüez. Moreover, it is prohibited to any person behave in a disorderly, offensive, or hostile manner. The Port Administrator may deny access to the facilities of the Port of Mayagüez to any person appearing to be under the influence of intoxicating liquors or any drugs.

5.8 Loitering in Port Facilities.

It is prohibited for any person to loiter in the facilities of the Port of Mayagüez. Moreover, access to Pier and other restricted access facilities is limited to persons authorized by the Port Administrator. The Port Administrator will bear no responsibility or liability for any injury or damage to, or resulting from, any person loitering within the facilities of the Puerto of Mayagüez or entering Pier or restricted access facilities without authorization.

5.9 Prohibition of Fishing and Other Activities from or Any Berth, Wharf, or Other Area without Assignment or Other Permission.

It is prohibited for any person to fish, swim, dive, or any similar activity from any area under the jurisdiction of the Mayagüez Port Commission unless prior authorization is obtained from the Port Administrator. The Port Administrator may deny access to the facilities of the Port of Mayagüez to persons engaged in such activities without authorization.

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5.10 Solicitation.

It is prohibited for any person to solicit or carry on any sort of commercial activity within the facilities of the Port of Mayagüez unless prior authorization is obtained from the Port Administrator, in accordance with the requirements of this Handbook and Tariff as well as any other applicable law or regulation. The Port Administrator may deny access to the facilities of the Port of Mayagüez to persons engaged in any commercial activity without authorization.

5.11 Motorized vehicles.

5.11.1 It is prohibited for any person to park any motorized vehicle or equipment in any prohibited area or in loading zones, for any longer period than is necessary to load or discharge Cargo or Passengers, within the facilities of the Port of Mayagüez.

5.11.2 All motorized vehicles entering the facilities of the Port of Mayagüez which are not otherwise engaged in the transportation of Cargo, will park in the areas designated by the Port Administrator, in accordance with any applicable law or regulation.

5.11.3 It is prohibited for any motorized vehicle or equipment to be stationed on any Wharf, unless such motorized vehicle will have been first drained of all gasoline or other liquid petroleum products or at the places designated for such purpose.

5.11.4 The Port Administrator may remove any motorized vehicle or equipment which is in violation of this section, at the motorized vehicle or equipment owner's expense.

5.12 Speed Limit within the Port of Mayagüez.

Any person operating or driving a motorized vehicle or other equipment on any Wharf, or within any transit shed, warehouse, Marine Terminal, or in any other area where Cargo is handled, will do so in a careful manner, with due regard to traffic, and at a

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prudent speed, which is not to exceed ten (10) miles per hour. Notwithstanding the above, it is also prohibited for any person to operate or drive a motorized vehicle or other equipment in any manner so as to endanger the life, limb, or property. The Port Administrator may deny access to the facilities of the Port of Mayagüez to any person engaging or who has engaged in the past in reckless driving.

5.13 Emergencies.

Anyone at the Port of Mayagüez property at any time that becomes aware of an emergency situation of any nature and which requires an immediate response, will notify the Port Administrator as soon as possible and is authorized to take any necessary action to minimize harm to any person and damage to any property. In case of fire on board a Vessel docked or berthed within the facilities of the Port of Mayagüez, such Vessel must sound five (5) prolonged blasts of its whistle or siren, each blast to be of duration of four (4) to six (6) seconds. Such signals should be repeated at five (5) minute intervals, until the fire is extinguished.

6. PORT SECURITY AND MAINTENANCE REGULATIONS

6.1 Security Enforcement.

6.1.1 The Port of Mayagüez is a port of entry of the United States of America and is consequently governed by the U.S. Homeland Security Act and subject to the jurisdiction of the U.S. Coast Guard and the U.S. Customs and Border Enforcement. Other agencies and instrumentalities of the U.S. Government also have jurisdiction over the operations of the Port of Mayagüez, including without limitation, the U.S. Department of Agriculture and the U.S. Environmental and Protection Agency, among others. In accordance with all applicable laws, the Port Administrator will approve and continuously maintain in effect a Facility Security Plan designed to ensure the security and safety of the facilities of the Port of Mayagüez.

6.1.2 Any person entering to the facilities of the Port of Mayagüez must abide by the terms

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and guidelines of the agencies covered by the U.S. Homeland Security (i.e., the U.S. Coast Guard and U.S. Customs and Border Enforcement) and with the Maritime Security Transportation Act ("MARSAC"). The Port Administrator must implement programs for managing MARSEC levels for response, identification control for workers and passengers and inspection protocols to Cargo and motorized vehicles.

6.1.3 The Port Administrator's security personnel may inspect any motorized vehicle upon entrance or exit of the facilities of the Port of Mayagüez. Such security personnel will not be responsible, under any circumstance, for the custody of Cargo, Vessels, motorized vehicles, or any other personal property of the users of the facilities of the Port of Mayagüez. Accordingly, users of the facilities of the Port of Mayagüez will be held responsible for furnishing their own security to Cargo, Vessels, motorized vehicles, or other personal property, resulting in additional security and inspection protocols training for any security guards contracted by shipping companies, Vessel Agents, or stevedoring companies in compliance with the Port Administrator's Facility Security Plan.

6.2 Identification Cards.

6.2.1 The general public will have open access to non-restricted areas at the Port of Mayagüez, such as the passenger terminal lobby, the parking lot, and the administrative offices. However, under certain circumstances, the Port Administrator or its security personnel may require identification cards with photos and may perform motorized vehicle inspections, should such actions be necessary to comply with MARSEC levels.

6.2.2 Any person or employee working under the employ of any user of the Port of Mayagüez which is doing business in any restricted areas on a regular basis, will exhibit a photo identification card issued by the Port Administrator in addition to the Transportation Workers Identification Credential (TWIC) card.

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It is each such person's responsibility to obtain a TWIC card.

6.2.3 Access to any Wharf is restricted and limited to those properly identified persons, such as Passengers in transit, outbound or inbound Vessel crewmembers, terminal operators, Port of Mayagüez employees, and any officer of any U.S. Federal agency with authorized access to such area.

6.2.4 Vessel Owners or Vessel Agents for foreign-flagged Vessels will require its crewmembers who disembark in the Wharfs, Piers, Docks, or bulkheads of the Port of Mayagüez, to carry an identification card with photo, in addition to the TWIC card, when applicable. U.S. Coast Guard and U.S. Customs and Border Enforcement may verify enforcement of this requirement by the Port Administrator.

6.3 Facilities Maintenance.

All users of the facilities of the Port of Mayagüez will be held responsible for cleaning any facilities after their use, including adjacent aprons and gutters. If the facilities are not properly cleaned, the Port Administrator will perform or cause to perform any required maintenance at the cost and expense of the corresponding user. Areas subject to janitorial services by the Port Administrator are otherwise exempt from this rule, unless undue abuse by any user, in which case the user and/or the corresponding Vessel Agent will be responsible for any cleaning, repairs, and maintenance needed.

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

Containers, empty drums, tanks, barrels, and any other sort of object used for the storage or transportation of gasoline, distillate, kerosene, or other flammable products may not remain on any Wharf or Landing Place after sunset of the Calendar Day received, without authorization of the Port Administrator and the U.S. Coast Guard.

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6.5 Spark Protector Necessary.

Every steam or spark producing engine, when used upon any Wharf or Landing Place, as well as every pile driver, when working on or alongside any Wharf, must install a bonnet or spark catcher on its exhaust, that will prevent sparks from falling upon such Wharf or upon the deck of any Vessel. In operating any donkey or hoisting engine in or under any shed, there must be provided by the Vessel Owner, Vessel Agent, or other operator, a bent or curved pipe, with spark arrest, extending to the outside of the shed, and the Vessel Owner, Vessel Agent, or other operator of such engines must clean and remove all ashes, cinders, and waste coming out of engines.

6.6 Explosives, Inflammables, Unlawful and Other Hazardous Materials.

6.6.1 Explosives, inflammables, unlawful (included but not limited to stolen motorized vehicles, controlled substances, contraband guns and munitions) and other hazardous commodities or materials will not be handled over or received on the Wharves or other facilities of the Port of Mayagüez, unless prior approval is obtained from the U.S. Coast Guard, the Port Administrator, and any other U.S. or Commonwealth of Puerto Rico government agency with jurisdiction over the subject-matter.

6.6.2 Such approval may be obtained by filing with the Port Administrator and the U.S. Coast Guard, (i) the Docking Application Permit, (ii) a form Application and Permit to Handle Hazardous Materials, and (iii) an advance copy of the Cargo Manifest, at least two (2) Calendar Days prior to the material's arrival. Additionally, the Vessel Captain or any person responsible for such material will provide the Port Administrator and U.S. Coast Guard with a hazardous cargo Vessel Manifest as soon as the Vessel has arrived at the facilities of the Port of Mayagüez.

6.6.3 The Port Administrator may refuse the use of its facilities or waterfront for the handling, stowing, loading, unloading, or transportation of any explosives or other

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dangerous articles which are considered by the Port Administrator, as its sole discretion, as posing an undue risk to the facilities of the Port of Mayagüez or the public.

6.6.4 Any Cargo in violation of any U.S. Federal or Commonwealth of Puerto Rico law may not be unloaded or otherwise transferred from any Vessel or moved through the facilities of the Port of Mayagüez until all appropriate agencies of the U.S. Government and Commonwealth of Puerto Rico have subject-matter jurisdiction have inspected the Cargo or otherwise consented to its unloading or movement.

6.6.5 No Cargo contemplated in this section may be moved without the Port Administrator's prior written consent. Vessel Owners, Vessel Agents, users, contractors and/or stevedores may be denied future access to the facilities of the Port of Mayagüez for violations of this section.

6.7 Fire Fighting Apparatus.

It is prohibited for any person to obstruct or interfere with the access to or in any manner disturb, any fire extinguisher, fire hose, fire hydrant, any part of any fire sprinkler system, or any other fire fighting appliance or apparatus installed in or upon the facilities of the Port of Mayagüez, except when necessary for the prevention of fire or to perform necessary repairs or tests to such equipment by any person duly authorized to do so.

6.8 Domestic and International Garbage from Vessels.

6.8.1 It is prohibited to unload, discharge, or move or cause, suffer, or permit to be unloaded, or transferred, from any Vessel in the facilities of the Port of Mayagüez, any garbage or refuse matter of any kind coming from any foreign country, except when a permit from the corresponding agency(ies) of the U.S. Government or Commonwealth of Puerto Rico has been previously obtained for such purpose.

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6.8.2 The Port Administrator will accept local garbage disposal, subject to prior approval and upon assurances of complying with applicable law and the regulations of the U.S. Coast Guard, the U.S. Department of Agriculture, and any other agency of the U.S. Government or Commonwealth of Puerto Rico with subject-matter jurisdiction, whenever the port previously visited by a Vessel had been a U.S. port.

6.8.3 Any garbage disposition by the Port Administrator is subject to the higher of (i) the applicable tariff computed on each 55 gallon bag or (ii) the actual cost of garbage disposal. A Vessel Owner, Vessel Agent, or Vessel Captain may also contract an independent waste disposal service at its own cost.

6.9 Sand for Absorbing Waste Oil.

6.9.1 The Port Administrator will keep suitable sand in buckets, to be used for absorbing waste oil which may fall upon the Wharves or floors of the facilities, and such sand, when saturated, will be removed by the Vessel Owner, Vessel Agent, or Vessel Captain holding berth assignments.

6.9.2 Special disposition of such material may also be coordinated with the Port Administrator through a duly licensed waste disposal service at the corresponding Vessel Owner, Vessel Agent, or Vessel Captain's expense.

6.10 Pollution of Air, Water, and Land.

6.10.1 It is prohibited for any person to deposit, place, or discharge into the waters of the Port of Mayagüez any gaseous, liquid, or solid object which is capable of producing floating matter or scum on the surface of the sea; result in sediment or obstruction on the bottom of the waters; or odors or gases or putrefaction in air, land, or water.

6.10.2 All persons using the facilities of the Port of Mayagüez will take every precaution to avoid pollution of the air, land, or water. Any

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Port Regulatory Agency may, and the Port Administrator will, strictly enforce air, land, or water pollution control regulations and procedures.

6.11 Radioactive and/or Missile Materials.

No person will handle or transport any 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; or any radioactive material moving under special permit or escort, through the Port of Mayagüez, without at least two (2) Calendar Days prior written notice to, and receipt of, permission from the U.S. Coast Guard and the Port Administrator. Notwithstanding, only prior notice to the Port Administrator will be required for the handling or transportation of medical or industrial isotopes not otherwise mentioned before, but only when packaged, marked, labeled, and limited as to quantity and radiation emissions in accordance with the regulations of the U.S. Coast Guard.

7. BILLING RULES AND REGULATIONS

7.1 General Conditions.

The tariffs and charges provided in this Handbook and Tariff may serve as a guide to Vessel Owners, Vessel Captains, and Vessel Agents to estimate the amount of the charge for services and use of the facilities of the Port of Mayagüez. New users or users with a negative credit history need to deposit the totality of any estimated tariffs and other charges to be incurred for Maritime Operations at the Port of Mayagüez prior to incurring any such tariff or charge. Any such payment delivered to the Port Administrator will be credited to the account of such user, pending final invoicing of all the corresponding Maritime Operations.

7.2 Arrival Documents.

A Docking Permit Application will be submitted no less than twenty-four (24) hours prior to arrival of a Vessel, and such form has to be approved by the Port

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Administrator prior to the Vessel being permitted to dock at the Port of Mayagüez. In cases of Vessels transporting explosives, inflammables, radioactive, and other hazardous materials, the Docking Permit Application will be submitted no less than forty eight (48) hours prior to the arrival of a Vessel. The Port Administrator may not unreasonably deny any Docking Permit Application. A Docking Permit Application approved by the Port Administrator will be valid for the time period requested and approved on such form. The Port Administrator may deny Docking Permit Application for any Vessel which may pose a hazard to public health, the environment, or to homeland security.

7.3 Departure Documents.

7.3.1 A Vessel Owner, Vessel Agent, or Vessel Captain must file a Vessel Operation Report and final manifest with the Port Administrator within twenty-four (24) hours after the departure of a Vessel from the Port of Mayagüez, unless such deadline falls on a day which is not an Operating Day, in which case the submittal deadline will be extended to 12:00pm of the next Operating Day.

7.3.2 A penalty of 15% on the total amount owed under an invoice for all the Maritime Operations contemplated in the Vessel Operation Report, will be assessed for every twenty-four (24) hour period (or portion thereof) for which the filing of the Vessel Operation Report and final manifest is overdue. Such penalty amount will be included in the invoice for the amounts owed for all Maritime Operations contemplated in the Vessel Operation Report.

7.4 Terms and Conditions of the Invoices and Payments therefor.

7.4.1 The Port Administrator will prepare and submit an invoice to any user within twenty-four (24) hours after receiving the Vessel Manifest. Every user of the facilities of the Port of Mayagüez will be solely responsible for procuring or obtaining any invoice from the Port Administrator as soon as it has been issued.

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7.4.2 All invoices will be dated upon their issuance will provide a detail of each tariff or charge included therein; the date that any such tariff or charge was incurred; and copies of any supporting documentation upon which the Port Administrator relied to prepare such invoice. Any prepayment effected by a user prior to the issuance of an invoice will be duly credited and reflected in such invoice.

7.4.3 The Port Administrator must maintain records of all supporting documentation pertaining to an invoice, which is necessary in order to enable any reasonable person to ascertain the accuracy of thereof. The Port Administrator must also include specific cross-references in the invoice, to the extent reasonably necessary, to justify any specific charge. Such supporting documentation will be promptly provided to the corresponding user upon request, and in all cases within one Operating Day after such request is made by the corresponding user to the Port Administrator. To the extent that the Port Administrator fails to comply with this delivery deadline, the corresponding invoice will be deemed to be retracted by the Port Administrator until it has complied herewith.

7.4.4 If during the Port Administrator's audit procedures when preparing invoices, discrepancies exist between the Vessel Manifest and the supporting documents therefor, the Port Administrator will notify any such discrepancies contained in the Vessel Manifest to the corresponding user and request the immediate correction thereof. To the extent that the corresponding user does not comply with the Port Administrator's without any reasonable justification therefor, the Port Administrator may issue an invoice based on its reasonable assessment as to tariff amounts and charges due on the Maritime Operations carried out by such user.

7.4.5 An invoice is due upon issuance by the Port Administrator and payable within three (3) Operating Days from its issuance. Payments to

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the Port Administrator will be in cash, money order, cashier's check, personal or corporate check, or wire transfer to the account specified by the Port Administrator.

7.4.6 The Port Administrator will have a period of thirty (30) days to restate any invoice which contained errors due to incorrect or incomplete information provided by a user to the Port Administrator. The restated invoice will be deemed issued upon its restatement and will not be retroactive to the date of its original issuance.

7.4.7 Generally, this Handbook and Tariff does not provide for any discounts for tariffs and charges. Notwithstanding the foregoing, the Port Administrator may, upon prior approval from the Mayagüez Port Commission, grant incentives to recurrent users of the facilities of the Port of Mayagüez. In no case will discounts be provided for utility charges (such as water or electricity), miscellaneous charges, reimbursable expenses, and Demurrage.

7.4.8 The Port Administrator is empowered to establish rules, standards, and procedures as considered convenient and adequate to attain the highest efficiency and promptness for the fees collection. Any such rules, standards, and procedures will be subject to the prior approval and modification by the Mayagüez Port Commission, at its sole and absolute discretion.

7.4.9 The Port Administrator will provide copies to the Mayagüez Port Commission of all invoices, in electronic format, for any given month. Such copies for any given month will be delivered to the Mayagüez Port Commission on or by the fifth (5th) Operating Day of the succeeding month. Supporting documentation for any invoice(s) will be available to the Mayagüez Port Commission, in electronic format, upon request.

7.5 Disputed Amounts.

7.5.1 Any user responsible for payment of an invoice issued by the Port Administrator has the

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right to dispute any amount so invoiced or any portion thereof. Such dispute has to be notified to the Port Administration on or by the deadline for payment of any such invoice. All disputes will be filed in writing by the affected user and will clearly indicate the charges and amount in dispute, as well as all information and supporting documentation which are reasonably necessary for the Port Administrator to evaluate such dispute. To the extent that a user does not dispute an invoice on or by the deadline for payment of any such invoice, it will be deemed to be final and unappealable.

7.5.2 Pending evaluation by the Port Administrator of any dispute, no payment will be due from the user on the amount in dispute, pending resolution thereof. The Port Administrator will resolve any disputes within ten (10) Operating Days of the filing thereof. Any determination rendered by the Port Administrator will be subject to review by the Mayagüez Port Commission, upon request by the corresponding user within a term of three (3) Operating Days from the date of issuance of the Port Administrator's decision. Disputes resolved against such user will bear daily interest at a rate of 20% per annum from the original date that the invoice was due, computed as provided in Section 7.6.

7.5.3 Copies of all disputes will be submitted to the Mayagüez Port Commission. Notwithstanding anything to the contrary herein and in accordance with Section 4.9, the Port Administrator will confer with the Mayagüez Port Commission with respect to any dispute that involves the interpretation or applicability of a tariff or charge to a Maritime Operation, and provide the Mayagüez Port Commission with its evaluation and recommendations. The Mayagüez Port Commission will then issue a determination as to such dispute, which will be binding on the Port Administrator and the corresponding user, subject however, to their respective rights of appeal to the Courts of the Commonwealth of Puerto Rico.

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7.6 Delinquent Accounts

An account becomes delinquent immediately if any invoice remains unpaid upon expiration of the corresponding payment deadline and to the extent it has not been disputed by a user of the facilities of the Port of Mayagüez pursuant to Section 7.5 hereof. After the expiration of the corresponding payment deadline for any given invoice and to the extent such invoice has not been disputed by the corresponding user pursuant to Section 7.5 hereof, daily interest will then begin to accrue on any amount so owing, at a rate of 20% per annum. For purposes of clarity, the interest amount for any given day will be calculated by (i) dividing 0.20 by 365 and (ii) multiplying such amount by any balance outstanding (excluding any interest amounts previously accrued) at 11:59pm on any Calendar Day. Delinquent accounts may result in the restriction of the use of the facilities of the Port of Mayagüez until the balance is paid in full and in the requirement by the Port Administrator that future Maritime Operations be prepaid. To the extent that a user of the facilities of the Port of Mayagüez has exercised its right to dispute an invoice pursuant to Section 7.5 hereof and the Mayagüez Port Commission has determined that such user has prevailed in such dispute, the Port Administrator will not consider any such invoice in determining whether such user's account is delinquent.

7.7 Prepaid Operations.

If a user of the facilities of the Port of Mayagüez or Vessel Owner, Vessel Agent, or Vessel Captain has a history of frequent and/or several delinquent accounts, the Port Administrator may require that its Maritime Operations be prepaid. The amount of prepayment will be determined at the reasonable discretion of the Port Administrator, based on the Maritime Operations to be effected. To the extent that a user of the facilities of the Port of Mayagüez has exercised its right to dispute an invoice pursuant to Section 7.5 hereof and the Mayagüez Port Commission has determined that such user has prevailed in such dispute, the Port Administrator will not consider any such invoice in determining whether such user's account is delinquent and for purposes of

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determining whether such user will be required to pay any Maritime Operations.

7.8 Credits Balances on Invoices.

To the extent there is a credit balance remaining in any invoice (original or restated), the Port Administrator will deliver to the corresponding user a check for such credit amount within one (1) Operating Day of the determination of such credit and the amount thereof. To the extent any such check is not cashed with six (6) months, the Port Administrator will place a stop payment thereon and deliver the full credit amount to the Mayagüez Port Commission, to be held in trust for the corresponding user.

The Port Administrator will provide written notification to such user, via certified mail with return-receipt confirmation to such user's last known address, advising that it may file a written claim for reimbursement of such credit amount with the Mayagüez Port Commission.

7.9 Access to Records.

Any user of the facilities of the Port of Mayagüez as well as any Vessel Agent will be required to permit full access to the Vessel Manifest as well as any other document related to the Vessel's operation, for auditing purposes and ascertaining the correctness of the invoices and reports issued by the Port Administrator. Moreover, the Port Administrator will permit full access to all Vessel Manifests as well as any documentation in any manner pertaining to all Maritime Operations conducted at the Port of Mayagüez.

7.10 Exceptions to Terms and Conditions of the Invoices and Payments therefor with Respect to Fuel Service for Vessels.

The provisions of Sections 7.4.1 and 7.4.5 will not be applicable with respect to any tariffs applicable to any fuel supplier delivering fuel to any Vessel within the facilities of the Port of Mayagüez, provided the person or entity supplying such fuel complies with the provisions of this Section 7.10. Upon

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delivery of fuel to any Vessel, the person or entity supplying such fuel will deliver to the Port Administrator a report certifying the amount of fuel delivered, as well as any other information with respect to such fuel delivery that the Port Administrator may reasonably request. The Port Administrator will prepare the invoice with respect to the fuel delivery for any given calendar month on the first Operating Day of the next succeeding calendar month. Any such invoice is due upon issuance by the Port Administrator and payable on or by the fifteen calendar day from its issuance.

A penalty of 10% is applicable to missing documents as per requested on Section 7.10.

8. DOCKAGE

Any Vessel berthing at, or making fast to, a Wharf, Pier, or bulkhead structure, or mooring to another Vessel so berthed, will pay Dockage at the rates established herein, unless otherwise excepted therefrom.

8.1 Application Term.

The period of time for which Dockage will be assessed against a Vessel will commence when such Vessel is made fast to a Wharf, Pier, or bulkhead structure, or to another Vessel so berthed, and will continue until such Vessel is completely free from and has vacated such berth. Dockage will be assessed for each period of twenty-four (24) hours or fraction thereof, during which a Vessel is at berth or dock.

8.2 Vessel Shifting Berths.

When a Vessel shifts berth at the request of the Port Administrator, Dockage will be assessed starting at the time the Vessel is made fast to the first Wharf, Pier, or bulkhead until the time it leaves the last berth. Time incurred while shifting berths, at request of the Port Administrator, will not be counted for purposes of the assessment of Dockage. If a Vessel shifts berth for its benefit or that of his/her Vessel Agent, Dockage will be assessed separately at each Wharf, Pier, or bulkhead.

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8.3 Dockage Rates.

8.3.1 Rates computed on the basis of Gross Tonnage. Dockage rates will apply to Vessels (including Tugboats) per each Gross Ton, as provided in the Vessel license certificate or in the International or Domestic certificate. To the extent that such figures differ between certificates, the highest figure will be used to determine the Dockage assessed.

The following types of Vessels are assessed Dockage at the following rates per Gross Ton, for each twenty-four (24) hour period or fraction thereof:

	2012	2013	2014	2015	2016
16.1.1 Ferryboat Vessels	\$0.07538	\$0.07538	\$0.08292	\$0.08292	\$0.08292
16.1.2 Cruise Vessels	\$0.07538	\$0.07538	\$0.08292	0.08292	\$0.08292
16.1.3 Tanker Vessels, Barges, and Tugboats, while berthed at Wharves, Piers, or bulkhead structures designed for loading and unloading liquid Cargo via pipeline	\$0.09551	\$0.09551	\$0.09742	\$0.09937	\$0.10136
16.1.4 All Vessels while berthed at dry Cargo Wharves, Piers, or bulkhead structures, in connection with trade from Off-Shore Points	\$0.17181	\$0.17181	\$0.17525	\$0.17875	\$0.18233
16.1.5 All Vessels while berthed at dry Cargo Wharves, Piers, or bulkhead structure, in connection with trade with other Puerto Rico or U.S. Virgin Islands ports	\$0.12883	\$0.12883	\$0.13141	\$0.13403	\$0.13672
16.1.6.2 Revenue activities Vessels including those of nonprofit organizations and Pleasure Charters engaged in business revenue activities carrying less than 100 Passengers	\$0.20163	\$0.20163	\$0.20566	\$0.20978	\$0.21397

8.3.2 Dockage by fixed amount. Small Cargo Vessels, triple-deck ro-ro barges, international car carriers, and large and ultra-large container Vessels are assessed Dockage at the following

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rates per Gross Ton, for each twenty-four (24) hour period or fraction thereof.

	2012	2013	2014	2015	2016
16.1.6.1 Small Commercial Vessels with 145 Gross Tons or less	\$150.00	\$150.00	\$165.00	\$165.00	\$165.00
16.1.9.1 Triple deck Ro-Ro, International Car Carriers and large and ultra large Container Ships	\$2,670.24	\$2,670.24	\$2,937.26	\$2,937.26	\$2,937.26

8.3.3 Dockage applicable to Pleasure Craft.

Pleasure Craft are assessed Dockage at the following rates per linear feet of length, for each twenty-four (24) hour period or fraction thereof. With respect to Pleasure Craft measuring less than 25 linear feet in length, the Dockage charge for a Pleasure Craft of 25 linear feet in length is applicable.

	2012	2013	2014	2015	2016
16.1.7 Pleasure Crafts - Minimum charge of 25 linear feet	\$1.00/lf	\$1.00/lf	\$1.10/lf	\$1.10/lf	\$1.10/lf

8.3.4 Dockage Rates for Vessels in Repair.

Discounted Dockage rates will apply to Vessels which require repairs or scheduled maintenance while berthed at the Port of Mayagüez. A Vessel Owner, Vessel Agent, or Vessel Captain must submit a written request to the Port Administrator for application of such discounted Dockage rates, prior to effecting any such repairs or maintenance. The Vessel Owner, Vessel Agent, or Vessel Captain will provide a description of the repair or maintenance required, the approximate schedule timeframe, and the contractor to be hired to perform such works, as well as other information that may be reasonably required by the Port Administrator in determining to approve such request at its reasonable discretion. When arrangements for a berth for repairs or maintenance are approved, the corresponding Vessel will be subject to

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shifting berths, as reasonably required by the Port Administrator to accommodate the operational needs of the Port of Mayagüez.

The following percentage discounts will be applicable on the regular Dockage rates assessed.

	2012	2013	2014	2015	2016
16.1.9.2 Vessels regularly serving ports of the Commonwealth of Puerto Rico while on maintenance or repair	50% of reduction on Dockage tariff as applicable to Vessel on maintenance or repair				
16.1.9.3 Vessels not regularly serving ports of the Commonwealth of Puerto Rico while on maintenance or repair	40% of reduction on Dockage tariff as applicable to Vessel on maintenance or repair				

8.3.5 Dockage rates applicable to Tugboats.

Tugboats are assessed Dockage at the following rates per Gross Ton, for each twenty-four (24) hour period or fraction thereof. See Section 8.4 for exceptions to this tariff.

	2012	2013	2014	2015	2016
16.1.3 Tanker Vessels, Barges, and Tugboats, designed for loading and unloading liquid Cargo via pipeline	\$0.09551	\$0.09551	\$0.09742	\$0.09937	\$0.10136

8.3.6 Dockage NOS. Any type of berthing not otherwise contemplated in this Section 8.3, is assessed Dockage at the following rates per Gross Ton, for each twenty-four (24) hour period or fraction thereof.

	2012	2013	2014	2015	2016
16.1.8 Dockage NOS per Gross Ton	\$0.19484	\$0.19484	\$0.19874	\$0.20271	\$0.20677

8.4 Exceptions to Dockage Tariff.

No Dockage tariffs are assessed on the following:

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8.4.1 Tugboats Rendering Service. A Tugboat engaged in the rendering of towing services to another self-propelled Vessel. This exception will cease to apply if the Tugboat stays fast to another Vessel beyond the time necessary for rendering any towing services.

8.4.2 Combat or Training Vessels. Combat or training Vessels, including any auxiliary Vessels thereto, of the U.S. or any other nation.

8.4.3 Regattas. Vessels participating in any regatta or similar maritime activity, to the extent such regatta or maritime activity is recognized as such by the Mayagüez Port Commission.

8.4.4 Vessels of any agency or instrumentality of the U.S. or the Commonwealth of Puerto Rico Vessels. Any Vessel of any agency or instrumentality of the U.S. or Commonwealth of Puerto Rico, when (i) such exception is required by law or regulation or (ii) as determined at the respective discretion of the Mayagüez Port Commission or the Port Administrator.

8.5 Vessel Departure; Penalties for Late Departure.

8.5.1 Vessel's Departure; Notification of Late Departure. The Vessel Owner, Vessel Agent, or Vessel Captain must closely observe and will be responsible for compliance with its departure schedule, as contemplated in its approved Docking Permit Application, and must cease operations at a Pier not later than one (1) hour before its departure time, as provided in its Docking Permit Application.

Vessels may request extensions to such time period by submitting a written request to such effect with the Port Administrator. It is the sole responsibility of the Vessel Owner, Vessel Agent, or Vessel Captain to submit any such request with sufficient time to permit the Port Administrator to evaluate it. The Port Administrator will exercise its reasonable discretion in approving any such request.

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8.5.2 Penalty; Responsibility for Losses and other Damages. Any Vessel that stays at the Port of Mayagüez beyond the Dockage time approved by the Port Administrator is subject to a penalty of \$5,000 per hour (or fraction thereof). No penalties will be assessed in cases where the delay in a Vessel's departure was attributable to the occurrence of Force Majeure.

To the extent a Vessel overdue departure results in the interruption of the operational schedule of the Port of Mayagüez or any other Vessel, the corresponding Vessel Owner, Vessel Agent, or Vessel Captain will also be responsible for any losses or other damages caused to any party by reason of, or incidental to, such overdue departure.

8.5.3 Extension to Departure Time by Reason of Incoming Vessel. A Vessel's departure time (as approved in its Docking Permit Application) will be automatically extended, to the extent the delay in such Vessel's departure is attributable to another Vessel entering or departing the Port of Mayagüez. To the extent such Vessel departs the Port of Mayagüez immediately upon the other Vessel ceasing to prevent its departure, no additional tariffs or charges will be assessed on such Vessel by reason of such late departure.

9. WHARFAGE

As established in this Handbook and Tariff, Wharfage rates will assessed based on the weight or the volume of the Cargo. Measurements conversions, if necessary, will be effected by the Port Administrator in accordance with Section 3 hereof, to conform the methodology used by a carrier for its computation of freight charges to the weight or volume provisions applicable under this Handbook and Tariff for determination of Wharfage charge(s). The Port Administrator may, in its sole and reasonable discretion, adjust any computation to address any carrier methodology whose purpose is to avoid the payment of the tariffs and charges provided hereunder.

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9.1 Weight / Volume Measurements.

9.1.1 When freight charges are computed by the carrier and shown on the Vessel Manifest or shipping documents on the basis of weight or volume, Wharfage will be assessed as so computed and manifested.

9.1.2 When the basis of the freight charge is not shown on a Vessel Manifest or shipping documents or when the basis of the freight charge is a unit other than weight or volume (i.e., per package), Wharfage will be assessed on the basis of weight or volume, whichever will yield the largest Wharfage charge.

9.1.3 In the event that no reliable documentation is provided as to the Cargo weight or volume, making it difficult to determine the basis for a Wharfage charge, a factor of 25 lbs. per cubic foot will be used by the Port Administrator to effect such determination. The determination as to the reliability of any documentation submitted by the carrier will be made at the sole and reasonable discretion of the Port Administrator.

9.1.4 Any Container declared as an Empty Container must be unsealed at the time of unloading or loading Cargo.

9.1.5 The following common Container conversion factors will be used by the Port Administrator in assessing any Wharfage charges. To the extent a Container may have different measurements than those provided below or if such conversion factors are inapplicable to any given Container, documentary evidence may be submitted to the Port Administrator, which will take such evidence into consideration in determining any Wharfage charge.

Container 20' = 8' x 8' x 20' = 1,280 p³
Container 40' = 8' x 8' x 40' = 2,560 p³
Container 45' = 8' x 8' x 45' = 2,880 p³
Container 54' = 8' x 8' x 54' = 3,456 p³

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9.2 Classification of Wharfage.

9.2.1 Inbound or Outbound Cargo. Wharfage charges based on the following rates are assessed on any inbound or outbound, domestic or foreign Cargo, other than Transshipment Cargo or Small Cargo Vessel as provided below.

	2012	2013	2014	2015	2016
16.2.1.1 Each inbound or outbound movement for motorized vehicles shipped as Cargo Units (per ton)	\$7.69768	\$7.69768	\$7.85163	\$8.00867	\$8.16884
16.2.1.2 Each inbound or outbound movement for Cargo in Containers, Flatbeds (per ton)	\$2.11626	\$2.11626	\$2.15859	\$2.20176	\$2.24579
16.2.1.3 Each inbound or outbound movement for Empty Containers, Flatbeds or Chassis (each)	\$8.00671	\$8.00671	\$8.16684	\$8.33018	\$8.49678
16.2.1.4 Each liquid Cargo (including petroleum) handled in bulk via pipeline at Wharves, Piers, or bulkhead structure designed primarily for the loading or unloading of liquid Cargo in bulk (barrel)	\$0.02069	\$0.02069	\$0.02110	\$0.02153	\$0.02196
16.2.1.5 Each inbound or outbound Cargo NOS and Loose Cargo (per ton)	\$1.72085	\$1.72085	\$1.75527	\$1.79037	\$1.82618

9.2.2 Transshipment. The carrier will be responsible for presenting all documents evidencing that the shipment is comprised of Transshipment Cargo. Such Transshipment Cargo may not be altered, modified, or managed in any manner while being at the Port of the Mayagüez.

9.2.2.1 From Vessel to Pier. Transshipment Cargo, which has been identified in the Vessel Manifest as such, is assessed Wharfage only on its inbound movement, with rates applicable as follows.

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	2012	2013	2014	2015	2016
16.2.2.1 Transshipment inbound movement for motorized vehicles shipped as Cargo Units (Tons/unit)	\$4.84951	\$4.84951	\$4.94650	\$5.04543	\$5.14634
16.2.2.2 Transshipment inbound movement for Cargo in Containers and Flat-beds (Tons/unit)	\$1.26305	\$1.26305	\$1.28831	\$1.31408	\$1.34036
16.2.2.3 Transshipment inbound movement for Empty Containers, Flat- beds or Chassis (each)	\$4.00034	\$4.00034	\$4.08035	\$4.16195	\$4.24519
16.2.2.4 Transshipment inbound movement for liquid Cargo in bulk via pipeline at Wharves, Piers, or bulkhead structure designed primarily for the loading or unloading of liquid Cargo in bulk (barrel)	\$0.02069	\$0.02069	\$0.02110	\$0.02153	\$0.02196
16.2.2.5 Transshipment inbound movement for Cargo NOS or Loose Cargo (per ton)	\$1.72085	\$1.72085	\$1.75527	\$1.79037	\$1.82618

9.2.2.2 Transshipment from Vessel to Vessel while berthed. Transshipment Cargo, which has been identified in the Vessel Manifest as such, transferred from one Vessel to another Vessel, simultaneously while both Vessels are berthed at the Port of Mayagüez, are assessed Wharfage only on its inbound movement, with rates applicable as follows.

	2012	2013	2014	2015	2016
16.2.3.1 Transshipment Cargo transferred from a Vessel to Wharf and Wharf to Vessel	\$1.26305	\$1.26305	\$1.28831	\$1.31408	\$1.34036

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9.2.2.3 Transshipment from Vessel to Barges alongside. Transshipment Cargo, which has been identified in the Vessel Manifest as such, loaded on or discharged from a Vessel while berthed at a Port of Mayagüez, to or from a Barge, Scow, Lighter, or another Vessel alongside, will be assessed Wharfage at one half (50%) the applicable rate.

	2012	2013	2014	2015	2016
12.2.3.2 Transshipment Cargo transferred from a Vessel to another Vessel alongside	\$0.63153	\$0.63153	\$0.64416	\$0.65704	\$0.67018

9.2.2.4 Penalties on Transshipment. Transshipment Cargo, which has been identified in the Vessel Manifest as such, that exceed the period of fifteen (15) Operating Days without completing the outbound movement for transshipment, will be subject to Penalties and Demurrage charges provided herein, in addition to being treated as regular Cargo for all purposes under this Handbook and Tariff.

9.2.3 Small Cargo Vessel. A fixed Wharfage rate will be assessed on Cargo loading and unloading from a Small Cargo Vessel, based on its Gross Ton(s), are assessed based on the Gross Ton of the Vessel. Such fixed Wharfage rate will be assessed once, when the Small Cargo Vessel has any Wharfage activity comprised of unloading or loading Cargo or movement thereof, during the time authorized in the Docking Application Permit.

	2012	2013	2014	2015	2016
16.3.1 Cargo Vessel of 99 Gross Ton or less	\$260.00	\$260.00	\$265.20	\$270.50	\$275.91
16.3.2 Cargo Vessel of 100 to 199 Gross Tons	\$456.32	\$456.32	\$465.45	\$474.76	\$484.25
16.3.3 Cargo Vessel of 200 to 299 Gross Tons	\$650.52	\$650.52	\$663.53	\$676.80	\$690.34

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	2012	2013	2014	2015	2016
16.3.4 Cargo Vessel of 300 to 400 Gross Tons	\$844.72	\$844.72	\$861.61	\$878.85	\$896.42

9.2.4 Passengers on Cruise Vessels. The following passenger service charge is applicable to all Passengers on Cruise Vessels embarking or disembarking in the Port of Mayagüez, subject to certain exceptions.

	2012	2013	2014	2015	2016
16.4.1 Fees for Passenger on Cruise Vessel or Pleasure Charters carrying Passengers departing, arriving, or in transit	\$12.00	\$12.00	\$12.00	\$12.00	\$12.00
16.4.2 Fees for Passenger on Cruise Vessel or Pleasure Charters embarking and disembarking as part of a round trip.	\$12.00	\$12.00	\$12.00	\$12.00	\$12.00

9.2.5 Ferryboat Vessels. Wharfage on Ferryboat Vessels is assessed on both inbound and outbound movements, based on the corresponding Vessel Manifest for each movement.

9.2.5.1 Cargo on Ferryboat Vessels. Wharfage on Cargo in Ferryboat Vessels or International Ferryboat will be assessed on any inbound or outbound movement, in accordance with the following rates. Notwithstanding, no Wharfage will be assessed on Passenger baggage or personal belongings traveling with, and being loaded and unloaded onto the Vessel by, such Passenger.

	2012	2013	2014	2015	2016
16.2.1.1 Inbound or outbound movement for motorized vehicles shipped as Cargo Units (per ton)	\$7.69768	\$7.69768	\$7.85163	\$8.00867	\$8.16884
16.2.1.2 Inbound or outbound movement for Cargo in Containers, Flatbeds (per ton)	\$2.11626	\$2.11626	\$2.15859	\$2.20176	\$2.24579

	2012	2013	2014	2015	2016
16.2.1.3 Inbound or outbound movement for Empty Containers, Flatbeds or Chassis (each)	\$8.00671	\$8.00671	\$8.16684	\$8.33018	\$8.49678
16.2.1.4 Liquid Cargo (including petroleum) handled in bulk via pipeline at Wharves, Piers, or bulkhead structure designed primarily for the loading or unloading of liquid Cargo in bulk (barrel)	\$0.02069	\$0.02069	\$0.02110	\$0.02153	\$0.02196
16.2.1.5 Inbound or outbound Cargo NOS and Loose Cargo (per ton)	\$1.72085	\$1.72085	\$1.75527	\$1.79037	\$1.82618

9.2.5.2 Passengers on Ferryboat Vessels.
Ferryboat Vessels carrying twelve (12) or more Passengers are assessed a base passenger service fee for any Passenger embarking or disembarking at the Port of Mayagüez. Moreover, all Passengers traveling on an International Ferryboat Vessel are also assessed an additional international passenger service fee.

	2012	2013	2014	2015	2016
Local Ferryboat Vessels					
16.5.3 Basic service fee for Passengers embarking, disembarking, or in transit on a Local Ferryboat, from or to the Port of Mayagüez	\$1.98	\$1.98	\$2.02	\$2.06	\$2.10
International Ferryboat Vessels					
16.5.4 Basic service fee for Passengers embarking, disembarking, or in transit on an International Ferryboat, from or to the Port the Mayagüez	\$1.98	\$1.98	\$2.02	\$2.06	\$2.10
16.5.5 Additional Passenger processing fee for international Passengers embarking, disembarking, or in transit on an International Ferryboat, from or to the Port of Mayagüez.	\$1.50	\$1.50	\$1.53	\$1.56	\$1.59

9.2.5.3 Passenger Motorized vehicles on Ferryboat Vessels. Any one (1) motorized vehicle traveling along with a Passenger on the same voyage of a Local Ferryboat, is assessed a basic motorized vehicle service fee for each inbound or outbound movement at the Port of Mayagüez. Any one (1) motorized vehicle traveling along with a Passenger as part of the same voyage on an International Ferryboat, is also assessed an additional international passenger motorized vehicle fee for each inbound or outbound movement at the Port of Mayagüez. Additional motorized vehicles in traveling with a passenger will be assessed the Wharfage rates applicable to Cargo, as provided above.

	2012	2013	2014	2015	2016
Local Ferryboat Vessels					
16.5.1 Basic service fee for motorized vehicles embarking, disembarking, or in transit on a Local Ferryboat from or to the Port of Mayagüez, accompanying its owner or representative traveling as Passenger	\$5.02	\$5.02	\$5.12	\$5.22	\$5.33
International Ferryboat Vessels					
16.5.2 Basic service fee for motorized vehicles embarking, disembarking, or in transit on an International Ferryboat from or to the Port of Mayagüez, accompanying its owner or representative traveling as Passenger	\$5.02	\$5.02	\$5.12	\$5.22	\$5.33
16.5.7 Additional Passenger processing fee for motorized vehicles embarking, disembarking, or in transit on an International Ferryboat, accompanying its owner or representative traveling as Passenger	\$2.50	\$2.50	\$2.55	\$2.60	\$2.65

9.2.5.4 PBC on Ferryboat Vessels. The loading and unloading of PBC, for which a Vessel Owner or Vessel Agent, as applicable, collects an additional fee for the transportation of such PBC, is assessed Wharfage based on the size and volume of every such item of PBC. The Vessel Owner or Vessel Agent, as applicable, will provide to the Port Administrator, as part of the Vessel Manifest, a list detailing for each item of PBC the following: (1) type of personal property (i.e., baggage, box, range, washer, dryer, mattress, etc.); (2)

the weight or volume in cubic feet, if known; and (3) if a fee was paid by the corresponding Passenger to the Vessel Owner or Vessel Agent, as applicable, for the transport / carriage of such personal property. Based on this manifest, the Port of Administrator will assess the corresponding Wharfage charge, based on weight or volume of cubic feet.

9.2.5.5 To the extent that a Vessel Owner or Vessel Agent, as applicable, is unable to provided the list contemplated in section 9.2.5.4 and the PBC is transported in a Container, the Port Administrator is assessed the Wharfage charge provided below, regardless of whether the Container is fully or partially loaded).

	2012	2013	2014	2015	2016
16.2.5 Passenger Baggage Container - A 20% credit is applicable over tariff					
16.2.5.1 PBC 20'	\$132.65	\$132.65	\$135.30	\$138.01	\$140.77
16.2.5.2 PBC 40'	\$212.24	\$212.24	\$216.48	\$220.81	\$225.23
16.2.5.3 PBC 45' & PBC 54'	\$234.77	\$234.77	\$239.47	\$244.25	\$249.14

9.2.5.6 It is the Vessel Owner, Vessel Agent, or Vessel Captain responsibility to report information pertaining to all PBC as part of the Vessel Manifest, in accordance with Section 9.2.5.4 or 9.2.5.5 above.

9.2.6 Wharfage NOS.

9.2.6.1 Whenever the Wharfage rate cannot be determined on a Maritime Operation with respect to Cargo or a Passenger, the Port Administrator will assess Wharfage as follows.

	2012	2013	2014	2015	2016
16.2.1.5 Inbound or outbound movement for Cargo NOS and Loose Cargo (per ton)	\$1.72085	\$1.72085	\$1.75527	\$1.79037	\$1.82618

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	2012	2013	2014	2015	2016
16.5.6 Inbound or outbound movement for Passenger NOS	\$8.50	\$8.50	\$8.67	\$8.84	\$9.02

9.2.6.2 To the extent that a Passenger is assessed a Passenger NOS rate, such Passenger will not be assessed any other Wharfage charge.

9.2.7 Exceptions to Wharfage Assessment.

9.2.7.1 Vessels' Supplies. Vessel supplies, repair materials, and any other goods or merchandise intended for the Vessel's own consumption or use are excepted from any Wharfage assessment. Notwithstanding the foregoing, fuel is not excepted from a Wharfage assessment.

9.2.7.2 Cargo Tools. Cargo handling and stevedores' tools, pallets, equipment, and appliances which are used at a Wharf, Pier, or bulkhead structure for the purpose of loading or unloading a Vessel then berthed at any such facility, are excepted from any Wharfage assessment solely while they are being used for such purpose.

9.2.7.3 Passengers' Baggage. Passenger baggage and other personal belongings are excepted from any Wharfage assessment when such baggage or other personal property are carried on the same Vessel as the Passenger, at no cost to the Passenger other than the Passenger's own carriage / ticket costs, and the Vessel Owner or Vessel Agent, as applicable, does not collect any additional fee for the transportation of such luggage or other personal property. Moreover, any goods with a commercial value will not be considered a personal belonging for purposes of this exception. The Vessel Owner, Vessel Agent, or Vessel Captain will identify such commercial goods by means of a Bill of Lading. The Port Administrator will assess the applicable tariff for such goods.

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9.2.7.4 Petroleum. Petroleum and petroleum products in bulk, which are pumped back to Vessel from a tank at the same facility, as originally loaded, if they have paid a Wharfage charge when originally loaded from Vessel to the tank, are excepted from any Wharfage assessment if such activity occurs in the period of fifteen (15) days provided for Transshipment Cargo.

9.2.7.5 Ballast in Bulk. 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, are excepted from a Wharfage assessment.

9.2.7.6 Dunnage and Ship Lining. Dunnage and ship lining used in the stowage or bracing of Cargo, which is discharged from and reloaded to the same Vessel within thirty (30) days, are excepted from a Wharfage assessment.

9.2.7.7 Scrap Dunnage. 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, is excepted from a Wharfage assessment.

9.2.7.8 Cargo Movement not intended to inbound or outbound. Cargo which a Vessel unloads and reloads, in order to load or unload other Cargo prior to departure, is excepted from a Wharfage assessment.

9.2.7.9 Special Cargo Activities. Cargo transiting through the Port of Mayagüez which is to be used or incidental to assistance or aid for natural disaster or charitable causes, which are recognized as such by the Mayagüez Port Commission or the Port Administrator upon prior written request to such effect, will be excepted from a Wharfage assessment.

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10. PASSENGER SERVICE FEE OR WHARFAGE FEE

10.1 Terms applicable to Cruise Vessels.

10.1.1 Number of Passengers. Cruise Vessels carrying twelve (12) or more Passengers which berth at the Port of Mayagüez Wharf, Pier, or bulkhead structure are assessed a fixed fee per Passenger, based on the total number of Passengers who initiate or end a voyage on the Cruise Vessel or are in transit as part of a voyage schedule and whose names appear on the Passengers' list upon arrival of the Vessel at the Port of Mayagüez. In addition, Wharfage is assessed for each period of twenty-four (24) hours or fraction thereof, during which a Vessel is at berth based.

10.1.2 Round Trip. The passenger service charge provided in Section 9.2.4 will not apply to Passengers who both initially board and later disembark at the Port of Mayagüez, from the same voyage and Vessel, provided any such Passenger(s) were included in the Vessel Manifests used to determine the passenger services charges paid by the Vessel at upon boarding and disembarking.

10.1.3 Port of Mayagüez Incentives for the Cruise Vessel Industry. Vessel Owners and/or Vessel Agents of Cruise Vessels interested in making the Port of Mayagüez a regular Port of Call or a Home Port for their Vessels may apply for one or more of the following incentives. Subject to certain limitations, these incentives will be available to Vessel Owners and/or Vessel Agents through individual negotiation with the Port Administrator, such negotiation to take into consideration the frequency of port calls and volume of Passengers. The duration of the incentives negotiated with the Port Administrator may not exceed the original expiration term of this Handbook and Tariff (i.e., December 31, 2016), unless otherwise approved by the Mayagüez Port Commission.

10.1.3.1 Cruise Vessel's Maiden Voyage Incentive. The Port Administrator may exempt a Cruise Vessel from the payment of

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passenger services charges during its first call to the Port of Mayagüez, whenever a Cruise Line has initiated negotiations or has an agreement with the Port Administrator which takes into consideration the frequency of port calls to the Port of Mayagüez and volume of Passengers. This incentive will not be available to any specific Cruise Vessel which has visited the Port of Mayagüez previously.

10.1.3.2 Dockage Exemption Incentive. Cruise Vessels which have agreements in place guaranteeing a minimum volume of Passengers or frequency of port calls may be exempted from Dockage charges by the Port Administrator, for the first twenty-four (24) hours after arrival.

10.1.3.3 Incentive to passenger service charge. Cruise Vessels which have agreements in place guaranteeing a minimum volume of Passengers or frequency of port calls benefit from a reduced passenger service charge of no less than \$8.81 per Passenger, as determined by the Port Administrator.

10.1.3.4 Preferential Dockage Incentive. Cruise Vessels which have agreements in place guaranteeing a minimum volume of Passengers or frequency of port calls may be granted preferential docking by the Port Administrator.

10.1.3.5 Other Incentives. Cruise Vessels may apply to the Municipality of Mayagüez as well as any agency or instrumentality of the Commonwealth of Puerto Rico, notwithstanding any incentive granted by the Port Administrator. Neither the Port Administrator nor the Mayagüez Port Commission has any influence, control, or responsibility for any incentives offered by any such government agencies or instrumentalities.

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10.2 Terms applicable to Ferryboats.

Ferryboat Vessels carrying twelve (12) or more Passengers which berth at the Port of Mayagüez Wharf, Pier, or bulkhead structure are assessed a fixed fee per passenger, based on the total number of Passengers who initiate or end a voyage on the Ferryboat Vessel or are in transit as part of a voyage schedule and whose names appear on the Passengers' list upon arrival of the Ferryboat Vessel at the Port of Mayagüez. In addition, Wharfage is assessed for each period of twenty-four (24) hours or fraction thereof, during which a Vessel is at berth based.

11. PORT SERVICE CHARGES

Every Vessel entering, navigating, or otherwise using any port of the Commonwealth of Puerto Rico will be assessed a Harbor Dues charge per each period of twenty-four (24) hours or fraction thereof. Harbor Dues are assessed by the Captain of the Port of Mayagüez, who is an officer / employee of the Ports Authority. Harbor Dues are determined, assessed, and paid solely to the Ports Authority, regardless of whether the corresponding Vessel uses the facilities of the Port of Mayagüez. Neither the Mayagüez Port Commission nor the Port Administrator has any influence, control, or responsibility for the assessment and collection of Harbor Dues. Vessel Owners, Vessel Agents, and Vessel Captains may not include the payment of Harbor Dues as part of the payment for Dockage, Wharfage, and other charges assessed by the Port Administrator.

12. FREE-TIME AND DEMURRAGE

12.1 Conditions and General Rule.

The payment of the Wharfage rates established in this Handbook and Tariff will enable the corresponding user to use the Transit Area, Wharf, Wharf premise, Pier, or bulkhead structure without additional charge for inbound Cargo, while the Vessel is unloading such Cargo, and for outbound Cargo, while the Vessel is loading such Cargo. Additionally, Vessels have a Free-Time period before and after completing the loading or unloading of Cargo and to place/store such Cargo at the Port's facilities.

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12.1.1 Permit to Use Common Area. Outbound Empty Containers delivered to the Transit Area of the Port of Mayagüez Wharf, Wharf premise, Pier, or bulkhead structure, prior to their respective loading time, and inbound Empty Containers remaining in such area after unloading the Vessel, may be placed, at the sole discretion of the Port Administrator, in storage at the owner's risk, and will be subject to the assessment of Demurrage as provide herein.

12.1.2 Any sealed Container, declared in the Bill of Lading or Vessel Manifest as empty, which is left on common spaces, Transit Areas, Pier, or Wharf premises, will be subject to Demurrage as a full Container, unless it is opened for inspection.

12.2 Commencement and Expiration of Free-Time Period.

12.2.1 Free-Time for outbound Cargo is measured in periods of twenty-four (24) hours or fraction thereof, starting at midnight (12:00am) of the Calendar Day in which Cargo loading begins and expires at 11:59pm of the last Calendar Day of Free-Time period granted, as applicable. The Port Administrator will authorize the deposit of Cargo based on the date of arrival of the Vessel as requested in the Docking Permit Application. Changes to the Vessel arrival date would cause Demurrages charges.

12.2.2 Free-Time for inbound Cargo is measured in periods of twenty-four (24) hours or fraction thereof starting at midnight (12:00am) of the Calendar Day in which Cargo unloading begins and expires at 11:59pm of the last Calendar Day of Free-Time period granted for unloading a Vessel to the bulkhead, Pier, Pier premises, or Wharf or the Vessel vacates the berth, whichever happens first. Whenever a Vessel commences unloading movement in on Pier and shifts to another wharf to finish the unloading activity, Free-Time Period will commence on the first midnight (12:00am) of the last Pier unloading movement.

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12.3 Free-Time Granted.

12.3.1 U.S. and Commonwealth of Puerto Rico Seaports. A Free-Time period of five (5) Port Operating Days is extended to those Vessels, from or to the any seaport in the U.S. or the Commonwealth of Puerto Rico, excluding any U.S. territory which is not a state.

12.3.2 Cargo Subject to U.S. Federal Agencies Clearance. A Free-Time period of six (6) Port Operating Days is extended to imported Cargo or motorized vehicles which require clearance from U.S. Customs and Border Patrol.

12.3.3 Foreign Countries Cargo or Motorized vehicles. A Free-Time period of six (6) Port Operating Days is extended to Cargo or motorized vehicles to or from foreign countries.

12.3.4 Cargo of U.S. Federal, Commonwealth and Local Government. A Free-Time period of seven (7) Port Operating Days is extended to Cargo for educational, health, and emergency situations, which does not exceed 1,000 short tons.

12.3.5 Shipments of One Commodity or Consignee. A Free-Time period of (i) six (6) Port Operating Days is extended to shipments of one commodity or consignee, in excess of 3,000 short tons and up to 4,999 short tons, and seven (7) Port Operating Days is extended to shipments of one commodity or consignee, in excess of 5,000 short tons.

12.3.6 Foreign Diplomatic Cargo. A Free-Time period of thirty (30) Port Operating Days is extended to Cargo or motorized vehicle(s) consigned to or to be shipped by an embassy or members of foreign diplomatic corps which are considered as diplomatic Cargo, particularly furniture and household appliances or effects, up to a maximum of 4,000 pounds.

12.3.7 Transshipment Cargo. A Free-Time period of fifteen (15) Port Operating Days is extended to any type of Cargo, including motorized vehicles shipped in Containers, and

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manifested for Transshipment to other ports, without change in form or contents while being at the Port of the Mayagüez. Whenever Free-Time for Transshipment Cargo expires, penalties in addition to Demurrages will apply. See Section 12.5.

12.4 Demurrages.

12.4.1 Cargo Treatment after Free-Time Expiration. Any Cargo or motorized vehicle which is received and deposited in a Pier and is shipped after Free-Time period expiration will be subject to Demurrage immediately, until dispatched from the Pier.

12.4.2 Unknown Measurements. Any Cargo or motorized vehicle for which the basis to ascertain Demurrage is not reflected in the Vessel Manifest or shipping documents, is assessed Demurrage either per hundredweight or cubic feet, whichever yields the highest tariff / charge.

12.4.3 Empty Container and Empty Flatbed. Refers to an unsealed Container. Empty flatbeds will be considered as Empty Containers for purposes of applying Demurrages charges.

	2012	2013	2014	2015	2016
16.7.3 Empty Containers - For each Operating Day or fraction thereof after Free-Time	\$8.17	\$8.17	\$8.99	\$8.99	\$8.99
16.7.4 Empty Flatbeds - For each Operating Day or fraction thereof after Free-Time	\$8.17	\$8.17	\$8.99	\$8.99	\$8.99

12.4.4 Container. Any sealed or unopened Container.

	2012	2013	2014	2015	2016
16.7.2.1 For each of the first 5 Operating Days or fraction thereof after Free-Time as freighted.	\$0.16 per CWT or \$0.04 per cubic feet		\$0.18 per CWT or \$0.044 per cubic feet		
16.7.2.2 For each Operating Day or fraction thereof, after the fifth day of paying Demurrage.	\$0.08 per CWT or \$0.05 per cubic feet		\$0.09 per CWT or \$0.055 per cubic feet		

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12.4.5 Loaded Flatbed. Demurrage charges apply to loaded flatbeds based on weight declared in the Bill of Lading.

	2012	2013	2014	2015	2016
16.7.2.1 For each of the first 5 Operating Days or fraction thereof after Free-Time as freighted.	\$0.16 per CWT or \$0.04 per cubic feet		\$0.18 per CWT or \$0.044 per cubic feet		
16.7.2.2 For each Operating Day or fraction thereof, after the fifth day of paying Demurrage.	\$0.08 per CWT or \$0.05 per cubic feet		\$0.09 per CWT or \$0.055 per cubic feet		

12.4.6 Motorized vehicles. Demurrage charges are assessed on cubic feet.

	2012	2013	2014	2015	2016
16.7.2.3 Any type of motorized vehicle for each of the first 5 Operating Days or fraction thereof after Free-Time	\$0.04 per cubic feet		\$0.044 per cubic feet		
16.7.2.4 Any type of motorized vehicle for each Operating Days or fraction thereof, after the fifth day of paying Demurrage	\$0.05 per cubic feet		\$0.055 per cubic feet		

12.4.7 Loose Cargo. Demurrage charges are assessed on weight as declared on the Bill of Lading or the amount of cubic feet occupied.

	2012	2013	2014	2015	2016
16.7.2.1 For each of the first 5 Operating Days or fraction thereof after Free-Time as freighted.	\$0.16 per CWT or \$0.04 per cubic feet		\$0.18 per CWT or \$0.044 per cubic feet		
16.7.2.2 For each Operating Day or fraction thereof, after the fifth day of paying Demurrage.	\$0.08 per CWT or \$0.05 per cubic feet		\$0.09 per CWT or \$0.055 per cubic feet		

12.5 Demurrages and Penalties and Demurrages to Transshipment Cargo after Expiration of the Free-Time Period.

12.5.1 Transshipment cargo considered regular Cargo. Transshipment Cargo will be considered regular Cargo when remaining in a Pier in excess of fifteen (15) Operating Days. Such designation will be retroactive to the original date of arrival.

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12.5.2 Demurrages assessment when Transshipment Cargo is not loaded prior to Expiration of the Free-Time Period. To the extent that Transshipment Cargo is not loaded onto a Vessel prior to expiration of the Free-Time period, Demurrage charges will apply, following the expiration of the Free-Time period for regular Cargo rather than Transshipment Cargo.

	2012	2013	2014	2015	2016
16.7.2.1 For each of the first 5 Operating Days or fraction thereof after Free-Time as freighted	\$0.16 per CWT or \$0.04 per cubic feet		\$0.18 per CWT or \$0.044 per cubic feet		
16.7.2.2 For each Operating Day or fraction thereof, after the fifth day of paying Demurrage	\$0.08 per CWT or \$0.05 per cubic feet		\$0.09 per CWT or \$0.055 per cubic feet		
16.7.2.3 Any type of motorized vehicle for each of the first 5 Operating Days or fraction thereof after Free-Time	\$0.04 per cubic feet		\$0.044 per cubic feet		
16.7.2.4 Any type of motorized vehicle for each Operating Days or fraction thereof, after the fifth day of paying Demurrage	\$0.05 per cubic feet		\$0.055 per cubic feet		
16.7.3 Empty Containers - For each Operating Day or fraction thereof after Free-Time	\$8.17 per unit		\$8.99 per unit		
16.7.4 Empty Flatbeds - For each Operating Day or fraction thereof after Free-Time	\$8.17 per unit		\$8.99 per unit		

12.5.3 Demurrages assessment when Transshipment Cargo is embarked after expiration of the Free-Time Period. Transshipment Cargo will be assessed Demurrage from any additional day exceeding Free-Time of fifteen (15) Operating Days extended to Transshipment Cargo until the day of loading thereof. In addition, it is subject to Section 12.5.4.

	2012	2013	2014	2015	2016
16.7.2.1 For each of the first 5 Operating Days or fraction thereof after Free-Time as freighted	\$0.16 per CWT or \$0.04 per cubic feet		\$0.18 per CWT or \$0.044 per cubic feet		
16.7.2.2 For each Operating Day or fraction thereof, after the fifth day of paying Demurrage	\$0.08 per CWT or \$0.05 per cubic feet		\$0.09 per CWT or \$0.055 per cubic feet		

	2012	2013	2014	2015	2016
16.7.2.3 Any type of motorized vehicle for each of the first 5 Operating Days or fraction thereof after Free-Time	\$0.04 per cubic feet		\$0.044 per cubic feet		
16.7.2.4 Any type of motorized vehicle for each Operating Days or fraction thereof, after the fifth day of paying Demurrage	\$0.05 per cubic feet		\$0.055 per cubic feet		
16.7.3 Empty Containers - For each Operating Day or fraction thereof after Free-Time	\$8.17 per unit		\$8.99 per unit		
16.7.4 Empty Flatbeds - For each Operating Day or fraction thereof after Free-Time	\$8.17 per unit		\$8.99 per unit		

12.5.4 Penalties when Transshipment Cargo is embarked after expiration of the Free-Time Period. Any Transshipment Cargo remaining in the Pier in excess of fifteen (15) Operating Days given as Free-Time, if re-embarked, will assess a penalty charge equivalent to outbound Wharfage for regular Cargo. These penalties are assessed in addition to Section 12.5.3.

	2012	2013	2014	2015	2016
Penalties for Transshipment Cargo After 15 Operating Days without completing Transshipment					
16.2.4.1 Outbound movement for motorized vehicles shipped as Cargo Units (Tons/unit)	\$4.84951	\$4.84951	\$4.94650	\$5.04543	\$5.14634
16.2.4.2 Outbound movement for Cargo in Containers, Flat-beds (Tons/unit)	\$1.26305	\$1.26305	\$1.28831	\$1.31408	\$1.34036
16.2.4.3 Outbound movement for Empty Containers, Flat-beds or Chassis (each)	\$4.00034	\$4.00034	\$4.08035	\$4.16195	\$4.24519
16.2.4.4 Outbound movement of liquid Cargo (including petroleum) handled in bulk via pipeline at Wharves, Piers, or bulkhead structure designed primarily for the loading or unloading of liquid Cargo in bulk (barrel)	\$0.02069	\$0.02069	\$0.02110	\$0.02153	\$0.02196
16.2.4.5 Outbound Cargo NOS and Loose Cargo (per ton)	\$1.72085	\$1.72085	\$1.75527	\$1.79037	\$1.82618

12.6 Demurrage and Penalties payment before removal of Cargo.

12.6.1 Whenever the Vessel Owner, Vessel Captain, or the Vessel Agent schedules the loading or unloading for any Cargo, he/she must provide to the Port Administrator the Bill of Lading and/or any other document that supports the day of entrance of Cargo to the Wharf or Pier Premises, including the description and amounts of the Cargo. Based on such documentation, the Port Administrator will invoice for any Demurrage incurred by the Vessel Owner, Vessel Agent, or Vessel Captain, as applicable, after the use of the applicable Free-Time period.

12.6.2 Demurrage invoiced will be payable immediately and prior removal of any Cargo. Upon payment of the Demurrage charges, the Vessel Owner, Vessel Agent, or Vessel Captain will have until the end of the Calendar Day to remove the Cargo from the facilities of the Port of Mayagüez.

12.6.3 To remove a Cargo from bulkhead, Pier, Pier Premises or Wharf, the Vessel Owner, Vessel Agent or any other person responsible will require clearance for Cargo removal from the Port Administrator.

12.6.4 Any clearance for Cargo removal will expire at the end of such Calendar Day.

12.6.5 Cargo subject to removal before expiring Free-Time period will require clearance for no Demurrage charges.

12.6.6 Cargo subject to removal after the expiration of the Free-Time period will require a clearance with respect to the payment of Demurrage charges until the day of the Cargo removal.

12.7 Removal of Cargo Tools and Equipment.

Whenever a Vessel has in use Cargo Tools which are used on a Wharf, Pier, or bulkhead structures for

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the purpose of loading or unloading a Vessel berthed at the facility, and such Cargo Tools are left behind or remain at the Pier after conclusion of the Port's operations, these will be subject to Demurrage charges, commencing at 11:59pm of the Calendar Day of the conclusion of the operations.

12.8 Move and Storage.

Cargo including motorized vehicle remaining in the Transit Area of the Port of Mayagüez Wharf, Wharf premises, Pier, or bulkhead structure after the close of its Free-Time period will, at the option of the Port, be placed in public storage at the risk and expense of the goods, or assessed Demurrage rates.

12.9 Cargo Left on Demurrage, Cargo Damaged or Cargo Abandoned at the Docks.

12.9.1 Abandoned Cargo. The Vessel or the consignee or the Vessel Agent will keep responsible for any charges accrued on any Cargo and/or motorized vehicles remaining at the Dock or abandoned at the Pier, and for further charges accrued for such Cargo sent to public warehouses.

12.9.2 Demurrage as First Lien upon Cargo. The rates or charges owed to the Port of Mayagüez for Demurrage constitute a first lien upon the Cargo.

12.9.3 Disposition of Abandoned Cargo. Whenever Cargo or motorized vehicles accrue Demurrage for twenty (20) days, the Port Administrator will request that the consignee, Vessel Owner, Vessel Agent, or Vessel Captain, immediate remove the Cargo within a period of ten (10) Operating Days. If no response is received during the ten Operating Days period, a second notification will be sent, requesting the Cargo removal in a ten (10) Operating Days period or showing a valid reason for keeping such Cargo at the Port's facilities, the full payment of Demurrages accrued during the thirty (30) Operating Days period, and giving an estimate of time for storing the Cargo at the Port's facilities. The absence of response to the

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second notification and/or payment of Demurrages accrued will constitute abandoned Cargo.

The Port Administrator will dispose of the Cargo through public or sealed bids, 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 Port of Mayagüez including all expenses incurred by the Port. The Vessel Owner, Vessel Agent, or consignee will be held responsible for the payment of the charges not covered by the product of said auction.

12.10 Demurrage on Cargo to Bonded Warehouse; U.S. Federal Custom Dues on Cargo from Foreign Countries.

Any Abandoned Cargo or motorized vehicles imported from foreign countries subject to the payment of U.S. Federal custom tariffs, which have to be sent to bonded warehouses, will be dispatched from the Pier only after completing coordination between the U.S. Customs Inspector, the Port Administrator, and the Vessel Owner, Vessel Agent, or Vessel Captain. Cargo and/or motorized vehicles will be dispatched from the Pier to the bonded warehouse prior endorsement of the U.S. Bureau of Customs and applicable forms completed. The Port of Mayagüez will, in turn, proceed to bill the Vessel Owner, Vessel Agent, or Vessel Captain for the Demurrage accrued up to the exit day of Cargo and/or motorized vehicles from the Port's facilities.

The Port Administrator will keep in contact with the U.S. Customs and Border Patrol to ensure that said Cargo is not dispatched from a bonded warehouse until the Vessel Owner, Vessel Agent, or Vessel Captain has duly paid Demurrages accrued to the Port of Mayagüez. The bonded warehouse will assume responsibility for Demurrages accrued if at any time it dispatches Cargo to the consignee of the Cargo, without requesting clearance for Cargo removal, supported by the payment of Demurrages accrued and U.S. Federal Customs dues.

12.11 Extension of Free-Time Period; Conditions.

12.11.1 The Free-Time period may be extended by the Port Administrator or the Mayagüez Port

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Commission, whenever a Force Majeure situation exists, such as storms, torrential rains, floods, fires, and earthquakes, or any other situation not under the control of the Vessel Owner or Vessel Agent occurs, such as accidents or construction works at the Piers, among others.

12.11.2 Free-Time period extension will be equal to the number of days during which Cargo could not be loaded or unloaded from a Vessel.

12.11.3 The Vessel Owner, Vessel Agent, or consignee will submit a written for an extension to the corresponding Free-Time period promptly upon having knowledge of such interruption.

12.11.4 The Port Administrator may only approve an extension due to Force Majeure of up to a maximum of twenty (20) Operating Days. The Mayagüez Port Commission may approve an extension due to Force Majeure of any amount of time it deems advisable.

13. RULES FOR SERVICES OR MISCELLANEOUS USES

13.1 Water services.

Fresh water will be supplied to Vessels at the facilities of the Port of Mayagüez, at the rate necessary to cover, at a minimum, all costs of rendering such service, including without limitation, the provision of hoses. The Port Administrator will assess a per-cubic meter charge as well as a charge for each hose connection, when Port's hoses are used to supply fresh water to the Vessel. A minimum charge of \$50.00 is applicable to ten (10) cubic meters or less of water supply.

	2012	2013	2014	2015	2016
16.6.1.1 Fresh water service charge per cubic meter, to Vessels equipped to take water by hose	\$6.00				
16.6.1.2 Minimum fresh water service charge, when water served by hose is 10 cubic meter or less	\$50.00				
16.6.1.3 Connection or outlet charge per hose segment when the hose is supplied by the Port	\$2.52				

The Mayagüez Port Commission may, at its sole discretion and without prior notice, increase or decrease the per-cubic meter water charge, whenever the Puerto Rico Aqueduct and Sewer Authority changes the applicable water fee. Water service charges are established for cost reimbursement purposes.

13.1.1 Water in drums. Vessels not equipped to take water by hose will be assessed the rates based on each drum of 55 gallons (or portion thereof) served to a Vessel.

	2012	2013	2014	2015	2016
16.6.1.4 Fresh water service charge per drum of 55 gallons or less, to Vessels not equipped to take water by hose; drum must be provided by the Vessels			\$7.46		

13.1.2 Hoses. All water hoses provided by a Vessel must be free of leaks. Otherwise hoses provided by the Port Administrator must be used.

13.1.3 Special watering services after major disasters. If due to a terrorist act, earthquake, major flood, hurricane or storm, explosion, accident, among others, the Port of Mayagüez is not able to provide water services, the Port Administrator will make arrangements on behalf of any Vessel to supply water from a private water reseller, but only if the Vessel representative provides a written request for obtaining the special service at the actual cost of the services (including water, transportation, labor among others) plus an administrative fee of 15% of the amount invoiced by the reseller. The Port Administrator cannot guarantee the availability of such service.

13.2 Electricity.

Electricity will be supplied for the lighting of transit sheds at the facilities of the Port of Mayagüez, upon request by users, at the rates computed by the formula prescribed in Section 16.6.2.

	2012	2013	2014	2015	2016
16.6.2 Electricity	Actual Cost				

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However, the Mayagüez Port Commission, at its sole discretion and without prior notice, reserves the right to amend the charges, in order to permit the Port Administrator to be reimbursed for the actual charges made to the Port Administrator by the Puerto Rico Electric Power Authority.

13.3 Use of Cranes or Specialized Equipment used for loading and unloading Cargo to or from a Vessel.

As of the date of effectiveness this Handbook and Tariff, the Port of Mayagüez does not provide cranes for loading or unloading Cargo. Therefore, there is no tariff provided for the use of cranes or any similar Specialized Equipment used for such purpose. The Port of Mayagüez does provide Free-Time before and after the loading or unloading activity for the placement and removal of cranes or Specialized Equipment, at the cost and expense of the Vessel Owner, Vessel Agent, or Vessel Captain. The Free-Time period provided for such purposes includes forty-eight (48) hours before Vessel docking and until 11:59pm of the next Operating Day after completion of the loading or unloading activities.

Cranes and Specialized Equipment left at the Pier after the end of operations will be subject to penalty charges on a per-Calendar Day basis (See Section 16.6.3.1).

	2012	2013	2014	2015	2016
16.6.3.1 Fee assessed to cranes and Specialized Equipment left at the Pier without authorization or prior to or after authorized Free Time	\$28.56 per calendar day		\$31.42 per calendar day		

The assessment of a penalty will be applicable when the Specialized Equipment is placed before the commencement or after the expiration of the Free-Time provided for such purposes. Vessel Owners or Vessel Agents are responsible for any damages to the facilities of the Port of Mayagüez and/or other Vessels occurred during the use of any Specialized Equipment.

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This Section is not applicable to Cargo Tools, such as handling and stevedores' tools, pallets, equipment, and appliances used for the purpose of loading or unloading a Vessel then berthed at the facility, which are subject to Demurrages charges prior a period of twenty-four (24) hours before the beginning of the operation and after 11:59pm of the Calendar Day of the conclusion of the operations.

13.4 Collection of Overtime.

Advance coordination with the Port Administrator is required whenever a Vessel Owner, Vessel Agent, or Vessel Captain needs to conduct operations outside of Operating Hours. Whenever possible, the Port Administrator will assign a special shift to provide personnel for such purposes, without any over-time charges. Notwithstanding, to the extent that the Port Administrator incurs in over-time charges, the Vessel Owner, Vessel Agent, or Vessel Captain will reimburse the Port Administrator for such charges on the basis of actual cost plus 15%.

13.5 Cleaning of Facilities.

It is the responsibility of the Vessel Owner, Vessel Captain, Vessel Agent, stevedores, and other users to clean and maintain in reasonably clean condition, the facilities of the Port of Mayagüez while and after being used. After completion of the usage of the designated Pier premises or Wharf, the Vessel Owner, Vessel Agent, or any agent thereof must clean the area and restore it to the same condition as before the commencement of operations. Operations will not be deemed concluded until the area is delivered to the Port Administrator in a reasonably clean condition.

If, as a result of any use, including but not limited to the use for a Vessel, stevedoring operation, fuel supplying, or any other user, the facilities and common areas end in an excessively dirty or dangerous condition that may affect the normal operations of other users, the Port Administrator may, at its discretion, immediately proceed with the cleaning of the facilities.

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If cleaning is conducted by the employees of the Port of Mayagüez and do not involve the contracting of any specialized services, the applicable service charges are detailed in Section 16.6.4. If the Port Administrator engages a third-party cleaning service, the corresponding user will reimburse the Port Administrator on the basis of actual costs of services plus a 20% administrative fee.

	2012	2013	2014	2015	2016
16.6.4 Cleaning Facilities	\$510.00 minimum		\$561.00 minimum charge		
16.6.4.1 Daily minimum charge or actual costs	charge or actual cost		or actual cost		

13.6 Waste Disposal.

The Port Administrator will have available waste disposal services for Cargo and Vessels carrying Passengers, at the following rate per each 55 gallon bags for domestic garbage deposited in the waste Container. Domestic garbage coming from a U.S. Port shall be accepted with prior authorization of the U.S. Department of Agriculture, in 55 gallons bag.

	2012	2013	2014	2015	2016
16.6.5.1 Domestic garbage disposal (per each gallon bag)	\$5.61		\$6.17		

A statement is required from the Vessel Owner, Vessel Captain, or the Vessel Agent to the Port Administrator, establishing the previous port precedence, when Transshipment or a travel schedule is followed, and the type of garbage deposited at the Port of Mayagüez. The Port Administrator reserves the privilege to accept or refuse in total or partial intended amount and require a release from the U.S. Federal Regulatory Agencies, when the last port visited is a foreign country. Hazardous waste will be handled on a case-by-case basis, and disposal fees will be established depending on the specific type of waste.

14. LAND RENTALS AND LEASES

14.1 The Port Administrator may enter into temporary or long-term agreements with Vessel lines serving the Port of Mayagüez or Terminal Operators for the preferential or exclusive use of certain

outside storage areas according to the Port's infrastructure development. Copies of such agreements will be provided to the Mayagüez Port Commission upon execution.

14.2 Parcels of land contiguous to the berth and Transit Area of the Marine Terminals may be leased by the Port Administrator for acceptable uses such as public warehousing and marine related industries. The determination as to the acceptability of a proposed use of such land rests on the Mayagüez Port Commission.

14.3 The precise rental rate applicable to a space or particular parcel of land will depend on the assessment of land values and taking into consideration the size of the particular space or 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. In determining the rental rate applicable to a particular space or parcel, the Port Administrator will effect an appraisal of such parcel concurrently with the negotiation of the corresponding rental or lease agreement, such appraisal to be performed by an independent appraiser duly licensed in the Commonwealth of Puerto Rico and which takes into consideration the proposed use of the parcel and the income derived there from, as well as its replacement value. The rental rate of other similar Ports in Puerto Rico will be taken into consideration at the time of appraisal in order to maintain a competitive market rate for the use of the Port of Mayagüez. The annual rental rate for such parcel will then be computed by dividing its appraisal value by a factor of 9, 10, or 11, at the discretion of the Port Administrator.

14.4 The designation of any such appraiser will be notified to the Mayagüez Port Commission within five (5) Working Days prior to effecting such appraisal. The Mayagüez Port Commission must approve or disapprove of such designation within five (5) Working Days of such notification. To the extent the Mayagüez Port Commission does not approve such designation, the Port Administrator

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will provide the Mayagüez Port Commission with the name of another appraiser in accordance with the provisions herein contained.

- 14.5 This section 15 is subject to the terms and conditions of Section 4.3.3, which provides for the provision of space to any Port Regulatory Agency which may request it, in compliance with the laws and regulations applicable to the facilities of the Port of Mayagüez and the Maritime Operations conducted therein, as well as public safety, security, customs, traffic, levies of any sort, and any other legal or regulatory matter pertaining to the Port of Mayagüez, at a cost equivalent to the lowest annual rate accepted by any such Port Regulatory Agency (i.e., the rate could be as low of one dollar [US\$1] per year).

15. RATES AND FEES

This Handbook and Tariff No. 2 is being made effective from the inception date on the front cover hereof through December 31, 2016. Upon expiration of such term and to the extent that the Mayagüez Port Commission has not adopted another regulation which supersedes, supplements, or otherwise amends this Handbook and Tariff No. 2 to provide for a term of effectiveness beyond December 31, 2016, its term of effectiveness will be automatically renewed for additional one (1) year periods, subject to the following increases in tariffs and charges, as described below. To ensure compliance by the users of the facilities of the Port of Mayagüez with any such automatic increase, the Mayagüez Port Commission may, but is not required to, issue tariff supplements that incorporate such automatic increases to the tariff and charges on any given year.

New rates as a result of additional services, type of business and market changes, and utility service increases, among others, will generally require that public hearings be held. In extraordinary circumstances, the Mayagüez Port Commission may implement new or revised tariffs and charges, subject to applicable law. Moreover, this Handbook and Tariff No. 2 will be amended by the Mayagüez Port Commission, without prior notice or public hearings, to the extent any provision may be determined to be inconsistent with (i) U.S. or Puerto Rico law or (ii) the regulations of any U.S. or Puerto Rico government agency or

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instrumentality with jurisdiction which supersedes that of the Mayagüez Port Commission including, without limitation, the rules of the U.S. Federal Maritime Commission, as currently in effect at any time.

After December 31, 2016 and to the extent that the Mayagüez Port Commission has not adopted another regulation which supersedes, supplements, or otherwise amends this Handbook and Tariff No. 2, the following increases to tariffs and charges will take effect:

15.1 Automatic increases of 10% every five (5) years are applicable to the following sections, unless otherwise determined.

- 16.1.1 Dockage to Ferryboats
- 16.1.2 Dockage to Cruise Vessels
- 16.1.6.1 Dockage to Small commercial Vessels with 145 GRT or less)
- 16.1.7 Dockage to Pleasure Crafts - Minimum charge of 25 linear feet
- 16.1.9.1 Dockage to Triple deck Ro-Ro, international car carriers, and Large and Ultra Container Ships
- 16.4.1 Fees for Passenger on Cruise Vessel or Pleasure Charters carrying Passengers departing, arriving, or in transit
- 16.4.2 Fees for Passenger on Cruise Vessel or Pleasure Charters carrying Passengers embarking and disembarking as part of a round trip
- 16.6.3.1 Fee assessed to cranes and Specialized Equipment left at the Pier without authorization, prior to or after authorized Free-Time
- 16.6.4.1 Daily minimum charge or actual cost for Cleaning Services
- 16.6.5.1 Charges for domestic garbage disposal from a U.S. Port shall be accepted, previous clearance of the U.S. Department of Agriculture. A Rate is applicable to each 55 gallon bag.
- 16.7.2.1 Charges per Demurrage for each of the first five (5) Operating Days or fraction thereof after Free-Time, as freighted

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- 16.7.2.2 Charges per Demurrage for each Operating Day or fraction thereof, after the fifth day of paying Demurrage
- 16.7.2.3 Charges for Demurrage to any type of motorized vehicle for each of the first five (5) Operating Days or fraction thereof after Free-Time
- 16.7.2.4 Charges for Demurrage to any type of motorized vehicle for each Operating Days or fraction thereof, after the fifth day of paying Demurrage
- 16.7.3 Charges for Demurrage to Empty Containers for each Operating Day or fraction thereof after Free-Time
- 16.7.4 Charges for Demurrage to Empty Flatbeds for each Operating Day or fraction thereof after Free-Time

15.2 Automatic increases of 2% per year are applicable to the following sections, unless otherwise determined.

- 16.1.3 Dockage of Tanker Vessels, Barges, and Tugboats, designed for loading and unloading of liquid Cargo by pipeline
 - 16.1.4 Dockage of all Vessels while berthed at dry Cargo Wharves, Piers or bulkhead structures in connection with the trade from Off-Shore Points
 - 16.1.5 Dockage of all Vessels while berthed at dry Cargo Wharves, Piers or bulkhead structures in connection with the trade with other PR Ports or the U.S. Virgin Islands
 - 16.1.6.2 Dockage of revenue activities Vessels including those of nonprofit organizations, Pleasure Charters or transportation Vessels carrying less than 100 Passengers
 - 16.1.8 Dockage NOS
 - 16.2.1.1 Wharfage for inbound or outbound Cargo movement for motorized vehicles (per ton) shipped as Cargo units
 - 16.2.1.2 Wharfage for inbound or outbound Cargo movement for Containers and Flat-beds (per ton)
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- 16.2.1.3 Wharfage for inbound or outbound Cargo movement for Empty Containers, Flat-beds or Chassis (each)
 - 16.2.1.4 Wharfage for inbound or outbound Cargo movement for liquid Cargo (including petroleum) handled in bulk via pipeline at Wharves, Piers, or bulkhead structure designed primarily for the loading or unloading of liquid Cargo in bulk (barrel)
 - 16.2.1.5 Wharfage for inbound or outbound movement for Cargo NOS and Loose Cargo (per ton)
 - 16.2.2.1 Transshipment Cargo up to fifteen (15) Operating Days for motorized vehicles (per ton) shipped as Cargo units
 - 16.2.2.2 Transshipment Cargo up to fifteen (15) Operating Days for Containers and Flat-beds (per ton)
 - 16.2.2.3 Transshipment Cargo up to 15 Operating Days for Empty Containers, Flat-beds or Chassis (each)
 - 16.2.2.4 Transshipment Cargo up to fifteen (15) Operating Days for liquid Cargo (including petroleum) handled in bulk via pipeline at Wharves, Piers, or bulkhead structure designed primarily for the loading or unloading of liquid Cargo in bulk (barrel)
 - 16.2.2.5 Transshipment Cargo up to fifteen (15) Operating Days for Cargo NOS and Loose Cargo (per ton)
 - 16.2.3.1 Transshipment Cargo transferred from Vessel to Wharf and Wharf to Vessel (per ton)
 - 16.2.3.2 Transshipment Cargo transferred from a Vessel to another Vessel alongside (per ton)
 - 16.2.4.1 Penalties for Transshipment Cargo after fifteen (15) Operating Days without completing Transshipment applicable to motorized vehicles (per ton)
 - 16.2.4.2 Penalties for Transshipment Cargo after fifteen (15) Operating Days without completing Transshipment applicable to Cargo in Containers and Flat-beds (per ton)
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- 16.6.7.1.1 Penalties for not submitting General
Billing Documents
- 16.6.7.1.1 Penalties for not submitting Billing
Documents for fueling
- 16.6.7.1.3 Penalties over Delinquent Accounts
- 16.7.5 Docking Penalty for unathorized delay
time which interrupts the entrance or
exit to the Port to other Vessels

16. Complete Tariff Table

AS FOLLOWS.



		2012					2016
		2012	2013	2014	2015	2016	
16.0	RATES AND FEES						
16.1	Dockage - Rates per GRT per 24 hours or fraction thereof						
16.1.1	Ferryboats	\$0.07538	\$0.07538	\$0.08292	\$0.08292	\$0.08292	
16.1.2	Cruise Vessels	\$0.07538	\$0.07538	\$0.08292	\$0.08292	\$0.08292	
16.1.3	Tanker Vessels, Barges and Tugboats, while berthed at Wharves, Piers, or bulkhead structures designed for loading and unloading liquid Cargo via pipeline	\$0.09551	\$0.09551	\$0.09742	\$0.09937	\$0.10136	
16.1.4	All Vessels while berthed at dry Cargo Wharves, Piers or bulkhead structures in connection with the trade from Off-Shore Points	\$0.17181	\$0.17181	\$0.17525	\$0.17875	\$0.18233	
16.1.5	All Vessels while berthed at dry Cargo Wharves, Piers or bulkhead structures in connection with the trade with other Puerto Rico or the U.S. Virgin Islands ports	\$0.12883	\$0.12883	\$0.13141	\$0.13403	\$0.13672	
16.1.6	Revenue Activity Small Vessels						
16.1.6.1	Small commercial Vessels with 145 Gross tons or less	\$ 150.00	\$ 150.00	\$ 165.00	\$ 165.00	\$ 165.00	
16.1.6.2	Revenue activities Vessels including those of nonprofit organizations, Pleasure Charters or transportation Vessels carrying less than 100 revenue Passengers	\$0.20163	\$0.20163	\$0.20566	\$0.20978	\$0.21397	
16.1.7	"Pleasure Crafts" - Minimum charge of 25 linear feet B13	\$1.00/linear feet		\$1.10/linear feet			
16.1.8	Dockage NOS	\$0.19484	\$0.19484	\$0.19874	\$0.20271	\$0.20677	
16.1.9	Dockage rates exceptions						
16.1.9.1	Triple deck Ro-Ro, international car carriers and large and ultra large Container ships	\$2,670.24	\$2,670.24	\$2,937.26	\$2,937.26	\$2,937.26	
16.1.9.2	Vessels regularly serving ports of the Commonwealth of Puerto Rico while are on maintenance or repair	50% of reduction on Dockage tariff as applicable					
16.1.9.3	Vessels non-regularly serving ports of the Commonwealth of Puerto Rico while are on maintenance or repair	40% of reduction on Dockage tariff as applicable					
16.1.9.4	Tugboats, combat or training Vessels and regattas	See Section 8.2 for exceptions					
16.1.9.5	Cruise Vessels	As per Cruise Vessels Incentive Program					
16.1.9.6	Vessels shifting berths by request of the Port of Mayagüez	Exempt during the time consumed for such purposes					

		2012	2013	2014	2015	2016
16.2	Wharfage for Cargo - For weight and measurements conditions other than provided below (See Section 9.1.1)					
16.2.1	each inbound or outbound Cargo movement per tons/Unit					
16.2.1.1	Motorized vehicles (tons) shipped as Cargo units	\$7.69768	\$7.69768	\$7.85163	\$8.00867	\$8.16684
16.2.1.2	Cargo in Containers and Flat-beds (tons)	\$2.11626	\$2.11626	\$2.15859	\$2.20176	\$2.24579
16.2.1.3	Empty Containers, Flat-beds or Chassis (each)	\$8.00671	\$8.00671	\$8.16684	\$8.33018	\$8.49678
16.2.1.4	Liquid Cargo (including petroleum) handled in bulk via pipeline at Wharves, Piers, or bulkhead structure designed primarily for the loading or unloading of liquid Cargo in bulk (barrel)	\$0.02069	\$0.02069	\$0.02110	\$0.02153	\$0.02196
16.2.1.5	Cargo NOS and Loose Cargo (tons)	\$1.72085	\$1.72085	\$1.75527	\$1.79037	\$1.82618
16.2.2	Transshipment (tons) up to 15 Operating Days					
16.2.2.1	Motorized vehicles (tons) shipped as Cargo units	\$4.84951	\$4.84951	\$4.94650	\$5.04543	\$5.14634
16.2.2.2	Cargo in Containers and Flat-beds (tons)	\$1.26305	\$1.26305	\$1.28831	\$1.31408	\$1.34036
16.2.2.3	Empty Containers, Flat-beds or Chassis (each)	\$4.00034	\$4.00034	\$4.08035	\$4.16195	\$4.24519
16.2.2.4	Liquid Cargo (including petroleum) handled in bulk via pipeline at Wharves, Piers, or bulkhead structure designed primarily for the loading or unloading of liquid Cargo in bulk (barrel)	\$0.02069	\$0.02069	\$0.02110	\$0.02153	\$0.02196
16.2.2.5	Cargo NOS and Loose Cargo (tons)	\$1.72085	\$1.72085	\$1.75527	\$1.79037	\$1.82618
16.2.3	Transshipment Cargo transferred (tons)					
16.2.3.1	Cargo transferred from a Vessel to Wharf and Wharf to Vessel	\$1.26305	\$1.26305	\$1.28831	\$1.31408	\$1.34036
16.2.3.2	Cargo transferred from a Vessel to another Vessel alongside	\$0.63153	\$0.63153	\$0.64416	\$0.65704	\$0.67018
16.2.4	Penalties for Transshipment Cargo After 15 Operating Days without completing Transshipment					
16.2.4.1	Motorized vehicles (tons) shipped as Cargo units	\$4.84951	\$4.84951	\$4.94650	\$5.04543	\$5.14634
16.2.4.2	Cargo in Containers and Flat-beds (tons)	\$1.26305	\$1.26305	\$1.28831	\$1.31408	\$1.34036
16.2.4.3	Empty Containers, Flat-beds or Chassis (each)	\$4.00034	\$4.00034	\$4.08035	\$4.16195	\$4.24519
16.2.4.4	Liquid Cargo (including petroleum) handled in bulk via pipeline at Wharves, Piers, or bulkhead structure designed primarily for the loading or unloading of liquid Cargo in bulk (barrel)	\$0.02069	\$0.02069	\$0.02110	\$0.02153	\$0.02196
16.2.4.5	Cargo NOS or Loose Cargo (tons)	\$1.72085	\$1.72085	\$1.75527	\$1.79037	\$1.82618

		2012	2013	2014	2015	2016
16.2.5	Passenger Baggage Containers (These tariffs are subject to a 20% credit.)					
16.2.5.1	PBC 20'	\$ 132.65	\$ 132.65	\$ 135.30	\$ 138.01	\$ 140.77
16.2.5.2	PBC 40'	\$ 212.24	\$ 212.24	\$ 216.48	\$ 220.81	\$ 225.23
16.2.5.3	PBC 45' & 54'	\$ 234.77	\$ 234.77	\$ 239.47	\$ 244.25	\$ 249.14
16.3	Wharfage for Small Cargo Vessel (less than 400 GRT)					
16.3.1	Cargo Vessel of 99 GRT or less	\$ 260.00	\$ 260.00	\$ 265.20	\$ 270.50	\$ 275.91
16.3.2	Cargo Vessel of 100 to 199 GRT	\$ 456.32	\$ 456.32	\$ 465.45	\$ 474.76	\$ 484.25
16.3.3	Cargo Vessel of 200 to 299 GRT	\$ 650.52	\$ 650.52	\$ 663.53	\$ 676.80	\$ 690.34
16.3.4	Cargo Vessel of 300 to 400 GRT	\$ 844.72	\$ 844.72	\$ 861.61	\$ 878.85	\$ 896.42
16.4	Service Charges for Vessel's Passengers					
16.4.1	Fees for Passenger on Cruise Vessel or Pleasure Charters carrying Passengers departing or, arriving or in transit	\$ 12.00	\$ 12.00	\$ 12.00	\$ 12.00	\$ 12.00
16.4.2	Fees for Passenger on Cruise Vessel or Pleasure Charters carrying Passengers embarking and disembarking as part of a round trip	\$ 12.00	\$ 12.00	\$ 12.00	\$ 12.00	\$ 12.00
16.5	Service Charges for Ferry Vessels to and from the Port of Mayagüez					
16.5.1	Basic Service Fee for motorized vehicles embarking, disembarking or in transit on a Local Ferryboats from or to the Port of Mayagüez, accompanying by its owner or representative traveling as Passenger	\$ 5.02	\$ 5.02	\$ 5.12	\$ 5.22	\$ 5.33
16.5.2	Basic Service Fee for motorized vehicles embarking, disembarking or in transit on an International Ferryboats, from or to the Port of Mayagüez, accompanying by its owner or representative traveling as a Passenger	\$ 5.02	\$ 5.02	\$ 5.12	\$ 5.22	\$ 5.33
16.5.3	Basic Service Fee for Passengers embarking or disembarking on Local Ferryboats, from or to the Port of Mayagüez	\$ 1.98	\$ 1.98	\$ 2.02	\$ 2.06	\$ 2.10
16.5.4	Basic Service Fee for Passengers embarking or disembarking on an International Ferryboats, from or to the Port of Mayagüez	\$ 1.98	\$ 1.98	\$ 2.02	\$ 2.06	\$ 2.10
16.5.5	Additional Processing Fee for Passengers embarking, disembarking or on transit on an International Ferryboats, from or to the Port of Mayagüez	\$ 1.50	\$ 1.50	\$ 1.53	\$ 1.56	\$ 1.59
16.5.6	Passenger NOS	\$ 8.50	\$ 8.50	\$ 8.67	\$ 8.84	\$ 9.02
16.5.7	Additional Processing Fee for motorized vehicles embarking, disembarking, or in transit on an International Ferryboats, from or to the Port of Mayagüez, accompanying its owner or representative traveling as Passenger	\$ 2.50	\$ 2.50	\$ 2.55	\$ 2.60	\$ 2.65

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		2012	2013	2014	2015	2016
16.6	Miscellaneous					
	The Port of Mayaguez reserves the right to change the rate related to utilities, since these rates are based on actual costs and its purposes is providing a services to the Port's clients and pass through the actual cost of services.					
16.6.1	Fresh Water Services					
16.6.1.1	Vessels equipped to take water by hose per cubic meter	\$ 6.00	\$ 6.00	\$ 6.00	\$ 6.00	\$ 6.00
16.6.1.2	Minimum charge for fresh water services by hose per cubic meter when water served is 10 cubic meter or less	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 50.00
16.6.1.3	Connection or outlet charge (Charge per hose segment when the hose is supplied by the Port)	\$ 2.52	\$ 2.52	\$ 2.52	\$ 2.52	\$ 2.52
16.6.1.4	Water service charge per drum of 55 gallons or less, to Vessels not equipped to take water by hose; drum must be provided by the Vessels	\$ 7.46	\$ 7.46	\$ 7.46	\$ 7.46	\$ 7.46
16.6.2	Electricity (Based on actual cost)					
16.6.3	Use of cranes and Specialized Equipment					
	Vessel Owners or Vessel Agents will in addition be held responsible for violations to any of the Port of Mayaguez resolution or regulation concerning equipment left at the Pier without the corresponding authorization.					
16.6.3.1	Fee assessed to cranes and Specialized Equipment left at the Pier without authorization or prior to or after authorized Free Time	\$ 28.56	\$ 28.56	\$ 31.42	\$ 31.42	\$ 31.42
16.6.4	Cleaning Facilities					
16.6.4.1	Daily minimum charge or actual costs	\$ 510.00	\$ 510.00	\$ 561.00	\$ 561.00	\$ 561.00
16.6.4.2	Specialized cleaning services					
16.6.5	Waste Disposal - Domestic garbage coming from U.S. Ports shall be accepted, previous clearance of the U.S. Department of Agriculture					
16.6.5.1	Domestic garbage disposal (per each 55 gallons bag)	\$ 5.61	\$ 5.61	\$ 6.17	\$ 6.17	\$ 6.17

		2012	2013	2014	2015	2016
16.7	Penalties The Port of Mayaguez reserves the right to charge penalties according to the conditions established for the Port use.					
16.7.1	For not submitting documents or delinquent accounts					
16.7.1.1	General Billing Documents - Vessel Operation Report and Vessel manifest must be filed at the Port Billing Office, not later than 24 hours (as per Working Hours Schedule).					
16.7.1.2	Billing Documents for fueling					
16.7.1.3	Delinquent accounts					
16.7.2	Charges per Demurrage will be as follows:					
16.7.2.1	For each of the first 5 Operating Days or fraction thereof after Free Time as freighted	\$0.16 per CWT or \$0.04 per cubic feet		\$0.18 per CWT or \$0.044 per cubic feet		
16.7.2.2	For each Operating Day or fraction thereof, after the fifth day of paying Demurrage	\$0.08 per CWT or \$0.05 per cubic feet		\$0.09 per CWT or \$0.055 per cubic feet		
16.7.2.3	Any type of motorized vehicle for each of the first 5 Operating Days or fraction thereof after Free Time	\$0.04 per cubic feet		\$0.044 per cubic feet		
16.7.2.4	Any type of motorized vehicle for each Operating Days or fraction thereof, after the fifth day of paying Demurrage	\$0.05 per cubic feet		\$0.055 per cubic feet		
16.7.3	Empty Containers - For each Operating Day or fraction thereof after Free Time					
		\$8.17 per unit		\$8.99 per unit		
16.7.4	Empty Flatbeds - For each Operating Day or fraction thereof after Free Time					
		\$8.17 per unit		\$8.99 per unit		
16.7.5	Docking penalty - Penalty is applicable to any unauthorized delay time which interrupts the entrance or exit to the Port to other Vessels.					
		\$5,000/hour and or fraction plus the reimbursement to the Vessel affected for the business interruption in the amount not exceeded to \$5,000				

CERTIFICATION AND APPROVAL

This Handbook and Tariff No. 2 is prepared, adopted and promulgated by the Mayagüez Port Commission, as ordered in Article 4, item (1) of the Mayagüez Port Commission Organic Law No. 10 of May 18, 1959 (23 LPRA § 551, et seq.) and in compliance with Law No. 170 of August 12, 1988, as amended, and Regulation 5281 of August 3, 1995 of the Department of State of the Commonwealth of Puerto Rico. The Handbook and Tariff No. 2 rules and regulates the maritime operations and activities conducted at the Port of Mayagüez, as well as, determine, fix and impose tariffs, charges, rents and other miscellaneous fees for the services or use of the Port's facilities. (See 23 LPRS 555(1)).

This document supersedes Rule No. 7973 of December 27, 2010, entitled "Handbook and Tariff No. 1A" since it is due in December 31, 2011. Handbook and Tariff No. 2 improves language, and incorporate certain clarifications to rules and conditions, such as to identify the specific tariffs value applicable for the use of the Port's facilities and services. In addition, are established the tariffs valid from January 1st of 2011 until December 31, 2016.

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Free Time before Demurrages or Penalties

All Vessels for which are not applicable exceptions	
US Seaports and Puerto Rico Adjacent Islands.	5 Operating Days after arrival day
Exceptions:	
Cargo subject to Federal Agencies clearance	6 Operating Days after arrival day
Cargo and vehicles from Foreign countries	6 Operating Days after arrival day
Cargo for the use of Federal, Commonwealth and Local Government, exceeding 1,000 tons	7 Operating Days after arrival day
Shipments of one commodity or one consignee, in excess of 3,000 tons and up to 4,999 short tons	6 Operating Days after arrival day
Shipments of one commodity or one consignee, in excess of 5,000 tons	7 Operating Days after arrival day
Transshipment loose Cargo and vehicles	15 Operating Days after arrival day
Transshipment loose Cargo and vehicles lifted from the Pier to warehouse	15 Operating Days after arrival day
Transshipment Cargo and vehicles in Containers	15 Operating Days after arrival day
Foreign diplomatic Cargo	30 Operating Days after arrival day