

Mississippi Secretary of State
700 North Street P. O. Box 136, Jackson, MS 39205-0136

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME Mississippi State Port Authority of Gulfport		CONTACT PERSON Donald R. Allee		TELEPHONE NUMBER 228-865-4300	
ADDRESS P.O. Box 40		CITY Gulfport		STATE MS	ZIP 39502
EMAIL dra@shipmspa.com	SUBMIT DATE 2/1/11	Name or number of rule(s): Tariff No. 6			

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: The purpose of the proposed amendments to Tariff No. 6 is to clarify the currently effective and applicable provisions of Tariff No. 6, add a Terminal Safety Regulation Section, add language related to the stevedore license requirement and 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.

Specific legal authority authorizing the promulgation of rule: Miss. Code §§ 59-1-1, 59-1-9, 59-5-5 and 59-5-21

List all rules repealed, amended, or suspended by the proposed rule: Tariff No. 6

ORAL PROCEEDING:

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

Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more 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, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

Economic impact statement not required for this rule. Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	Action proposed: _____ New rule(s) <input checked="" type="checkbox"/> Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: _____ 30 days after filing <input checked="" type="checkbox"/> Other (specify): <u>April 4, 2011</u>	Date Proposed Rule Filed: _____ Action taken: _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: _____ 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: Donald R. Allee, Executive Director

Signature of person authorized to file rules: *Donald R. Allee*

OFFICIAL FILING STAMP	DO NOT WRITE BELOW THIS LINE OFFICIAL FILING STAMP	OFFICIAL FILING STAMP
Accepted for filing by	Accepted for filing by	Accepted for filing by

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

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

This Economic Impact Statement ("Statement") is formulated this the 28th day of January, 2011.

The Mississippi State Port Authority at Gulfport ("Port Authority") desires to amend Tariff No. 6 to clarify the currently effective and applicable provisions of Tariff No. 6, add a Mandatory Terminal Safety Regulation Section, add language related to the stevedore license requirement and 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.

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 the proposed amendments to 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 the proposed amendments to Tariff No. 6. Such categories of information are addressed as follows:

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

The proposed amendments to Tariff No. 6 will clarify the currently effective and applicable provisions of Tariff No. 6, add a Terminal Safety Regulation Section, add language related to the stevedore license requirement and 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. 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 the proposed amendments to Tariff No. 6.

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

The economic benefit of the adoption of the proposed amendments to Tariff No. 6, and particularly the increases 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 the proposed amendments to 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 the proposed amendments to 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 the proposed amendments to 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.

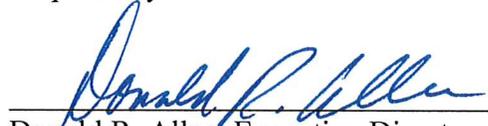
(g). Description of reasonable alternative methods and reasons for rejection of the alternative methods:

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.

Prepared by:



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CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

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. 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:

The proposed amendments to Tariff No. 6 will clarify the currently effective and applicable provisions of Tariff No. 6, add a Terminal Safety Regulation Section, add language related to the stevedore license requirement and 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.

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 the proposed amendments to Tariff No. 6.

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

The economic benefit of the adoption of the proposed amendments to 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 the proposed amendments to 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 the proposed amendments to 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 the proposed amendments to 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:

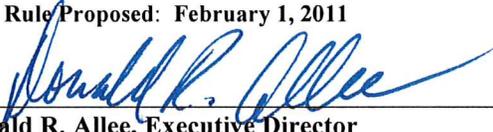
Same as (f) above.

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: February 1, 2011

Proposed Effective Date of Rule: April 4, 2011



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