

NOTICE OF PROPOSED RULE ADOPTION

STATE OF MISSISSIPPI
MISSISSIPPI STATE PORT AUTHORITY AT GULFPORT
OPERATIONS DEPARTMENT

Mississippi State Port Authority at Gulfport
c/o Dale Waltman
Post Office Box 40
Gulfport, Mississippi 39502
(228) 323.0306
dwaltman@shipmspa.com

Specific Legal Authority authorizing the promulgation of
Rule: Miss. Code §§ 59-1-1, 59-1-9, 59-5-5 and 59-5-21

Reference to Rules repealed, amended or suspended by the
Proposed Rule: Tariff No. 5 (repealed by Tariff No. 6)

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:

The purpose of proposed Tariff No. 6 is to replace Tariff No. 5, which has been amended numerous times, to clarify the currently effective and applicable provisions of Tariff No. 5 and to increase the tariff rates for certain services provided at the State Port at Gulfport to cover the increased cost of providing marine terminal services at the State Port.

This rule is proposed as a Final Rule, and/or a Temporary Rule (Check one or both boxers as applicable.)

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Oral Proceeding: Check one box below:

An oral proceeding is scheduled on this rule on Date: Time: Place:

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least ____ day(s) prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Economic Impact Statement: Check one box below:

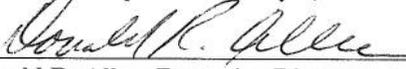
The agency has determined that an economic impact statement is not required for this rule, or

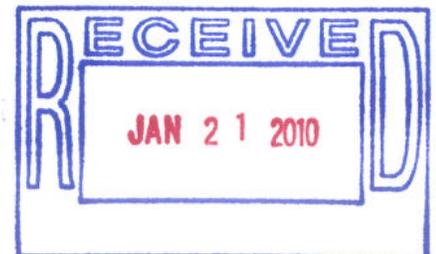
The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Date Rule Proposed: January 8, 2010

Proposed Effective Date of Rule: March 8, 2010


Donald R. Allee, Executive Director
Mississippi State Port Authority at Gulfport



CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

STATE OF MISSISSIPPI MISSISSIPPI STATE PORT AUTHORITY AT GULFPORT OPERATIONS DEPARTMENT

Mississippi State Port Authority at Gulfport
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Post Office Box 40
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Specific Legal Authority authorizing the promulgation of
Rule: Miss. Code §§ 59-1-1, 59-1-9, 59-5-5 and 59-5-21

Reference to Rules repealed, amended or suspended by the
Proposed Rule: Tariff No. 5 (repealed by Tariff No. 6)

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Law. This is a Concise Summary of the Economic Impact Statement which must be filed with the Notice of Proposed Rule Adoption in the Secretary of State's Office. The full text of the Economic Impact Statement may be obtained from the agency contact person at the above address.

Persons may present their views by submitting written comments on the proposed rule adoption to the agency contact person at the above address. Additional information on where, when and how persons may present their views or demand an oral proceeding on the proposed rule are included in the Notice of Proposed Rule Adoption to which this is attached.

a. Description of the need for and the benefits of the proposed rule:

Proposed Tariff No. 6 will provide clarity to the currently effective and applicable provisions of Tariff No. 5, which has been amended several times, by replacing Tariff No. 5 while substantially adopting verbatim the majority of its provisions. Proposed Tariff No. 6 will also increase certain tariff rates to cover the cost of terminal maintenance, cleanness, safety and improvements at the State Port. The increased rates will allow the Port Authority to properly maintain the facilities at the State Port for its customer base.

b. Cost estimate to the agency and other state or local government entities:

No additional cost to the Port Authority or other state or local government agencies will be incurred due the adoption of proposed Tariff No. 6.

c. Estimate of the cost or economic benefit to all persons:

The economic benefit of the adoption of Tariff No. 6, and particularly the increased in certain tariff rates therein, to the Port Authority and all users of the State Port will be the provision of sufficient funds for the maintenance and improvement of the marine facilities and services available to the customers and tenants at the State Port. The cost to the customers and tenants of the State Port for certain services based on the increased tariff rates will be commensurate and competitive with other ports of entry located along the Gulf of Mexico.

d. Analysis of the impact on small business:

The impact of proposed Tariff No. 6 on small businesses and the customers and tenants of the State Port will be that the cost/tariff rates for certain services at the State Port will be commensurate with the rates at other Ports in the south region.

e. Comparison of the costs and benefits of the proposed rule to the probable costs and benefits of not adopting the rule:

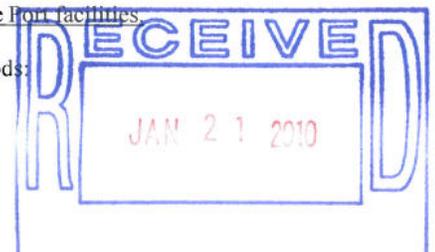
The costs incurred from the adoption of proposed Tariff No. 6 will result in the benefits of maintaining the Port facilities in the needed conditions to retain its present customers and to attract future customers. The inverse is that without the adoption of proposed Tariff No. 6, and the corollary tariff rate increases, the collection of funds for certain services at the State Port will be inadequate to maintain the facilities thereon.

f. Determination as to whether less costly or less intrusive methods exist to achieve the purpose of the rule:

No other methods are available to achieve the additional revenues needed for maintaining the State Port facilities.

g. Description of reasonable alternative methods and reasons for rejection of the alternative methods:

Same as (f) above.



h. Data and methodology in making the estimates in the economic impact statement:

The Port Authority reviews its budget and performs a rate comparison of other ports operating along the Gulf of Mexico to determine competitive rates for the services provided to the customers at the State Port.

Date Rule Proposed: January 8, 2010

Proposed Effective Date of Rule: March 8, 2010



**Donald R. Allee, Executive Director
Mississippi State Port Authority at Gulfport**

**ECONOMIC IMPACT STATEMENT FOR PROPOSED TARIFF NO. 6
AT THE MISSISSIPPI STATE PORT AUTHORITY AT GULFPORT**

This Economic Impact Statement (“Statement”) is formulated this the 8th day of January, 2010.

The Mississippi State Port Authority at Gulfport (“Port Authority”) desires to promulgate a new tariff, Tariff No. 6, to replace Tariff No. 5 so as to restate the currently applicable and effective provision of Tariff No. 5, which has been amended several times, and to increase the tariff rates for certain services at the State Port at Gulfport (“State Port”) to cover the increased costs of providing marine terminal services at the State Port.

Pursuant to the Mississippi Administrative Procedures Law, §§ 25-43-1, *et. seq.*, and specifically § 25-43-3.105, of the Mississippi Code, all state agencies are required to “prepare a written report providing an economic impact statement for the adoption of a rule or significant amendment to an existing rule imposing a duty, responsibility or requirement on any person,” except as otherwise provided.

The Port Authority, as an agency of the State of Mississippi, is required to prepare this Statement for the adoption of proposed Tariff No. 6.

Pursuant to § 25-43-3.105 of the Mississippi Code, this Statement is required to address certain categories of information regarding the economic impact of proposed Tariff No. 6. Such categories of information are addressed as follows:

(a). Description of the need for and the benefits of the proposed rule:

Proposed Tariff No. 6 will provide clarity to the currently effective and applicable provisions of Tariff No. 5, which has been amended several times, by replacing Tariff No. 5 while substantially adopting verbatim the majority of its provisions. Proposed Tariff No. will 6 also increase certain tariff rates to cover the cost of terminal maintenance, cleanness, safety and improvements at the State Port. The increased rates will allow the Port Authority to properly maintain the facilities at the State Port for its customer base.

(b). Cost estimate to the agency and other state or local government entities:

No additional cost to the Port Authority or other state or local government agencies will be incurred due the adoption of proposed Tariff No. 6.

(c). Estimate of the cost or economic benefit to all persons:

The economic benefit of the adoption of Tariff No. 6, and particularly the increased in certain tariff rates therein, to the Port Authority and all users of the State Port will be the provision of sufficient funds for the maintenance and improvement of the marine facilities and services available to the customers and tenants at the State Port. The cost to the customers and tenants of the State Port for certain services based on the increased tariff rates will be



commensurate and competitive with other ports of entry located along the Gulf of Mexico. *See* Exhibit “A”.

(d). Analysis of the impact on small business:

The impact of proposed Tariff No. 6 on small businesses and the customers and tenants of the State Port will be that the cost/tariff rates for certain services at the State Port will be commensurate with the rates at other Ports in the south region. *See* Exhibit “A”.

(e). Comparison of the costs and benefits of the proposed rule to the probable costs and benefits of not adopting the rule:

The costs incurred from the adoption of proposed Tariff No. 6 will result in the benefits of maintaining the Port facilities in the needed conditions to retain its present customers and to attract future customers. The inverse is that without the adoption of proposed Tariff No. 6, and the corollary tariff rate increases, the collection of funds for certain services at the State Port will be inadequate to maintain the facilities thereon.

(f). Determination as to whether less costly or less intrusive methods exist to achieve the purpose of the rule:

No other methods are available to achieve the additional revenues needed for maintaining the State Port facilities.

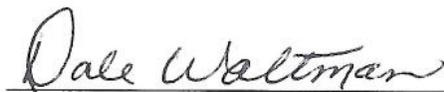
(g). Description of reasonable alternative methods and reasons for rejection of the alternative methods:

Same as (f) above.

(h). Data and methodology in making the estimates in the economic impact statement:

The Port Authority reviews its budget and performs a rate comparison of other ports operating along the Gulf of Mexico to determine competitive rates for the services provided to the customers at the State Port. *See* Exhibit “A”.

Prepared by:



Dale Waltman
Deputy Port Director – Operations
Mississippi State Port Authority at Gulfport
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Exhibit A
Economic Impact

Agents	Gulfport	Pascagoula	Mobile		
Application Fee	\$ 75.00	\$ 50.00	\$ 250.00		
Annual Fee	\$ 75.00	\$ 50.00	\$ 250.00		
Stevedores					
Application Fee	\$ 1,000.00	Houston \$ 2,000.00	Mobile \$ 7,500.00	Freeport \$ 2,000.00	
Annual Fee	\$ 600.00	\$ 1,000.00	\$ 5,000.00	\$ 750.00	
Vendors					
Application Fee	\$ 75.00	Pascagoula \$ 50.00	Mobile \$ 250.00		
Annual Fee	\$ 75.00	\$ 50.00	\$ 250.00		
Dockage					
Length of Overall Vessel (feet)	Gulfport	Pascagoula	Freeport	Mobile	Houston
0-199	\$ 2.25	\$ 2.25	\$ 2.35	\$ 2.40	\$ 2.56
200-399	\$ 2.93	\$ 3.00	\$ 2.95	\$ 3.12	\$ 3.09
400-499	\$ 3.99	\$ 4.05	\$ 4.10	\$ 4.17	\$ 4.16
500-599	\$ 5.35	\$ 5.45	\$ 5.60	\$ 5.54	\$ 5.58
600-699	\$ 6.25	\$ 6.30	\$ 6.65	\$ 6.39	\$ 6.48
700-799	\$ 7.91	\$ 8.00	\$ 8.25	\$ 8.10	\$ 8.23
800-899	\$ 9.87	\$ 9.65	\$ 10.05	\$ 9.67	\$ 9.90
900-over	\$ 11.67	\$ 11.50	\$ 11.90	\$ 11.48	\$ 11.85
Tugs/Barges					
100 feet or less	\$ 121.00	Pascagoula \$.80 per ft.	Freeport \$ 140.00	New Orleans \$.80 per ft.	
101 feet to 200	\$ 181.50			2nd day 125%	
201 feet or more	\$ 272.25			3rd day > 150%	
Harbor Fees					
	Gulfport	Pascagoula	New Orleans	Mobile	Houston
	\$325.00 per call	600-1000 = \$150.00	<250' = \$115.00	<350'=\$615.00	>100<250=\$256.00
	\$40 per call (non cargo)	1001-10000=\$205.00	>250'=\$450.00	>350'<750'=\$1,085.00	>250'=\$551.00
		10001-20000=\$305.00		>750'-\$1,290.00	
		Plus \$55 for drafts >30'			

