

**STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
BOARD OF PILOT COMMISSIONERS
PILOTAGE RATE REVIEW COMMITTEE**

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	10/2/2018
File #	

IN RE: APPLICATION FOR A CHANGE IN RATES OF PILOTAGE FOR PORT EVERGLADES, FILED BY THE FLORIDA CARIBBEAN CRUISE ASSOCIATION, AND ALTERNATIVE APPLICATION FOR A CHANGE IN RATES OF PILOTAGE FOR PORT EVERGLADES, FILED BY PORT EVERGLADES PILOTS

CASE NO.: PRRC 2014-A

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**PORT EVERGLADES PILOTS ASSOCIATION’S RESPONSE IN OPPOSITION
TO CROWLEY LINER SERVICES’ MOTION TO INTERVENE**

The Port Everglades Pilots Association (“The Pilots”) opposes Crowley Liner Services’ Motion to Intervene. The Pilots adopt and incorporate by reference the Motion in Opposition to Intervention filed by the Florida Caribbean Cruise Association (“FCCA”), but respectfully submit some additional thoughts for the Committee’s consideration.

Pursuant to Section 310.151 (e), Florida Statutes, the Committee was charged with the duty to investigate whether the Pilots’ application for rate change - which proposed significant increases in pilotage rates for cargo ships - would result in fair, just, and reasonable rates. In 2014, the Committee appointed Mr. Richard Law, CPA, and Commander Galen Dunton to lead the investigation and submit to the Committee a report of their findings. As part of that process, the Committee convened a public meeting to hear comments or testimony from the public about the rate change applications. On September 10th of this year, the Committee held a second meeting for public input.

In four years, and after numerous points of entry and two public hearings, Crowley has not offered a shred of evidence suggesting that the Pilots’ application fails to comply with the

statutory requirements in Chapter 310. And importantly, the Investigative Committee has completed its work and will publish its findings soon.

Permitting Crowley to intervene and adduce evidence after the investigation has concluded would hijack the processes laid out by the Legislature in Chapter 310. Worse still, it would incentivize others who might wish to undermine ongoing administrative proceedings by injecting new evidence or argument never before vetted by the parties or factfinder.

In addition, established case law makes clear that Crowley waived its right to contest the settlement that the Pilots and FCCA have finally reached after four long years. Crowley had a clear point of entry to challenge the Pilots' rate application – and any subsequent settlement – when the application was first filed in 2014. Instead, Crowley sat on its hands and relied on the FCCA to oppose the Pilots' application. It is now too late to challenge the settlement. *St. Joseph Hosp. of Charlotte, Florida, Inc. v. Dep't of Health and Rehabilitative Servs.*, 559 So. 2d 595 (1989); *Inverness Convalescent Center v. Dep't of Health and Rehabilitative Servs.*, 541 So. 2d 677 (1989); *Florida Medical Center v. Dep't of Health and Rehabilitative Servs.*, 484 So. 2d 1292 (1986).

Respectfully submitted this 1st day of October 2018.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been served by electronic mail

this 1st day of October, 2018 to the following:

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