

**BEFORE THE BOARD OF PILOT COMMISSIONERS
FOR BRAZORIA COUNTY PORTS**

**IN RE: APPLICATION FOR
ADJUSTMENT TO
PILOTAGE RATES DATED
30 MAY 2017**

HEARING:

**PORT FREEPORT
28 JUNE 2017**

CONTINUED:

**PORT FREEPORT
10 JULY 2017**

**BRAZOS PILOTS ASSOCIATION'S FIRST AMENDED MOTION FOR
RECONSIDERATION OF PILOT BOARD'S 10 JULY 2017 ORDER**

Brazos Pilots Association (BPA) files this First Amended Motion for Reconsideration of the Board of Pilot Commissioners for Brazoria County Ports (Pilot Board)'s 10 July 2017 Order ("Pilot Board's Order" or "Board's Order") which modified the Brazos Pilots Association's (BPA) Rate Application dated May 30, 2017 ("Rate Application") and in support shows the following:

1. The purposes of this First Amended Motion for Reconsideration are to: a) withdraw and replace the Motion for Reconsideration filed by the BPA on July 19, 2017; and, b) submit for the Pilot Board's consideration and entry proposed settlement terms fully and finally resolving BPA's May 30, 2017 rate application.

2. Therefore, BPA requests that the Pilot Board rescind and void its July 10, 2017 Final Order and enter a new Final Order stating as follows:

"The July 10, 2017 Final Order on Application for Adjustment of Pilotage Rates is modified as follows:

Brazos Pilots Association Request 1
A 3% upward adjustment across-the-board each year for the next 3 years.

IT IS THEREFORE ORDERED the Brazos Pilots Association Request 1 is hereby MODIFIED AS FOLLOWS:

- Two percent (2%) rate increase for one (1) year commencing on the effective date of this Final Order;
- A subsequent three percent (3%) rate increase for one (1) year commencing on the 366th day after the effective date of this Final Order (August 26, 2018);
- A subsequent four percent (4%) rate increase commencing on the 731st day after the effective date of this Final Order (August 26, 2019).

Brazos Pilots Association Request 2

A \$200/vessel movement line-item surcharge for the purchase of 2 new pilot boats. This line-item surcharge will expire after the purchase of the two pilot boats is complete. At this time the estimated purchase price of the pilot boats is \$2,500,000 in the near term and \$3,000,000 in 6 to 7 years.

IT IS THEREFORE ORDERED that the Brazos Pilot Association Request 2 is hereby MODIFIED AS FOLLOWS: A surcharge for pilot transport service consisting of a Base Charge of \$100.00 plus a Unit Charge, calculated as units multiplied by the factor 0.11, shall be added to the Pilotage Rates of Brazos Pilots commencing on the effective date of this Final Order and ending when the purchase money promissory note for the 65' Metal Shark pilot boat due from BPA to Texas Dow Employees Credit Union is paid in full.

Brazos Pilots Association Request 3

A \$300/vessel movement line-item surcharge for the establishment and maintenance of a 24 hour/7 days a week/365 days a year dispatch and port information service.

IT IS THEREFORE ORDERED that the Brazos Pilot Request 3 is hereby DENIED without prejudice to consideration in future rate application requests.

IT IS FURTHER ORDERED that the effective date of this Final Order on Application for Adjustment to Pilotage Rates as required by Section 68.068(a) of the Texas Transportation Code is 10 days from the date of this Order (August 26, 2017).

This Final Order shall completely replace and vacate the Final Order on Application for Adjustment to Pilotage Rates on July 10, 2017, and that this Final Order on Application for Adjustment to Pilotage Rates dated August 16, 2017 is the final order as to the Brazos Pilots Association's Application for Adjustment to Pilotage Rates dated May 30, 2017, and is appealable as permitted by Section 68.068(b) of the Texas Transportation Code and constitutes final agency action with regard to the Application.

IT IS FURTHER ORDERED that the two percent (2%) additional pilotage fees charged and collected by the Brazos Pilots Association during the interim Final Order of July 10, 2017 for the performance of pilot services between July 20, 2017 and the effective date of this Final Order (August 26, 2017) shall be refunded by Brazos Pilots Association to the shippers and consignees that paid such fees either directly or through appropriate agents.

It is further intended by the Board of Pilot Commissioners that this order shall also act as a resolution memorializing the action of the Board of Pilot Commissioners as to the Brazos Pilots Association's Application for Adjustment to Pilotage Rates dated May 30, 2017.”

3. In the event the Pilot Board denies this First Amended Motion for Reconsideration, the BPA reserves the right to further amend this motion and/or seek relief as may be permitted by law or equity.

Very truly yours,

/s/ Capt. Daniel Blanton

Capt. Daniel Blanton

President

Brazos Pilots Association

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of *Brazos Pilots Association's First Amended Motion to Reconsider Pilot Board's Order of 10 July 2017* was served upon the Board of Pilot Commissioners for Brazoria County Ports via email and hand delivery on this 16 day of August, 2017.

/s/ Capt. Daniel Blanton

Capt. Daniel Blanton

President

Brazos Pilots Association