

The Board of Pilot Commissioners Pilotage Rate Review Committee

November 09, 2021

PHIPPS REPORTING

Raising the Bar!

November 09, 2021

BOARD OF PILOT COMMISSIONERS
PILOTAGE RATE REVIEW COMMITTEE HEARING
PORT OF PALM BEACH

Hilton Garden Inn
3505 Kyoto Gardens
Palm Beach Gardens, Florida 33410

TRANSCRIPT OF PROCEEDINGS

Tuesday, November 9, 2021

10:35 a.m. - 2:39 p.m.

COMMISSIONERS:

Michael Jaccoma, Chair
Carolyn Kurtz
Sherif Assal
Edward Russo

ALSO PRESENT:

Donna McNulty, Esq.
Marlene K. Stern, Esq.
Richard Law, CPA
Captain Thomas L. Bushy
Mandie Ackermann
Mollie Peck

Stenographically Reported by:
Melanie Wustrau, RMR, CRR

Job No.: 210699

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1 CHAIR JACCOMA: Thanks, Donna. Next if we can
 2 hear from Richard Law regarding the investigative
 3 report.
 4 MR. LAW: Thank you. Good morning, everybody.
 5 I'd like to start with a few edits in our report.
 6 Captain Bushy has circulated one document to correct
 7 a table on page 14. I'd like to go through a few.
 8 If you turn to page 3 of our report, the Analysis of
 9 the Requested Rate Change, we state that the tonnage
 10 and rates \$34 that was -- I'm sorry.
 11 MS. ACKERMANN: Can you speak up just a little
 12 bit, please.
 13 MR. LAW: Speak up? Okay. \$34, that's for a
 14 thousand tons, not just a ton. Otherwise it's .032
 15 since per ton. I left out the thousand in that
 16 sentence.
 17 Also, the last sentence of that paragraph, the
 18 numbers 296,000 and 533,000 and the percent should be
 19 updated to 251,000 and 727,000 for a 189 percent
 20 increase.
 21 MS. McNULTY: Richard, repeat those two changes
 22 again. (Inaudible.)
 23 MR. LAW: Okay. I numbered my report. They
 24 renumber their own, so I might be a little off on the
 25 page number.

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1 MS. McNULTY: (Inaudible.)
 2 MR. LAW: But at any rate, is my number the
 3 same?
 4 MS. PECK: No, it's off by one.
 5 MS. McNULTY: I would appreciate if you use
 6 Richard's numbers for purposes of this proceeding so
 7 everybody is on the same page.
 8 MR. LAW: Okay. So my page 3 and do you need
 9 those number corrections? Okay.
 10 COMMISSIONER KURTZ: Yeah, I don't know where
 11 you are.
 12 MR. LAW: Okay. In the executive summary,
 13 second page of the executive summary, where it says,
 14 Analysis of Requested Rate.
 15 COMMISSIONER KURTZ: Okay, thanks.
 16 MR. LAW: Okay. So in the middle of that
 17 paragraph, we refer to tonnage rate, it needs to be
 18 per thousand, \$34 per thousand ton. And the last
 19 sentence, those amounts need to be instead of
 20 196,000, be 251,000 and instead of 533, it should be
 21 727 -- 727,000. And the increased percent is 189
 22 percent.
 23 Can you hear me? A little louder, okay.
 24 Another correction is on page 5. This was corrected
 25 by or suggested by Captain Hansen. With the drop in

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1 the number of possible handles, we had calculated the
 2 amount of revenue to be produced by \$25 per handle,
 3 2019 handle numbers, and he's indicating that if it
 4 was less than that, two -- 2,400 handles it would
 5 generate 60,000, and if there were no cruise ships at
 6 all, it would be 50,000 handles. Also on page 19 we
 7 had indicated that --
 8 MS. McNULTY: Richard, I'm sorry, can you
 9 repeat? I'm sorry for interrupting. Can you go back
 10 to what you just said on the review report page 5,
 11 second paragraph (inaudible) pilot boat.
 12 MS. ACKERMANN: Second one, on the second
 13 paragraph.
 14 MS. McNULTY: I just want to make sure everyone
 15 understands.
 16 MR. LAW: There's really not a change. It's
 17 just an updated number. If the number of handles
 18 were much less than 2019, it would, for instance, for
 19 2,400 handles, it would generate \$60,000 in revenue
 20 to replace the pilot boat and if all the cruise ships
 21 were -- had left, the remaining cargo vessels
 22 generate only \$50,000. So this is really just new
 23 information based on -- are you okay?
 24 MS. McNULTY: (Indicating.)
 25 MR. LAW: On page 19, we had indicated that in

Page 9

1 the third paragraph that two deputy pilots were
 2 terminated but they were -- otherwise they were --
 3 they resigned. They were not terminated by pilots.
 4 I used the wrong term.
 5 And on page 20, bottom paragraph, there were in
 6 2018 and '19, there were two cruise ships. We just
 7 have (inaudible) 2017.
 8 And one more correction. Our attachments on
 9 page -- now I'm going to switch to their numbers
 10 because I didn't number the attachments, okay, I just
 11 numbered my report. They always do this. They
 12 always number --
 13 MS. PECK: They.
 14 MS. ACKERMANN: We'll get together and work on
 15 the numbering.
 16 MR. LAW: Page 36 and 37 out of 60. There's two
 17 pages need to be inverted. The last update to that
 18 table should be -- it's what I presented first and it
 19 should be the second page as the one that had been
 20 amended on August 21, 2021. It has lower revenue.
 21 MS. ACKERMANN: Updated 8-21-21.
 22 MR. LAW: Right.
 23 MS. McNULTY: They both say updated.
 24 MS. ACKERMANN: No, it's on page 36 of 68.
 25 MS. McNULTY: I understand it says updated. The

Page 10

1 next page also says updated.

2 MR. LAW: That's not correct. That was per 3 of

3 3 that I have is really an update that was in July of

4 '20. The update of August of 2021 is my 3 -- 2 of 3,

5 it has less revenue. It's the most current requested

6 table.

7 MS. ACKERMANN: The 2 of 3 is the one you --

8 MR. LAW: Right, 2 of 3 is the 8-21 update.

9 MS. ACKERMANN: Page 36.

10 MR. LAW: All right?

11 CHAIR JACCOMA: Richard, you're saying disregard

12 the following page --

13 MR. LAW: I'm sorry?

14 CHAIR JACCOMA: You're saying to disregard the

15 page that follows that?

16 MR. LAW: Yes, I think that's probably the best

17 thing to do is disregard it.

18 CHAIR JACCOMA: Okay.

19 MR. LAW: But I was also trying in presenting

20 all that trying to show the volatility of the

21 information. So it's 2019, 2020, and the updates in

22 2021 where all these numbers are changing so much and

23 so that you get a full feeling of volatility of the

24 data in what we're trying to do.

25 So the initial application was in March of 2019.

Page 11

1 It was deemed to be incomplete and the second

2 application was submitted in July of 2020. Well,

3 this was only three months into the COVID pandemic

4 and so hearings and everything was being delayed but

5 also the effects of traffic had just really started

6 in March of '20. So when they are putting together

7 their application to be submitted in July, it's still

8 a moving target of all the possible effects of

9 current traffic and the effect on their income.

10 In July, when they presented the second

11 application, the Fort Pierce case came up before

12 them. So we handled the Fort Pierce case in June of

13 '21. So then we then began investigating the

14 current -- most current application for Palm Beach.

15 So there's a lot of -- there's a lot of change

16 in the data and you'll see, I'll point these out

17 later when we're trying to estimate revenue and net

18 income and expenses in our report.

19 The requested rates, we didn't fully present

20 them in the body of our report but they are presented

21 on page 30 of 68 the way that the department

22 numbered. So you know what the actual rates and all

23 the detail of the ancillary charges are and the most

24 significant change from the 2019 application to 2020

25 was the pilots requested a 5 percent escalator

Page 12

1 instead of a 2-and-a-half percent escalator.

2 The last rate increase was 2013. Prior to that,

3 the minimum fee was \$213, so in 2013, I mean 2013 the

4 rate was raised to 293 for the minimum charge in this

5 port. The requested rate will be a minimum charge of

6 500 plus \$25 port control fee and a \$25 boat

7 replacement fee, giving the total new minimum \$550.

8 The draft request raises the minimum from 13

9 feet to 17 feet and raises the minimum tonnage from

10 2,500 tons to 5,000 tons. The rate for the draft is

11 requested to go from \$16 a foot to \$20 a foot and the

12 rate for the tonnage is requested to go down

13 two-tenths of a cent from .034 to .032.

14 Now that part that I amended on page 3 of my

15 report, this is where this comes in to play. When

16 these minimums change the revenue from the smallest

17 ships, when you say the smallest ship on a minimum is

18 now a 17-foot vessel and the smallest vessel is not a

19 2,500-ton vessel but a 5,000-ton vessel, it has a

20 very significant effect on a lot of the traffic on

21 this port and that's why we -- there's really a

22 certain degree of estimation involved in calculating

23 this because the data we have, it doesn't have --

24 they break down the tonnage in different layers, the

25 draft at different layers, we have to do some

Page 13

1 estimation.

2 But the revenue that would have been realized on

3 the minimum-size vessels was 251,000, the requested

4 rate would generate 727,000, so that's the 189,000 --

5 189 percent increase on the minimum. This basically

6 is just raising what the size of a minimum vessel is

7 for the draft tonnage.

8 The pilots had in their application had

9 indicated that they wanted to keep the rates for the

10 larger ship, in particular the cruise vessels, about

11 the same, lowering the rate per ton from \$34 per

12 thousand tons to 32 but the increase in the draft

13 would increase it moderately but the total increase

14 for the cruise vessel, including the two \$25 charges

15 would increase by \$82. So the pilots were trying to

16 keep their big payor in 2019 was generating \$1.4

17 million in revenue, trying to keep them neutral in

18 this application.

19 You'll see on the bottom of page 3 of this

20 report, we presented the customer base, who's paying

21 these charges? And it's really quite a dramatic

22 change from 2019 to 2020 because you'll see the

23 cruise vessels in 2019 were 500 -- 656 handles, and

24 it was generating \$1.4 million in revenue. That was

25 20 percent of the traffic but 58 percent of the total

Page 14

1 revenue. And then in 2020 it drops down to 136
 2 handles generating 285,000 in revenue and only 5
 3 percent of the traffic. So it's a dramatic increase
 4 by losing the vessels.

5 And during the course of investigating this
 6 application, we've seen where the cruise vessels
 7 leave. They don't know when they are coming back and
 8 then they -- I just found out yesterday that they are
 9 coming back for a handle every other -- a handle
 10 every other day to be 360 handles in and out in a
 11 year which is something we still look -- it's very
 12 volatile. They may be here today but not tomorrow.
 13 There's a lot of factors coming in to whether one day
 14 gambling cruise vessels are something for here to
 15 stay or not given Seminole compact and other things
 16 regarding gambling and things like that. So it's
 17 very unpredictable what the cruise part of their
 18 customer base is going to be like.

19 I'm going to skip over to page 10 in my report,
 20 determine an estimation of pilot income. It's very,
 21 very important to point out to everyone that in the
 22 2019 application, they were required to present
 23 audited financial statement for 2017 and '18 and then
 24 prepare compiled projections for '19 and '20. So by
 25 the time we get to 2020 and they were not required

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1 and that's somewhat of your decision, the Board's
 2 decision whether they would have to submit a new
 3 application with a new audit, pay their auditor
 4 another 25 to 50,000 dollars is a minimum to do an
 5 audit, we've just accepted the 2018 audit right now
 6 but there's a lot of value in a 2018 audit. It
 7 really establishes a normal baseline of operations
 8 that's audited that we can use.

9 If the market had not -- if COVID hadn't hit and
 10 traffic was about the same, the financial statements
 11 would probably be very, very similar to the 2018. So
 12 there's a lot of valid in still looking at those
 13 numbers.

14 But what we presented here is in the middle
 15 column is an estimate of net income based on pilot
 16 revenue reported to the department. It's not an
 17 audited number that the pilots are presenting to us.
 18 It's what they've reported to the department. And
 19 then this is an estimate by the investigative
 20 committee, not by the pilots, and so you know the
 21 pilots have confirmed that the bottom line number
 22 about reducing net income from 343,000 in 2018 down
 23 to 190,000 in 2021 is a pretty good number, so it's
 24 still an estimate but I just want to let you know
 25 what the source of the information is.

Page 16

1 And then the projected numbers, again, we when
 2 they amended that page in the application that I've
 3 alluded to earlier, the Table 5 in the report, it's
 4 still so volatile. Is it reliable? We don't really
 5 know. And we say in our report I'm afraid to put --
 6 say that that's what we think will happen. So I
 7 wanted to show you what they present and then what we
 8 estimate and maybe somewhere in between but right now
 9 you set rates for the long term. You set fair and
 10 reasonable rates. You can't set the market. You
 11 can't set their income. You just have to set fair
 12 and reasonable rates and they have to live with the
 13 rest and make it work. So I guess I can't put a lot
 14 of emphasis on the estimate of net income for 2021 or
 15 even forward until the market turns.

16 I'm going to move on to page 11. We have a
 17 section here on reasonable operating expenses. I
 18 think you can see what's presented there is they've
 19 out of necessity, they operate a very frugal way.
 20 There is no fluff. Even their fringe benefits are
 21 very minimal. When we compare Palm Beach to the
 22 larger ports where they have more resources, it's not
 23 that they are -- nobody's wasting money but in Palm
 24 Beach they have to be very careful with their money
 25 because there's a limited amount. They are trying to

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1 maximize their income.

2 I'm going to let Mr. Bushy present the pilotage
 3 rates at other ports and then I'll pick up later.

4 CAPTAIN BUSHY: Thank you, Richard. Good
 5 morning. The application included the use of four
 6 other ports for comparison sake: Port Canaveral,
 7 Fort Pierce, Port Everglades, and Miami. Although
 8 those vessel, two of those ports are significantly
 9 different in volume, we can mix them, give some
 10 analysis. One correction on Table 1 on page 12 is
 11 the medium-size vessel for Fort Pierce is not
 12 possible. Just the port can't handle that. So that
 13 should be crossed out and made non-applicable.

14 Palm Beach, Richard had previously stated the
 15 minimum is \$293 presently per handle, and based upon
 16 the minimums, we presented 325. That's based upon
 17 our small vessel definition in the preamble to the
 18 table. Although it's slightly different, we believe
 19 that the size small vessel is applicable more as a
 20 standard in the future and shouldn't necessarily be
 21 changed on each at port basis. So in the future you
 22 would expect to see these small vessel, medium vessel
 23 and large vessel remain the same for comparison sake.
 24 The proposed Palm Beach increase is a 54 percent
 25 increase on the minimum.

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1 The next table, Table 2, shows the present cost
 2 of handle at 550 based upon the minimum, plus the
 3 fact that the pilot boat fee for seven years of \$25
 4 per handle and a harbor control fee of \$25 for the
 5 life of this rate increase.

6 Table 3 points out at presently Port Canaveral
 7 identifies as the lowest fee per nautical mile. NM
 8 stands for nautical mile. The next one is Palm
 9 Beach. And the proposed changes would move Palm
 10 Beach up only one notch. So instead of being the
 11 next to the lowest they'd be right in the middle of
 12 the five ports. So it's not a dramatic increase in
 13 that respect for fee per nautical mile.

14 Table 4 gives you examples of revenue per handle
 15 and revenue per handle hour. I think the takeaway on
 16 this one would be looking at Palm Beach, the revenue
 17 per handle is \$741 as nine out of ten, next to the
 18 lowest. The lowest in this particular case is Fort
 19 Pierce which is kind of like a non-entity really.
 20 And the next, the revenue per handle hour, again,
 21 Palm Beach remains at next to the last at eight. So
 22 Palm Beach is dramatically low compared to the other
 23 ports.

24 Table No. 5, that's the table I have given you
 25 -- no, that was the table, Table No. 4 is the one I

Page 19

1 gave you, made an addendum table, the errata sheet,
 2 it showed a difference from -- there was a difference
 3 in the number of hours on for Tampa brought to our
 4 attention and we changed that. So that was the
 5 change there, only Tampa.

6 Table No. 5 identifies and shows clearly that
 7 Palm Beach handles more handle per pilot than any
 8 other port in the state. They have the most handles
 9 and they have the next to the lowest near Fort Pierce
 10 and the average revenue per handle. So once again,
 11 substantiating the requirement for a fee increase.

12 Table No. 6A and 6B are just for the background
 13 on the rates throughout the state. Nothing
 14 particular in here. Of note, we did not include
 15 Panama City and Pensacola. We dropped them because
 16 they use a different pilot fee structure, so it's not
 17 applicable to this -- to any of the ports.

18 I'm going to jump into Section No. 5 and talk
 19 very briefly and point out to you that the pilots,
 20 the amount of workload the pilots have is dramatic at
 21 this point. Where two years ago they had five
 22 pilots, now they have three state pilots and one
 23 deputy. The deputy, of course, can't fulfill all the
 24 requirements in the port, so basically they are
 25 operating with three state pilots which is forcing

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1 them on a 6-day on and a 3-day off watch rotation
 2 which is demanding, to say the least. They have
 3 12-hour duty days on watch and 12-hour standby on
 4 watch. So they are virtually, quite honestly, almost
 5 always on the job.

6 I will jump up to Section No. 10 very briefly on
 7 page 23 as a wrap-up. Richard will fill the other
 8 sections I've just skipped over. Number 10 points
 9 out the physical risks inherent in piloting and the
 10 application included by Palm Beach Pilots didn't
 11 because of the length, the previous nature of their
 12 submission didn't include two fatalities in the pilot
 13 industry in 2019 -- one in 2019, one in 2021. So
 14 despite a lot of efforts to make it more safe by a
 15 lot of people and organizations, it's still an
 16 extremely risky profession. So they have to cope
 17 with the fact that they are weathering -- an accident
 18 occurs quite often and results in a fatality.

19 On page number -- Section No. 11, second
 20 paragraph, last paragraph on that page, page 23, the
 21 word "North" should be removed from Palm Beach. A
 22 Freudian mistake on my part by saying North Palm
 23 Beach. It's where I live. So that should be and
 24 also Captain Hansen points out that most of the ships
 25 that come in there do, in fact, have thrusters. So

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1 we have to point that out that that's not necessarily
 2 a true statement.

3 Finally, Section No. 11, I think that the pilots
 4 themselves are going to make a significant
 5 presentation on this particular area concerning the
 6 special characteristics of Palm Beach. Palm Beach is
 7 a challenging port, to say the least: Narrow
 8 channels; small turning basin; very -- by narrow
 9 channels, I mean very unforgiving. If you leave the
 10 channel, there's not a lot of latitude of error.
 11 They have problems with the -- not necessarily
 12 problems, per se, but the navigation into and out of
 13 the port is very difficult because of the fact that
 14 they are operating in the Gulfstream one minute and
 15 they are operating in a channel the next minute.
 16 It's a very dramatic change in the way you handle
 17 ships.

18 Finally, on other relevant information, it was
 19 pointed out to us yesterday that harbor assist tugs,
 20 Captain Hansen pointed out to us that Classica
 21 Cruises there that runs a cruise ship in and out of
 22 the port have chartered their own individual pilot
 23 tugboats to be available for their services. So that
 24 should be noted. That concludes my input.

25 MR. LAW: Thank you, sir. All right, I'm going

Page 22

1 to pick back up on Section 6, beginning on page 17,
 2 the prevailing compensation for maritime industry.
 3 We've seen a lot of testimony in the cases, previous
 4 rate cases and it ranges a lot based on the port
 5 you're in. For instance, the larger ports of
 6 Florida, we've seen incomes well above 4, 500,000.
 7 This port has never really reached that mark but when
 8 they hit 340,000 in 2018, Captain Hansen said that
 9 was our best year and but what's prevailing
 10 compensation compared to maritime industry? It's
 11 your judgment. The fees here are the workload, the
 12 risk, the complexity of the handles that they
 13 undertake and then what's it cost to live in Palm
 14 Beach County?
 15 So we can't say -- there's not -- you don't set
 16 rates based on income. You set rates based on
 17 getting them in a range, a reasonable range of
 18 compensation that will attract and retain pilots and
 19 I think you've seen in other parts of our
 20 presentation in the report that they are having a
 21 hard time getting applicants in this port and
 22 retaining deputies and the market has really had a
 23 significant effect on that and as Captain Bushy just
 24 pointed out, three pilots is really untenable. The
 25 three pilots are trying to work as hard as they can

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1 to make almost half of what they used to make in this
 2 market. So I think you got to recognize -- you
 3 should recognize that they are doing their part and
 4 but the income needs to be there to attract good
 5 pilots and when you look at on the boat tour
 6 yesterday, when you're looking at Palm Beach, I think
 7 the protection of life and property is really, really
 8 a big factor here. No different, though, than
 9 Everglades, Miami, Canaveral, anywhere else but I
 10 would think they want to have some very
 11 well-qualified pilots who are well compensated.
 12 So impact, this kind of dovetails into the
 13 Section 7 here on page 18. The impact of the rate on
 14 maintaining pilots, well, future pilot income,
 15 workload, uncertain future return of cruise traffic,
 16 minimal amount of pension benefits or even fringe
 17 benefits, financial commitments or capability even to
 18 finance or replace a pilot boat and then there's
 19 always the potential for illness, injury, whatever
 20 that if you go from three to two because of an
 21 injury, you're really going to be in a pickle there
 22 of maintaining the watch.
 23 On page 19 and 20, we have a table, page 20 I
 24 have a table of projected changes in vessel traffic.
 25 Now that we know that the cruise may come back, we

Page 24

1 need to update that projected column for 2022 and
 2 instead of zeros for tonnage, draft and length,
 3 perhaps you add 360 there for cruise. If it's every
 4 other day and it's two handles in and out every other
 5 day, that's 360 in a year. So you might want to
 6 pencil in 360 on that table. But the way it's been
 7 in the last several months, is that really something
 8 the pilots can count on? You know, it's hard to
 9 predict.
 10 It is important to note that the tonnage, I
 11 mean, the prediction is very stable on cargo. This
 12 Tropical and these other smaller lines continue to
 13 give a good, stable base of cargo traffic here but
 14 then again looking back at the 1.4 million of cruise
 15 revenue back in 2018, that's a big hit. It's hard to
 16 recover that and still maintain an efficient pilot
 17 operation.
 18 I'm going to move on to page 21, cost of
 19 retirement benefits for employees. I think you'll
 20 see that the compensation is fair and reasonable.
 21 The fringe benefits are minimal as far as the
 22 retirement plan.
 23 Moving on to page 22, right now there are three
 24 retirees but in 2020, it was really just two
 25 effectively drawing out, one pilot Captain Fizell who

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1 worked over 30 years and has made 30,000 in
 2 retirement and Captain Roden made 54,000 in pilot
 3 retirement income for a total of 84,000. These
 4 aren't the numbers we've seen in other larger ports.
 5 These are not numbers that these pilots expected with
 6 their formula for the unfunded pension plan but
 7 hopefully this is a dip in the market and some of
 8 this recovers but it does show you the difference
 9 between a funded and unfunded pension plan. If it
 10 was funded, it would be -- the only variability would
 11 be the stock market. But right now it's based on
 12 traffic and revenue, which is very volatile.
 13 One other thing about the fringe benefits of
 14 pilots, they don't even cover health insurance. They
 15 cover disability but no health. So they get their
 16 distribution of \$190,000, they pay their health
 17 insurance out of that.
 18 So the last part I'm going to present in CPI,
 19 we've presented this table for CPI and you can see
 20 that when you apply the CPI to the base average and
 21 minimum fees from 2013, the CPI adjusted rates are
 22 less than what they are requesting but you don't base
 23 this decision on CPI alone and that's what the
 24 statute says. You should look at the CPI and look at
 25 this analysis but it just seems that there's so many

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1 other relevant factors, variables and challenges in
 2 Palm Beach that doesn't make the CPI as meaningful as
 3 it otherwise might be.
 4 So that concludes our presentation. I hope we
 5 haven't taken up too much time. Are there any
 6 questions?
 7 CHAIR JACCOMA: I have one question for you,
 8 Richard. You were talking about 2018 and --
 9 MR. LAW: Can't hear you.
 10 CHAIR JACCOMA: In 2018 you mentioned the amount
 11 of money they were making and I just want to clarify,
 12 was that two cruise ships or one? How many cruise
 13 ships in 2018?
 14 MR. LAW: Two.
 15 CHAIR JACCOMA: Thank you.
 16 COMMISSIONER KURTZ: I have a question about the
 17 methodology for Table 5. You're only counting full
 18 pilots to come up with an annual revenue per pilot.
 19 I find it can be quite misleading. I know in my port
 20 we've had six or eight deputies at the time that this
 21 table was created and I don't really know about the
 22 other ports how many deputies, so I understand they
 23 might be considered a fraction of a pilot but I just
 24 wondered like why instead of taking into account
 25 deputies at a percentage you chose to only count full

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1 pilots?
 2 MR. LAW: Do you want to address that?
 3 CAPTAIN BUSHY: I discussed this with Richard
 4 early on significantly and it was decided that we
 5 stick with the state pilots as a standard, and, yes,
 6 there's variability. Particularly Tampa, you pointed
 7 out there were six deputies all at once varying in
 8 their level, so they are contributing to the
 9 workload, there's no question, but then the other
 10 ports don't have any. So, I mean, I guess we can
 11 fractionalize it out.
 12 COMMISSIONER KURTZ: I don't know. When I
 13 looked at the table, obviously because of the number
 14 assigned to my port given the way this table was
 15 figured, it's out of whack considerably and so I
 16 didn't know if that situation existed in any other
 17 port and I just wanted to point it out because when
 18 this becomes a matter of record, that's what you see
 19 and I just wanted to voice my concern about how it
 20 was approached. That's all.
 21 MR. LAW: One of the other factors that we
 22 discussed in going with three versus a fraction of
 23 the pilots is that a lot of times a pilot has to ride
 24 along with the deputy to where it's really not
 25 reducing the full pilot's load. So it really depends

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1 on the level of the pilot, what he's able to do.
 2 COMMISSIONER KURTZ: Exactly. That's why this
 3 number is very misleading. We have two senior
 4 deputies that are probably on 70 percent share and
 5 all of our deputies are on a full rotation and keep
 6 up with job numbers. So, again, I understand the
 7 difference in all the ports but I just found that
 8 line in particular to be quite misleading.
 9 CAPTAIN BUSHY: What about the level one? They
 10 don't do anything but ride. So that would skew it a
 11 little bit further.
 12 COMMISSIONER KURTZ: Right, but we still pay
 13 them. So, yeah, I just didn't know if it was as out
 14 of whack in other ports and that's why I just wanted
 15 to bring it up to find out why, what the reasoning
 16 was behind it.
 17 MR. LAW: I think this is the first time that
 18 I've been preparing a report like this that we have
 19 discounted the deputies in this table. If we were to
 20 go to Tampa or anywhere else, I think we'd be
 21 inquiring with what are the levels that the deputies
 22 are at? And what's the percentage of FDE that we
 23 should use to adjust the number of pilots, and,
 24 therefore, the workload? And I'm sorry we distorted.
 25 COMMISSIONER KURTZ: No, it's okay. To me it

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1 was remarkable, so I brought it up.
 2 MR. LAW: I think we'd be more careful if -- you
 3 got 24 pilots?
 4 COMMISSIONER KURTZ: Twenty, well, 14 full and
 5 six training, so 20.
 6 MR. LAW: We'd have to really look careful --
 7 more carefully at that number.
 8 COMMISSIONER KURTZ: Thanks.
 9 CHAIR JACCOMA: Any other questions? Or
 10 comments? Okay then, does everybody want to continue
 11 on or take a quick break? Turn it over to Palm Beach
 12 Pilots. Marlene, comment or need to be sworn in?
 13 MS. McNULTY: No.
 14 CAPTAIN HANSEN: Hello, I'm Captain Reid Hansen
 15 with Palm Beach. Before I start with opening
 16 statement, I just wanted to clarify a couple things
 17 that might have confused the Board. When you
 18 mentioned, Richard, when you mentioned the 189
 19 percent increase as a minimum, I just didn't want the
 20 Committee to be confused to think that would raise
 21 the minimum charge 189 percent. If you look at it,
 22 it's really going from 293 to 500, that's a 70
 23 percent increase. If you go to 525 which includes
 24 the port control fee, which we'll discuss later,
 25 that's 75 percent and its highest level we include

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1 the port control fee and the pilot boat fee, it's
 2 \$550 and that will be an 80 percent increase.
 3 And secondly, the normal baseline of operations
 4 for the audit in 2018, I just want to point out that
 5 it's only gotten significantly worse since then and
 6 that was our best case scenario. The 2018 audit was
 7 really the peak, the best we had, two cruise ships
 8 for 2018, 2019.
 9 Do you guys want to start this? Just let me
 10 know when you want me to break and I'll stop and
 11 pause it anywhere. Actually, we'll turn it down
 12 more, let me read the opening statement.
 13 Good morning, ladies and gentlemen. My name is
 14 Captain Reid Hansen. Also here are State Pilots
 15 Matthew Rigby, Dane Britt, and Deputy Pilot Eric
 16 Baker. The Palm Beach Pilots would like to thank the
 17 Rate Committee for being here today. It has been a
 18 long wait. Our application was submitted almost
 19 three years ago. Much has happened in the world
 20 since then but we're relieved to finally be here.
 21 The evidence you see and hear today will show
 22 unquestionable justification for the rate increase
 23 requested.
 24 Harbor Pilots are the upper echelon of the
 25 maritime profession. Pilots have demonstrated

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1 perseverance, taken personal risks, applied hundreds
 2 of hours of study time, and made sacrifices with
 3 their previous employers, all with no guarantees of
 4 success or financial improvement. Some of the steps
 5 taken to become a harbor pilot, a deputy pilot are
 6 graduating from four-year maritime academy, spending
 7 several years at sea while raising license grade and
 8 position in the ranks, and often taking several more
 9 years to obtain the top score on an extremely
 10 challenging and competitive Florida Pilot Exam.
 11 After attaining the deputy pilot appointment,
 12 there's a minimum State required two-year
 13 apprenticeship which a deputy works an arduous
 14 schedule. During this period, he or she may be
 15 approved or disapproved by the pilot association to
 16 take the State Pilot Exam depending on performance
 17 and competence.
 18 After becoming a state pilot, there's the stress
 19 associated with the significant physical and
 20 financial risks that carry severe consequences.
 21 Individual pilots are put under the spotlight when
 22 accidents occur. They are scrutinized and ruled upon
 23 by the State and U.S. Coast Guard, with the
 24 possibility of fines, license revocation, civil
 25 penalties and/or jail time. Because piloting is such

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1 a unique and specialized skill, loss of profession is
 2 financially devastating as there are no lateral move
 3 positions in the industry. Pilots also have
 4 responsibilities as direct business owners with all
 5 the risks and extra duties associated. This is
 6 particularly so in smaller associations where fewer
 7 pilots with less income are expected to handle the
 8 load.
 9 There are no financial safeguards as our older
 10 pilots have experienced and the new pilots are
 11 experiencing now. For over two years now, they have
 12 been earning less, had less time off, all without the
 13 extra benefits they had at their previous jobs.
 14 Pilot associations are affected by the overall
 15 economy, port closures, capital investment decisions,
 16 pilot manning decisions, unreliable passenger
 17 vessels, and employee management. This is uniquely
 18 combined with having to make immediate decisions to
 19 protect lives, personal property, and environmental
 20 damage 365 days a year at all hours, regardless of
 21 holidays or foul weather.
 22 The Palm Beach Pilots' Association is here today
 23 to respectfully request an increase in pilotage rates
 24 which are detailed in the application. Since
 25 submission, financial and workloads circumstances

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1 have deteriorated significantly. The last increase
 2 granted was in May 2013. Your decision today will
 3 determine the future of Palm Beach Pilots
 4 Association, particularly their safety, reliability,
 5 efficiency, and ability to attract new members.
 6 We can begin the power point presentation unless
 7 there are any questions. All right. Right before we
 8 start I want to kind of say this for other pilots.
 9 There's some slides here that compare and contrast
 10 Palm Beach Pilots, the pilots of Palm Beach to other
 11 ports on the east coast of Florida. This is just
 12 part of the process and in no way means to undermine
 13 the special challenges each port has, their
 14 well-deserved compensation, or the specialized work
 15 that our fellow pilots do.
 16 MS. ACKERMANN: Darker?
 17 CAPTAIN HANSEN: Yeah, maybe a little darker.
 18 The presentation has two parts; the pilot operations,
 19 it's about an hour long, if there are no questions,
 20 but if there are, stop me at any time or whenever
 21 you'd like to break; and the second part is fiscal
 22 operations.
 23 As you saw on the port tour, our beautiful port.
 24 It's the fourth busiest container port in Florida.
 25 Cargo includes: Containers, sugar, molasses, scrap

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1 metal, cement, fuel oils, produce, ro-ro, yachts and
 2 general cargo. 65 percent of traffic are small
 3 vessel. Only a 170-foot berth is available to
 4 facilitate cruise ships. One berth has been
 5 designated for private yachts, which is here, Berth
 6 1. No channel or basin depth or width expansion
 7 since 1967, with no expansion prospects pending.

8 This comes from the port website. It's just a
 9 fact sheet. You see that most of the trade goes to
 10 the Bahamas. Tropical Shipping, our largest
 11 customer.

12 Pilot ops. We're going to go over hazards,
 13 harbor tug limitations, port limitations, liability,
 14 deputies, pilot office and boats, tug and barge
 15 operations, Fort Pierce piloting, additional
 16 services, and internships and scholarships.

17 The Gulfstream is a swift Atlantic current that
 18 follows the eastern coastline of the United States.
 19 As these illustrations show, the Gulfstream current
 20 comes closer to Palm Beach Inlet than any other place
 21 on the Eastern Seaboard. Vessels are significantly
 22 affected by this current that averages two to three
 23 knots. The current also creates an increase in wave
 24 height when opposed to the width. This makes it more
 25 dangerous for our vessels.

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1 Here you can see an example on an electronic
 2 chart of the set and drift of a ship. The course
 3 over ground is quite different than the heading of
 4 the ship. In this case the 35 degree set. Pilots
 5 must carry more speed than preferred into the inlet
 6 to account for this current.

7 Here's the same ship entering the inlet. The
 8 ship is centered in the channel but the effect of the
 9 Gulfstream is still present as residual momentum
 10 causes the ship to slide north, while at the same
 11 time, the current is still directly affecting the
 12 stern of the ship. So what I'm trying to show here
 13 is that the current, the stern is still out of the
 14 jetty but the bow is inside. So the current is
 15 actually only felt on the fore quarter at this time.
 16 Right rudder must be applied in anticipation of these
 17 forces or the ship will turn quickly to port.

18 For comparison, this slide shows two cruise
 19 ships entering simultaneously, one into Palm Beach
 20 and the other into a different eastern Florida port
 21 not as close to the Gulfstream.

22 Palm Beach has limited weather protection from
 23 the Bahamas and is subject to large groundswells that
 24 make steering difficult and unpredictable. Pilots
 25 must place restrictions on certain vessels during

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1 these conditions and have occasionally closed the
 2 port because of steering difficulty at the jetties.

3 Palm Beach receives especially large swells
 4 during the winter. Pilots work in almost all weather
 5 conditions.

6 In this old, amateur video, excuse us, it is
 7 kind of hard to watch because the moving all over the
 8 camera but it's still interesting. The pilot boat
 9 was caught by an offshore wave that broke near the
 10 shipping channel and carried her into the surf zone.
 11 By chance, there was a rescue helicopter patrolling
 12 the area and rescued both the pilot and the boatman,
 13 otherwise they may have perished. The boat was lost
 14 and never found.

15 (Video played.)

16 That's the pilot boat there, surfing.

17 One of the points that Richard made was that the
 18 port, we don't know about economic conditions and how
 19 the port's going to improve but what's interesting
 20 and a limiting factor for us is that even if the
 21 economy booms, it doesn't necessarily mean that we're
 22 going to all of a sudden get these huge ships. We
 23 can't. Yet there's been no national rate increases
 24 for Palm Beach Pilots because of this limiting
 25 factor.

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1 So as you can see here, the port is landlocked
 2 between the Cracker Boy Marina that you saw yesterday
 3 and the FPL plant. There's not much room for growth.
 4 The only cruise ship right here is this 700 feet.

5 Grand Classica, operated by Bahamas Paradise
 6 Cruise Lines, this is the Grand Classica, the port's
 7 only cruise ship. As you can see, she barely fits in
 8 port, docking every other day, four feet from the
 9 ramp with the bow overhanging. There's little room
 10 for error. You can see this picture here, that's her
 11 final docking position every other day, it's about
 12 four feet. We put a tire here so just in case she
 13 does touch and we don't penetrate the steel and cause
 14 her to sit till repairs are made.

15 The Grand Classica is a 30-year-old cruise ship
 16 with antiquated gear, inward turning propellers with
 17 limited maneuverability. Since returning to service
 18 in August this year, she has had mechanical issues.
 19 The U.S. Coast Guard, with advice from the pilots,
 20 have mandated an assist tug present for all maneuvers
 21 until repairs are made. Because the port's local tug
 22 company has refused to assist due to their safety and
 23 lack of horsepower, Bahamas Paradise has chartered an
 24 outside conventional tug from Miami built in 1954.

25 The Oasis Class, the largest cruise ships in

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1 Florida, is on the left entering Port Everglades. On
 2 the right, the Grand Classica is entering Lake Worth
 3 Inlet and rounding the turn with the same
 4 proportional width and beam channel constraints. The
 5 Oasis Class, of course, has many more lives at stake
 6 and poses a potentially higher environmental hazard.
 7 What the illustration simply shows is that the Grand
 8 Classica is to Palm Beach what the Oasis Class is to
 9 Port Everglades.

10 Upon resignation of the lead captain aboard the
 11 Grand Classica who signed off in August, he wrote the
 12 pilots a thank you letter. It states in part: I can
 13 attest that this port is most challenging. This is
 14 due to the combination of strong currents, narrow
 15 congested slips, lack of tug power, and handling
 16 characteristics of the Grand Classica. The safety of
 17 the cruise ships relies heavily on ship handling
 18 experience and local knowledge of the pilots. I
 19 would like to thank Palm Beach Harbor Pilots for
 20 their guidance and expertise.

21 Now I have a two-minute video showing the cruise
 22 ship.

23 (Video played.)

24 There's a pilot boat. There you see a cargo
 25 ship follow her out. This is at the time two pilots.

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1 This is a list of all the passenger vessels that
 2 have been in Palm Beach and every one has failed.
 3 Due to the port's constraints, revenue from the
 4 cruise ship industry has been unreliable and
 5 inconsistent. The history here speaks for itself.
 6 The Grand Celebration, here on top, on the top
 7 picture was recently scrapped due to the CDC
 8 shutdown. The port can only fit smaller cruise ships
 9 that continue to become more difficult to find as
 10 ships become larger. The last and only cruise ship,
 11 Grand Classica, remains but it's struggling.

12 Grand Classica is a popular choice for
 13 government charters. These charters can last months.
 14 The ship provides unreliable revenue to the pilots
 15 and often leaves with just one-day notice.

16 (Video played.)

17 Starting this winter, Prime Kosher Cruises is
 18 anticipated to operate from the Port of Palm Beach
 19 using the port's only cruise ship berth. Pilots will
 20 receive no revenue from this operation. Because of
 21 the vessel's hull configuration and size, this will
 22 likely be another failure because of rough seas.

23 Shoaling. Unlike other ports, Lake Worth Inlet
 24 shoals up on a regular basis which requires
 25 maintenance dredging. The channel is routinely

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1 reduced by 25 percent. It is the pilot's
 2 responsibility to know where these shoal areas are
 3 and how shallow they have become. Even large
 4 sailboats have run aground on these shoals. The
 5 pilots maintain draft restrictions online and send
 6 out group emails as conditions worsen. The pilot
 7 boats have modern depth sounding equipment that is
 8 used to monitor the shoals. The pilots must do their
 9 best to avoid squat while maintaining control. Once
 10 the draft restrictions become too great, the dredge
 11 vessels are contracted. This is more common area for
 12 our shoal here in north quarter, so the vessel kind
 13 of has to zigzag around that to get back to the
 14 middle.

15 Here's a container ship avoiding the North
 16 Quarter shoal. As you watch it, you'll see it coming
 17 in. This is the south jetty, of course. And you see
 18 it's coming in pretty close to it to avoid the North
 19 Quarter shoal. Short video.

20 (Video played.)

21 Here you see a sailboat aground. This happens
 22 to recreational vessels here at the turn occasionally
 23 and at the north jetty when shoaling is severe.
 24 There's a sailboat aground there.

25 To remove these shoals and during regular

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1 maintenance dredging, dredges are contracted by the
 2 port with assistance from the Army Corps.
 3 Cutterheads and Hopper Dredges can block up to half
 4 the channel with their dredge and pipeline gear.
 5 Proper communications and application of the rules of
 6 the road are crucial. Extra stresses are endured,
 7 especially at night or in poor weather.

8 Pilot fatigue. Pilots have the least favorable
 9 schedule in Florida. They work six days on, three
 10 days off, with no vacation breaks. Pilots must
 11 prioritize ship handling while attending to the
 12 administrative business matters. A seaport never
 13 sleeps. The pilots work 12 hours on duty, 12 hours
 14 on standby. Arrival and departure times can be
 15 random and unscheduled. No sick days. Days lost to
 16 injury or sickness must be reciprocated once the
 17 pilot is well, so pilots often choose to work through
 18 sickness and injury. Fatigue becomes a critical
 19 factor among the remaining few. NTSB considers
 20 accidents from fatigue as negligence.

21 A Palm Beach Pilot may handle up to seven
 22 vessels in a row. The number of handles is
 23 unprecedented. The pilot may only have 5 to 15
 24 minutes of mental rest between the ships. Ships
 25 underway and at anchor call the duty pilot at all

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1 hours for info on boarding times, slip locations, tug
 2 orders, and harbor conditions.

3 For over 20 years, the port functioned well with
 4 five pilots. Due to the reduced manpower, two-pilot
 5 maneuvers have been minimized. Call-outs were also
 6 extended from half an hour to one hour but are often
 7 less.

8 These are some examples of accidents where
 9 fatigued pilots were to blame for millions of dollars
 10 in environmental damage. An incident like this along
 11 the Florida's east coast would devastate the local
 12 beaches, marine life, and economy.

13 Palm Beach Pilots climb more ladders than in any
 14 other port in Florida and possibly the US. The pilot
 15 must put his safety in the hands of the ship's crew
 16 for securing and maintaining the ladder, as well as
 17 the pilot boat operator for their boat handling and
 18 ability to clear the ship ASAP. One of the recent
 19 trainees sustained a leg injury from a ladder
 20 accident in rough seas which kept him out for three
 21 weeks.

22 Next is our longest video, it's six minutes.
 23 It's some of our regular operations. Here we just
 24 show a couple examples of the ladders that are not in
 25 good repair. They are not per standards. But here

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1 we go. All right, 6-minute video.
 2 (Video played.)

3 This is Captain Ray Turner. He's actually
 4 manning the watch for us right now even though he's
 5 retired, he kept his license active. He retired
 6 recently, so he's at the port right now for us.

7 According to published statistics, US Harbor
 8 Pilots have a 5 percent chance of dying on the job.
 9 Only lumberjacks are listed as having more dangerous
 10 employment. With the Palm Beach Pilots at the top of
 11 the charts for handles per pilot, that percentage
 12 becomes higher.

13 Due to the lower compensation, pension, and
 14 unpredictable nature of the port, the Palm Beach
 15 Pilots tend to work longer than in most ports. More
 16 years are needed to save for retirement. The average
 17 retirement age in Palm Beach is 65. An average
 18 career is 35 years. Piloting into their late 60s
 19 increases the chance of injury or death. These are
 20 factors deputy candidates must accept before
 21 considering a career at this port. Motor skills,
 22 night vision, overall physical vitality diminish with
 23 age. These are our four retired pilots: Greg
 24 Turner, Phil Messer, Bill Roden, and George Fizell.
 25 Harbor tugs. A bulker of this size in most

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1 ports would require two tractor tugs over 3,000
 2 horsepower. The Palm Beach Pilots are limited to
 3 small conventional tugs and must use specialized
 4 warping, shiphandling and anchor dredging techniques
 5 to get the job done.

6 The Committee was provided with a copy of the
 7 Marine Operations Analysis. That was when we first
 8 submitted the application in 2019. It's an
 9 independent study requested by the port. The company
 10 Towing Solutions prepared a summary of our tugboat
 11 operations. In short, the tugs were built small to
 12 accommodate the narrow slips with the unfortunate
 13 drawback of having limited horsepower and an
 14 inability to assist large vessels making the
 15 breakwater.

16 This is a representation of the tugs compared to
 17 the tugs used in larger ports. These sizes are drawn
 18 to scale. The Palm Beach tugs are not on 24-hour
 19 standby. This means immediate tug assistance is not
 20 available if something goes wrong or if weather
 21 conditions suddenly deteriorate. There are no
 22 mandatory tug requirements. The tug crews are at
 23 home and need a two-hour call-out. This adds extra
 24 responsibility and liability for the pilot to
 25 determine if and when a tug will be needed.

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1 Large ships must carry more speed into the
 2 jetties than normal to negotiate the Gulfstream.
 3 Because no modern tractor tugs are available, they
 4 are ineffective in the shipping channel and cannot
 5 make up until the ship slows down inside the jetties
 6 or in the basin as shown here.

7 This slide shows the limited room in the slips
 8 for the tugs to work efficiently. Conventional tugs
 9 work best at 90-degree angles. Here you can see the
 10 tug at 45 degrees reducing his ahead power, with no
 11 ability to back.

12 This shows two small tugs are used in tandem to
 13 achieve the horsepower needed of one normal size tug.
 14 Here you can see how narrow the slips are. This
 15 is a reason the port must use smaller tugs.

16 There's been no slip expansion at the port, yet
 17 ships continue to get larger. Some ships are too
 18 long and protrude. The mooring arrangement for each
 19 ship is directed by the pilot. Here you can see the
 20 bow lines used as spring lines while the spring chock
 21 is used for a breast line.

22 The pilots coordinate shifting times between
 23 agents to maintain safe maneuvers between vessels.
 24 Even after the Tropical Carib shift, this vessel we
 25 have shift to the north, there's still limited room

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1 for the tug.

2 Overhanging ships make for challenging docking

3 situations. Shifting for the stevedores is minimized

4 with pilot skill. So here what we're seeing is we're

5 backing a ship that's -- it's not a big ship but

6 depending on what the current's doing and what the

7 weather conditions are, we would have to decide, call

8 Tropical, say, yeah, we need this line shift back or

9 can we do the job? They prefer us, of course, not to

10 stop their cargo operations. So we do this job

11 without shifting as much as possible.

12 Here's a random deck barge overhanging into the

13 slip. 98 percent of container ship traffic is

14 piloted without tugs. Next is a 30-second video of

15 Tropical's newly built Hope-Class vessel, their

16 larger container ship, docking in its usual berth

17 where there is no room for a tug. The stern thruster

18 was unavailable so you will see the pilot kick the

19 engine ahead with rudder a couple of times in the

20 slip.

21 (Video played.)

22 We do this maneuver about two to three times a

23 week.

24 Ships occasionally drag anchor into the slip

25 because there's limited sea room -- there's limited

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1 room for the tug to fit. Dredging the anchor is an

2 antiquated method that is rarely, if ever, used in

3 other Florida ports.

4 Here, the pilot is trying to back a ship into a

5 crowded slip under windy conditions. Note the bridge

6 wing coming dangerously close to the gantry crane

7 while the tug is getting squeezed and fighting the

8 wind. In this case, it would have been helpful to

9 drag the starboard anchor but the limited sea room to

10 the south made it impractical.

11 (Video played.)

12 No natural rate increases. There have been no

13 channel improvements for 54 years. The pilots are

14 dealing with the same depth and width since 1967.

15 They have been unable to benefit from growing ship

16 sizes. Increasing tonnage simply puts more risk on

17 the pilot. The 300-foot inner channel is among the

18 narrowest in the state and the bottleneck for the

19 port. There is limited room here for tugs to assist

20 and recreational boat traffic to pass. Future

21 expansion projects for this area have been shut down

22 politically by the Town of Palm Beach.

23 Tankers. Pilots handle tankers like this one up

24 to 40,000 tons through a live reef system adjacent to

25 one of the most upscale communities in the world.

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1 Diesel, oil, and asphalt capacities range from up to

2 125,000 barrels. That capacity is near half of what

3 the Exxon Valdez spilled in Alaska.

4 The pilots restrict hazardous cargoes to slack

5 water. Here you can see the affluent areas where

6 many famous people live, including billionaires. We

7 can show you on the port tour yesterday we have

8 Donald Trump and Sylvester Stallone over here, Tiger

9 Woods over here before the divorce.

10 The live reef system is on both sides of the

11 ship channel next to a home listed for \$80 million.

12 Palm Beach Island is the 18th most affluent town in

13 the nation.

14 Financial liability. Piloting is an uninsurable

15 financial risk. Liability insurance is not

16 commercially available for pilots. Damages from a

17 marine incident can be much greater than the personal

18 resources of the pilot. There is a few examples of

19 some liability issues that pilots have had. This

20 lower one I just learned about recently. The pilot

21 was held accountable for 50 percent of a \$1 million

22 civil penalty for damage to another vessel from ship

23 surge. If this were to happen in Palm Beach, it

24 would bankrupt the pilot and put the entire

25 association in peril.

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1 Next is a one-minute video showing the cruise

2 ship outbound at a safe speed. There are several

3 factors occurring with wave surge and the water

4 displacement. Both cause great hazards to small

5 boats or anyone swimming. These private docks were

6 recently dredged and built without port or pilot

7 consultation. The association was compelled to hire

8 an attorney to prevent the new construction but were

9 unsuccessful.

10 This surge you're about to see, it's quite

11 amazing and people, we have to really watch out for

12 kids here swimming or people deciding to try to put

13 their boat down.

14 (Video played.)

15 Deputy pilots. This is a list of some of the

16 obvious issues faced while trying to attract and

17 retain quality deputy candidates. To name a few,

18 Palm Beach Pilots are among the lowest paid, have the

19 shortest vacation periods, and have among the lowest

20 pensions. Incoming members would also have to adapt

21 to the highest cost of living in the state.

22 It takes about three years to request and train

23 a pilot. In 2018, a deputy resigned after three

24 months of training. The pilots had to start the

25 training process over again with the second-place

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1 deputy.

2 The following year, another deputy resigned

3 after eight-and-a-half months of training. He said,

4 the risk is not worth the reward. Two deputies that

5 resigned both had previous employers that provided

6 opportunity to upgrade salary and benefits better

7 than what the Palm Beach Pilots could offer. Their

8 exact reasonings for resigning could only be answered

9 by them.

10 Because there was only one candidate that passed

11 the test in 2019, the association was compelled to

12 take the third-place candidate from 2018, Captain

13 Baker. This turned out to be a blessing as he is a

14 dedicated hard worker with extensive tug experience.

15 Out of the eight applicants, only one deputy

16 passed the exam in 2019, who later resigned.

17 Generally, candidates that do not even pass are just

18 surveying the test, using it as a practice run to

19 help them for a more lucrative port with better

20 benefits. Some candidates do not even participate in

21 the chart portion of the test.

22 The working conditions in Palm Beach have

23 deteriorated. As can be seen from a letter received

24 September 30th of this year, the association's newest

25 deputy candidate is facing similar choices of

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1 resigning before he even started. In his letter he

2 states: With the uncertainty of the cruise ship

3 traffic and rate review results, it would behoove me

4 to retest again in March. End quote.

5 If the candidate scores No. 1 for a better port,

6 this will be the third deputy to resign from the Port

7 of Palm Beach in four years. Unprecedented. Among

8 the limited candidates that qualify for the state

9 exam, few want to work in Palm Beach. Candidates

10 must decide if this is the team and business model

11 they want to be a part of.

12 Pilot station. Some of you saw this yesterday.

13 The pilot station is the vessel traffic control

14 center for the port. The pilots maintain contact

15 with all vessels and agents through the use of AIS,

16 VHF, landlines, cell phones, and e-mail. The agents

17 and stevedores have the pilot's personal cell phone

18 numbers, communicating daily for quick answers and

19 service.

20 Pilot Boats No. 1 and 2 are almost 30 years old.

21 Both have rebuilt Cummins 300 horsepower Tier 1

22 engines. The engines are non-compliant by today's

23 EPA carbon emission standards. The engines resonate

24 at high decibel levels. Boats have zero

25 accommodation comforts other than a 12-volt fan, no

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1 AC. These are not considered modern pilot boats.

2 Even though proven reliable, the boats are aging and

3 very slow compared to industry standards. Both boats

4 cruise around 13 knots taking about 20 to 30 minutes

5 for a transit depending on weather and tide. The

6 slow speeds cause the pilot to have to leave the

7 station earlier. The minutes add up affecting

8 efficiency.

9 Pilot boat operations. There are no enforced

10 safety zones around the ships in Palm Beach. The

11 pilot boats must run ahead and clear small boat

12 traffic from the ship's path, an invaluable service

13 that has saved many accidents and lives. The pilot

14 boats are equipped for towing to remove anchored or

15 disabled vessels. The boatmen train for these

16 situations. The boatmen run ahead and give early

17 detection of rain squalls, reduced visibility,

18 current strength, wind change, and large yachts

19 converging on the turn. It is a team effort. When

20 the pilot station is unmanned, the pilot boat becomes

21 the pilot station and dispatch office. The boats

22 carry equipment for this service.

23 The facility where the pilots haul out their

24 boats is between the port and the marina. Shown here

25 is the aluminum boat No. 2, the one that's planned on

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1 being replaced.

2 Tug and barge operations. We routinely tow

3 barges to astern on a short wire. These maneuvers

4 are most physically demanding and hazardous for the

5 pilots and crew. Boarding and disembarking these

6 vessels can be dangerous. All the pilots experience

7 close calls.

8 As a courtesy, the pilot boat is used for

9 transferring tug personnel between tug and barges.

10 Boarding towing vessels poses additional risk due to

11 their increased motion in the seaway. Pilot ladders

12 are not used. Decks can be slippery with moving

13 wires and chains. Nearly half of tug transfers are

14 at night. The following one-minute video shows some

15 tug operations.

16 (Video played.)

17 Here's a tractor tug from another port because

18 one of our local tugs was down for repairs. Notice

19 the size difference between the two. And it's also

20 nice when a tug can make up as you're entering the

21 breakwater or even outside if it's calm enough.

22 Large U.S. tug and barge carriers not requiring

23 a pilot consistently choose to use one.

24 The Palm Beach Pilots also serve Fort Pierce.

25 Fort Pierce had traditionally been a low volume cargo

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1 shipping port but has recently become a yacht
 2 shipyard facility.
 3 Fort Pierce is an over an hour drive north of
 4 the port. There's no dedicated office, boat, or
 5 boatman. If there are two movements in one day, the
 6 pilot must drive home and back, pay for a hotel, or
 7 wait hours on site. Two cross-licensed pilots, Palm
 8 Beach Pilots recently retired leaving only one to
 9 cover the port. New members are being trained to
 10 help. A pilot working Fort Pierce can disrupt the
 11 normal pilot schedule in Palm Beach where manpower is
 12 already strained. Palm Beach volunteered to cover
 13 Fort Pierce 25 years ago despite minimal
 14 compensation. The rates were thankfully increased
 15 recently this October. Derektor anticipates yacht
 16 traffic to pick up in November of 2021, this month.
 17 Additional services. Besides Fort Pierce, this
 18 portion of the presentation will go through some of
 19 the additional functions that the pilots conduct and
 20 provide.
 21 COMMISSIONER KURTZ: I have a question.
 22 CAPTAIN HANSEN: Yes.
 23 COMMISSIONER KURTZ: How much longer because I'd
 24 really like to take a quick break.
 25 CAPTAIN HANSEN: Let's do it now. For this

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1 part, maybe 15 minutes for the operations and then
 2 maybe 30 for the fiscal part. We're not to the
 3 numbers yet. This is just ops.
 4 COMMISSIONER ASSAL: I think that we should take
 5 a break because it's 12:15.
 6 CAPTAIN HANSEN: Sure, whatever. This is a good
 7 place to stop. We can go through all of these.
 8 COMMISSIONER KURTZ: I would really like a
 9 restroom break. As far as anything else, yeah.
 10 CHAIR JACCOMA: It's 12:16.
 11 (Recess 12:16 p.m. until 1:40 p.m.)
 12 CHAIR JACCOMA: All right, everybody, we're
 13 going to resume the meeting.
 14 COMMISSIONER RUSSO: Mr. Chair?
 15 CHAIR JACCOMA: Yes.
 16 COMMISSIONER RUSSO: Can I address the Board,
 17 please.
 18 CHAIR JACCOMA: Yes.
 19 COMMISSIONER RUSSO: So this is a rate hearing.
 20 I actually thought I came into the wrong meeting.
 21 Everything here we should be listening to is relevant
 22 and consequential and unfortunately it's become
 23 neither. I asked what the statutory requirements of
 24 the presentations should be. We have a significant
 25 list of what's going on. Can you turn the lights up

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1 a little bit? So all of these items, whether it's
 2 net income, reasonable operating expenses of pilots,
 3 pilotage rates, all the way down through CPI were all
 4 included in the investigative report which was great.
 5 And now the organization, the Harbor Pilots want to
 6 put things on the record which I think is very good
 7 as long as it's relevant and consequential and not
 8 redundant but I can understand why you would want to
 9 do that. We have some time constraints but that's
 10 not what the issue should be because if you had
 11 things to present that are relevant and consequential
 12 that I can base my decision on, that's great, but I
 13 don't see that going forward. So we have some other
 14 time constraints here.
 15 So I'd like to know, first of all, how long will
 16 this continue and what else are you bringing to the
 17 table?
 18 CAPTAIN HANSEN: Well, as you saw from the
 19 initial slide, it shows two parts. It shows our
 20 operations and the second part shows fiscal
 21 operations which is the part that you're more
 22 interested in. So if the Board finds this to be
 23 relevant, then we can skip through it really fast. I
 24 can skip reading and get to the fiscal operations
 25 right now.

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1 COMMISSIONER RUSSO: This is a rate hearing.
 2 CAPTAIN HANSEN: Sir --
 3 COMMISSIONER RUSSO: The only thing we've been
 4 listening to are physical constraints, special
 5 characteristics and physical constraints. All the
 6 other -- all the numbers obviously are included in
 7 what we've been reading and even that, I have to say
 8 that while you're reading it if you were a Board
 9 member and you're looking to make a decision on
 10 relevant and consequential information, you are
 11 reading every single word and looking for that thing
 12 that matters and I have to admit that's very
 13 difficult to do because you have reams of information
 14 that you have to get through with the fear that I'm
 15 going to miss something. So a lot -- and I'm saying
 16 this not only for this meeting but for other rate
 17 hearings going forward. If it's not relevant or
 18 consequential, stay home.
 19 I'm not representing the harbor pilots. I'm
 20 representing the citizens of the State of Florida and
 21 I don't think this is helping that at all. So if you
 22 want to continue, continue but you're not going to
 23 have a quorum here very soon. I don't think whatever
 24 you're going to do is going to be relevant to this
 25 because it's already on the record going forward.

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1 CAPTAIN HANSEN: We just want the public to know
 2 what they are paying for basically. But in risk of
 3 losing the quorum, I will gladly skip through this if
 4 that's what we need to do.
 5 MS. McNULTY: Do you by chance have a hard copy
 6 of your presentation?
 7 CAPTAIN HANSEN: Yes, we can provide that to
 8 you.
 9 MS. McNULTY: I meant so the board members can
 10 see it now.
 11 CAPTAIN HANSEN: Right now? No.
 12 COMMISSIONER RUSSO: Listen, let me say it for
 13 the record. I am in awe of what you guys do.
 14 Really, I'm just amazed. I mean, I always wanted to
 15 go out, I asked Bob Maguire, hey, take me out, I want
 16 to feel what it feels like, smell what it smells
 17 like. After seeing that, I'm going to stay home.
 18 That is very, very, very dangerous work. It's very
 19 difficult to quantify that; therefore, we have to
 20 look at all the number crunching and crunch it and
 21 crunch it. It's a little bit lacking in projections
 22 because this will be great if we go back in time with
 23 all the records that you submit because you're giving
 24 us all the past information, very little on
 25 projections. I know it's a guess. The best thing

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1 we're going to be doing here is guessing what your
 2 costs are going to be over the next 10 or 15 years
 3 but you have to get to some conclusion here. I don't
 4 think -- I mean, based on what you've submitted
 5 already, I am comfortable and what has been submitted
 6 by the investigative report, I'm comfortable and
 7 satisfied that I have enough information to make a
 8 decision. All of the other people may decide
 9 otherwise but I'm ready.
 10 CHAIR JACCOMA: I would say we certainly don't
 11 want to lose a quorum. And yet I do understand what
 12 they are doing because I've been through numerous
 13 rate hearings where the other side comes in and says,
 14 no, the job is not difficult and tries to shoot down
 15 everything that the pilots do. So I understand why
 16 they are doing what they are doing and making the
 17 record as you state. So I understand that but we
 18 certainly don't want to lose a quorum. If the
 19 majority of the commissioners are satisfied, then we
 20 can bypass this information.
 21 MS. STERN: I mean, we can't bypass the
 22 financial.
 23 CHAIR JACCOMA: Not the financial.
 24 MS. STERN: He needs to provide in the record
 25 because we're creating a record so we won't have to

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1 answer to different (Inaudible), it's an official
 2 part of the record and just the Board can vote on how
 3 to proceed but --
 4 MS. McNULTY: Or the Chair can decide and I
 5 think that is important because Captain Hansen has
 6 been here and waiting for this moment but we do
 7 understand we might lose a quorum. So if there's a
 8 way to advance this, however -- how much time do you
 9 think you need?
 10 CAPTAIN HANSEN: Is it okay I'm going to go
 11 through without saying a word and just to go through
 12 it, then I'll provide you guys all hard copy ASAP
 13 this week. Is that okay?
 14 MS. McNULTY: They are going to be making a
 15 decision today.
 16 COMMISSIONER RUSSO: Can you e-mail it to us
 17 now?
 18 COMMISSIONER ASSAL: The whole idea is that we
 19 vote on it today.
 20 CHAIR JACCOMA: Absolutely.
 21 COMMISSIONER ASSAL: Having copies after the
 22 fact is really irrelevant; right?
 23 MS. McNULTY: Yes.
 24 COMMISSIONER ASSAL: So the whole point of this
 25 is that I do what counsel and everyone is saying, we

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1 don't want to take away from what you are trying to
 2 present and perceive but at the same time don't lose
 3 quorum or lose anything, we want to try to expedite
 4 this so a decision can be made as soon as possible.
 5 That's all we're trying to say. Did I say it right,
 6 Counsel?
 7 MS. McNULTY: Yes.
 8 CAPTAIN HANSEN: There's about 30 slides left.
 9 PILOT RIGBY: No, there's only ten slides until
 10 we get to the financial.
 11 COMMISSIONER RUSSO: Until we get to the
 12 financials, that brings us to 2:15. What do you
 13 think?
 14 COMMISSIONER ASSAL: We'll figure it out.
 15 PILOT RIGBY: We'll be done in five minutes with
 16 these ten slides or less.
 17 CAPTAIN HANSEN: I'll quickly ad lib and move
 18 quickly. Some of the things you do is vessel traffic
 19 controller. Do the sounding in the port and survey
 20 work. Restrictions we have to send to the various
 21 operators based on our decisions. Extra things we've
 22 done for relief efforts. Maintenance, boat
 23 maintenance we have to perform, including outsourced
 24 maintenance. The various meetings and conference
 25 calls we have to attend on a regular basis.

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1 This is a near accident that happened just
 2 Saturday. The pilot basically saved the port. This
 3 ship was going to go around in the channel and that
 4 ship would still be there right now and this happened
 5 just Saturday. This little bit we're going to skip
 6 it. They --
 7 PILOT RIGBY: Lost power.
 8 CAPTAIN HANSEN: Lost full propulsion, turned to
 9 port, had to bring in (Inaudible) and lost propulsion
 10 three more times while the captain was trying to
 11 change the pilot's mind, telling him that he was
 12 going to regain propulsion. The pilot listened to
 13 the captain, that full port we shut down.
 14 Simulator studies that are out-of-pocket. This
 15 is showing some of the ones we've done. The
 16 internship program, continuing education and now
 17 fiscal operations. I'll proceed as normal unless you
 18 have an objection and we go as fast as I can.
 19 COMMISSIONER RUSSO: You have a 3:00 o'clock
 20 hard stop just to let you know for the whole
 21 operation, voting and saying good-bye.
 22 CAPTAIN HANSEN: Very good.
 23 MS. McNULTY: Wait. Can I ask we need two, if
 24 two Board members leave, then we will lose quorum.
 25 I'm not sure.

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1 COMMISSIONER RUSSO: Two of us are going to
 2 leave at 3:00 o'clock hard stop.
 3 MS. McNULTY: Okay.
 4 COMMISSIONER KURTZ: I have a question about
 5 that procedurally.
 6 MS. McNULTY: (Inaudible.)
 7 COMMISSIONER KURTZ: That's okay, you know who I
 8 am.
 9 MS. McNULTY: Commissioner Kurtz.
 10 COMMISSIONER KURTZ: I understand the time
 11 concerns and people make plans for the afternoon but
 12 this meeting was noticed without a hard stop and
 13 business has to be conducted. So, you know, as an
 14 appointee to the Board I appreciate personally the
 15 constraints that you might have on your day but, you
 16 know, this is business being conducted by the Board
 17 and I think we have an obligation to see this
 18 through.
 19 So, again, I'm sympathetic if you've got
 20 somewhere else to be and, you know, we all thought
 21 maybe this would end a little earlier but to just
 22 leave because you think it should go faster.
 23 COMMISSIONER RUSSO: Listen, I shouldn't be here
 24 now, okay. This is a rate hearing. Anything that is
 25 not consequential and not relevant should not be

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1 presented. Period. You don't have to present it
 2 five times. You may want to present it once but if
 3 you need more than eight minutes to talk about the
 4 physical constraints and the special characteristics,
 5 then we're not really doing the work for the people
 6 of this state. Period.
 7 COMMISSIONER KURTZ: And I understand your
 8 point.
 9 COMMISSIONER RUSSO: This is a waste of the time
 10 of people of this state.
 11 COMMISSIONER KURTZ: And going forward maybe
 12 that's excellent guidance for how rate reviews get
 13 conducted.
 14 COMMISSIONER RUSSO: How many times have we been
 15 through this? This is sophomoric. Please proceed.
 16 Let's try and get through this.
 17 CAPTAIN HANSEN: Pilots of Palm Beach will
 18 handle more ships than any other pilot in Florida,
 19 possibly the nation. It shows our capacity being
 20 completed. If we lose one, we're in trouble. Size,
 21 the two cruise ships, number of handles has remained
 22 relatively consistent, the difference being the
 23 number of pilots available.
 24 Just showing the Tropical's amount of handles
 25 versus other customers in green. The average revenue

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1 per handle, it's the lowest in the state. The
 2 revenue per handle, even using 2018, this with two
 3 cruise ships operating full time, Palm Beach is still
 4 ranked the lowest in Florida. With only one cruise
 5 ship currently operating, the revenue per handle is
 6 lower still.
 7 Revenue per customer. Minimum charge fees, 60
 8 percent of the revenue for pilots goes to minimum
 9 charge vessels. The second lowest in the state at
 10 \$293, second only to Port Canaveral. Minimum charge
 11 is one-third the rate of Miami and Port Everglades.
 12 Even with the new rates implemented, Palm Beach rates
 13 are still lower, much lower.
 14 This basically just shows that we have to handle
 15 our largest cruise ship three times to equal the
 16 largest cruise ship in some of the other ports.
 17 Container ships, 6 to 1 disadvantage. This is nine
 18 hours of handling time versus two. Comparable
 19 compensation, there's Palm Beach in the red at the
 20 bottom. Even Masters make more money.
 21 This is showing the different pilots in
 22 different parts of the world as well. The average is
 23 580,000 in U.S. This shows from the past ten years
 24 Palm Beach Pilots has averaged \$240,000 per year
 25 gross, that's before medical expenses, taxes, of

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1 course, and you can see our very two best years we
 2 had in 2018 and 2019, that's when the port maxed out
 3 with two large cruise ships that could barely fit in
 4 the slip.
 5 Our expenses as mentioned before are extremely
 6 reasonable. We've had three retirees recently in the
 7 past two years, it's added a big pension expense. We
 8 have four total now. The charge showing that.
 9 Dockage expenses increased 105 percent since
 10 2016. It's showing everybody is raising their rates
 11 except for us. Office trailer went up 600 percent in
 12 2017 when new management took over and it goes up 6
 13 percent a year after that.
 14 Declining inventory of housing. This is to show
 15 for new candidates coming in that they have to deal
 16 with some of the highest housing costs in the nation
 17 with declining inventory. This chart shows the green
 18 area is basically the only place the pilots can live.
 19 So new, incoming pilots have to look in this area.
 20 We had a way to click on all these, we're not going
 21 to do that, but Riviera Beach, the port area, there's
 22 only 4 percent.
 23 PILOT BRITT: Yes, Riviera Beach is right next
 24 to the port is actually 4 percent safer than any
 25 other U.S. city.

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1 CAPTAIN HANSEN: Yeah, 96 percent of other
 2 cities are safer to live than there. It's at the
 3 bottom. One of the highest crime rates in all of the
 4 nation. So that's where we have to live up there.
 5 We can't live on the west side of these tracks
 6 because of our dedication to duty in case we get a
 7 train and we cannot live north of this bridge that
 8 goes up and down every half hour. So we are limited
 9 to here and we're in VHF range to the anchorages.
 10 Something extra the Palm Beach Pilots do for the
 11 state.
 12 Medical insurance, everybody knows the story
 13 here. There's charts on your medical insurance.
 14 There's medical premiums up 110 percent since our
 15 last hearing.
 16 Fixed expenses going up. You can see there was
 17 higher expenses in the years with the cruise ships
 18 because those years we did an engine rebuild because
 19 we were doing a little better and we did simulator
 20 training with the deputies and had a third full-time
 21 boatman, all extra expenses for those two years.
 22 Total expenses going up. More than doubled.
 23 Expenses to gross revenue. You can see how the
 24 revenue here is getting smaller, expenses going
 25 higher.

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1 Pilot boat fee. So now we're kind of towards
 2 the end where we have to tell you what fees we're
 3 asking for. The pilots are asking for a \$25 flat fee
 4 for seven years to pay for a new pilot boat. To put
 5 this in 2019, the prices of pilot's boat have gone up
 6 significantly. This is what it will produce, \$5,500
 7 a month, which would be a payment on a pilot boat and
 8 that's with a cruise ship. Without, it will be about
 9 4,750 we would earn per month because of the handles
 10 and it would generate 453,000 or 421,000 without.
 11 You're not going to get a great pilot boat for that.
 12 Pilot boats nowadays are a million dollars but
 13 we have researched and doing our best and we have
 14 found some boats in this range here. The St. Thomas
 15 pilots use this boat here. These prices have gone up
 16 a little but these are some of the boats that we're
 17 looking at so that we can maximize the money we would
 18 get from that fee over seven years and we're still
 19 going to have to pay out-of-pocket because of the
 20 interest fees.
 21 This is an interesting slide. We e-mailed Sea
 22 Tow recently here, this is just last week and asked
 23 them how much would it cost if we rent your boat with
 24 the captain every day? And this is the price we got,
 25 \$3,600 for a 24-hour shift. You multiply that by 365

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1 days a year and you get 1.3 million. That's our
 2 expected total revenue for the pilot association for
 3 2021. That's what we would pay to rent this guy and
 4 his services, we would take up every single dollar of
 5 revenue. It just shows you how out of line our rates
 6 are.
 7 The port control fee, we're almost done. This
 8 is for the various services that we skipped over but
 9 these are all the extra services we do for the port
 10 and the state. This one does not have an ending
 11 time. The pilot boat is seven years. This one will
 12 continue on.
 13 And finally, the 5 percent automatic annual rate
 14 increase. Let's see, the previous rate hearing only
 15 provided a 9.7 percent increase while the cumulative
 16 inflation rate alone since then was 18 percent. The
 17 rates in Palm Beach have lagged inflation and it's
 18 been impossible to keep up. Although there are
 19 indications that inflation will run high for the
 20 foreseeable future, the annual increase is not simply
 21 a COLA or cost of living adjustment. Gradual annual
 22 rate increases are more practical and cost efficient,
 23 especially for small associations. Steady
 24 incremental rate increases are preferred by the
 25 tenants as stated during previous hearings. The rate

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1 hearing process is a great hardship for small pilot
 2 associations that lack manpower and financial means.
 3 The 5 percent annual rate increase will be an attempt
 4 for the association to catch up to where it should
 5 be.
 6 For these reasons, the pilots request an
 7 automatic annual rate increase of 5 percent for ten
 8 years. This will help establish competitiveness in
 9 attracting and retaining pilots which is in the best
 10 interest of the state -- of safety and the state.
 11 And the end and we have a closing statement.
 12 It is understood that the honorable Committee
 13 members know their mandates to create a safe
 14 operating environment. Nevertheless, the pilots
 15 would like to reiterate the 12 responsibilities that
 16 shall be taken into account so that we can conclude
 17 with the clear goal of representing the state while
 18 setting fair, just, and reasonable rates.
 19 From the Florida Statutes 310.151, Rates of
 20 pilotage; Pilotage Rate Review Committee explains the
 21 Committee's responsibility and reads: In determining
 22 whether the requested rate change will result in
 23 fair, just, and reasonable rates, the committee shall
 24 give primary consideration to the public interest in
 25 promoting and maintaining efficient, reliable, and

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1 safe piloting services.
 2 The committee shall also give consideration to
 3 the following factors: One, the public interest in
 4 having qualified pilots available to respond promptly
 5 to vessels needing their service. To maintain a safe
 6 and optimal level of reliability, the port should be
 7 serviced by five pilots as it has for 20 years. The
 8 association cannot maintain five pilots without
 9 reducing compensation to much less than half of most
 10 pilots in Florida. Even with the rate increase as
 11 requested, the association cannot support five pilots
 12 with at least one -- without at least one cruise ship
 13 operating regularly. Only through the self-sacrifice
 14 and dedication to duty has the standard of service
 15 been maintained. The association will continue to
 16 demonstrate its commitment and reliability to the
 17 very best of its ability, as during the decades
 18 before, to protect the public's interest.
 19 Two: A determination of the average net income
 20 of pilots in the port. The data shows the net income
 21 per pilot is well below the average in the State of
 22 Florida, the United States, and in many parts of the
 23 world. This has consistently been the case.
 24 Three: Reasonable operating expenses of pilots.
 25 The pilot's expenses are more than reasonable due to

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1 the frugal business practices. This was made clear
 2 with the data you have seen today. There's nothing
 3 lavish about the Palm Beach Harbor Pilots'
 4 Association and never has been.
 5 Four: Pilotage rates in other ports. The data
 6 shows Palm Beach Pilots are always operating in
 7 catch-up mode to the other ports, with consistently
 8 lower rates and compensation. The 5 percent increase
 9 per year is paramount to the proper functionality and
 10 to help relieve the burden of the rate increase
 11 process for small associations.
 12 Five: The amount of time each pilot spends on
 13 actual piloting duty and the amount of time spent on
 14 other essential support services. The administrative
 15 hours for the Palm Beach Pilots are much higher than
 16 other ports because unlike most high-traffic ports,
 17 there's no support team of employees. These
 18 round-the-clock duties are managed by the pilots who
 19 are continuously consulted from maneuvering options,
 20 shifting requirements, and vessel placement
 21 possibilities, thus acting as harbor masters as well.
 22 This is combined with the highest handles per pilot
 23 in the state, possibly the nation.
 24 Six: The prevailing compensation available to
 25 individuals in other maritime services of comparable

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1 professional skill and standing. In order to attract
 2 and to hold the best and most qualified individuals
 3 as pilots, the overall compensation accorded pilots
 4 should be equal to or greater than that available to
 5 such individuals in comparable maritime employment.
 6 The Palm Beach Pilots have earned less
 7 compensation and benefits than senior
 8 American-flagged captains and less than
 9 subordinate -- and even less than some subordinate
 10 positions. This is despite a 2012, Division of
 11 Administrative Findings of Fact, requoted in the Port
 12 Everglades 2018 rate hearing, which established
 13 master's salaries as a floor for pilots' income. In
 14 2018, unlimited Masters made up to 325,000 per year.
 15 Only in 2018 and 2019 did the Palm Beach Pilots break
 16 the 300,000 mark, achieving this feat with the
 17 fortuitous maximum rarity of two maximum sized cruise
 18 shops home porting on alternate days. Even including
 19 those two years, the Palm Beach Pilots have averaged
 20 just 240,000 per year for the past 11 years. 2021 is
 21 shaping up to be another poor year even with just
 22 three state pilots bearing the workload.
 23 With all that said, it is other pilots, not
 24 shift captains, who should be used to compare and
 25 determine pilot rates. Ship masters do not have to

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1 spend years trying to compete for an elusive test,
 2 they take a major reduction in pay during the deputy
 3 pilot phase and early state pilot phase. They do not
 4 carry business risks, such as infrastructure, capital
 5 investments, direct employee decisions and benefits,
 6 et cetera, decisions that directly affect personal
 7 revenue and expenses. After their duty time, they go
 8 on their well-earned vacations and are disconnected
 9 from the ship owners' problems. As stated in Florida
 10 Statute 310.1516, discussing compensation, it uses
 11 the phrases, comparable professional skill and
 12 standing, as well as equal to or greater than that
 13 available to such individuals and comparable maritime
 14 employment. It was determined that there are
 15 approximately 1,100 state-licensed pilots in the U.S.
 16 The average compensation for said pilots is 580,000.
 17 The Palm Beach Pilots average well less than half
 18 that amount while working longer and taking more
 19 risks.

20 Seven: The impact rate change will have in
 21 individual pilot compensation and whether such change
 22 will lead to a shortage of licensed state pilots or
 23 qualified public -- pilot applicants.

24 The evidence is obvious. The rate change will,
 25 of course, help, but it's not enough to bring

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1 individual compensation near standards. Even with
 2 the rate increase applied, it would behoove
 3 candidates to test elsewhere to keep their current
 4 employment versus the time investment and gamble of
 5 becoming a Palm Beach Harbor Pilot. As shown in the
 6 presentation, there are unacceptable pools and
 7 efforts of candidates. Word is out that Palm Beach
 8 is undesirable. The pilots are beholden to the
 9 Committee's mandate to help remedy this by approving
 10 the requested new rates.

11 Eight: Projected changes in vessel traffic.
 12 Cargo, especially Tropical Shipping, has been a
 13 staple for the port and pilots for decades. The
 14 other cargo vessels sometimes change the nature and
 15 product but remains a steady source of revenue as
 16 well. Projected changes in vessel traffic have
 17 proved difficult to predict because one vessel can
 18 account for such a large portion. The cruise ships
 19 represented over 60 percent of revenue when the
 20 application was submitted. That is why in the new
 21 rates, the gross tonnage charge was actually reduced
 22 by 6 percent to accommodate them. Because their
 23 presence is unforeseen, it is impractical to project
 24 changes in vessel traffic.

25 Nine: Cost of retirement and medical plans.

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1 The association has a retirement plan that is modest
 2 compared to most ports which is used as a supplement
 3 to personal savings. Pensions are capped at 20
 4 percent of total gross revenue for the aggregate of
 5 all retirees combined. There are no medical benefits
 6 for active or retired pilots. These are
 7 out-of-pocket expenses. A pilot is only eligible for
 8 pension if reaching the combined thresholds of 55 or
 9 older and a minimum of 20 years of service. Thus
 10 far, every retired pilot has served for at least 33
 11 years. Less career compensation requires pilots to
 12 work longer and while older.

13 Ten: Physical risks inherent in piloting. As
 14 per previous sources and the latest 2021 article by
 15 the Business Insider, Associated Press, harbor pilots
 16 face a 5 percent chance of dying on the job in a
 17 30-year career. Since 2006, eight U.S. harbor pilots
 18 lost their lives doing their jobs. Every death was
 19 during the embarkation or disembarkation process.
 20 With more embarkations and disembarkations per pilot
 21 than any other association, the odds here are higher
 22 for a pilot death. This is exacerbated by the higher
 23 volume of smaller vessels that provide an inferior
 24 lee on windy days.

25 Eleven: Special characteristics, dangers, and

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1 risks of the particular port. Every port has its own
 2 unique challenges, dangers, and risks. Some for the
 3 Port of Palm Beach include Gulfstream's proximity,
 4 large swells, underpowered tugs not stationed in
 5 port, older pilot boats, responsibility for docking
 6 and undocking maneuvers, narrow turn, unforgiving
 7 rocky banks, small slips, poor fendering, frequent
 8 dredge and barge activity, yacht traffic, and
 9 recreational vessels.

10 Finally, twelve: Any other factors the
 11 committee deems relevant in determining a just and
 12 reasonable rate. The Palm Beach Harbor Pilots'
 13 Association would respectfully request the Committee
 14 also take into account the passage of time. The
 15 COVID-19 pandemic caused a lengthy delay in the
 16 Committee's processing of the rate application,
 17 compounding the pandemic-related deterioration of our
 18 association's overall financial condition and ability
 19 to operate safely. New rates were anticipated taking
 20 effect in January 2020, which as amended, would have
 21 been followed by a 5 percent rate increase in 2021
 22 and a 5 percent rate increase in 2022. We would
 23 appreciate a discussion on how this lost time and
 24 delay in effective date could be accounted for in new
 25 rates approved by the Committee in order to bring us

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1 current and help reestablish proper manning. Thank
 2 you for your time and consideration.
 3 CHAIR JACCOMA: Thank you. We have now the
 4 presentations of other affected parties. Is there
 5 anybody in the room that represents any other
 6 affected parties who would like to speak?
 7 (No response.)
 8 CHAIR JACCOMA: All right. Seeing none, we then
 9 come up to public comments. Any members of the
 10 public care to speak?
 11 (No response.)
 12 CHAIR JACCOMA: All right. So then we're going
 13 to go to deliberation and determination of request
 14 for change in the rate of pilotage for Port of Palm
 15 Beach. During this time we'll be talking amongst
 16 ourselves and we may ask some questions, any
 17 commissioners can ask questions for those during your
 18 presentations and I would ask, I'd like to ask our
 19 counsel, are there any -- what are the limitations on
 20 what we can do? If, for example, say we think \$25
 21 for a pilot boat fee is sufficient as he mentioned
 22 400 whatever thousand dollars, we know a boat costs a
 23 lot more than that, could we as a group decide to
 24 give him \$50 per the transit for a pilot?
 25 MS. McNULTY: If you base it on the evidence in

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1 the record. Keep in mind that you have not noticed,
 2 it's your decision as long as -- you can do whatever
 3 rate you believe is appropriate based on what's in
 4 the record, all right. Also, just a friendly
 5 reminder, we need to vote on each of the factors in
 6 the investigative committee report as part of your
 7 deliberation.
 8 CHAIR JACCOMA: Okay. Do that now then?
 9 MS. McNULTY: Yes, that's part of your record
 10 emailed.
 11 CHAIR JACCOMA: Let's go ahead and do that. Are
 12 you going to read those out one by one?
 13 MS. McNULTY: Yes. So you all have a copy of
 14 the investigative committee report and I'm going to
 15 refer to the page numbers in the investigative
 16 committee report. So the first one is on page 8 of
 17 the investigative committee report. The public
 18 interest in having qualified pilots available to
 19 properly respond and --
 20 COMMISSIONER KURTZ: Can you speak up, please.
 21 I'm having a hard time with the mask.
 22 MS. McNULTY: Can you hear me better now?
 23 COMMISSIONER KURTZ: Thank you.
 24 COMMISSIONER RUSSO: That's much better.
 25 CHAIR JACCOMA: So what page was that?

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1 COMMISSIONER RUSSO: Eight.
 2 MS. McNULTY: Page eight of the investigative
 3 committee report.
 4 COMMISSIONER RUSSO: How are we going to proceed
 5 now?
 6 MS. McNULTY: The Board needs to vote on what's
 7 written in the investigative committee report per
 8 factor as amended. So if you want to change
 9 something, you can change it; if you're okay with it
 10 as is, then you can vote to leave it.
 11 COMMISSIONER RUSSO: We can deliberate on each
 12 one of these specific points?
 13 CHAIR JACCOMA: It's not necessary, we can
 14 accept them.
 15 MS. McNULTY: If you want to. It's up to you.
 16 If you're okay with it as written, you can move it.
 17 If you need to change something, you can change it,
 18 but if you're all right with it, say move to approve
 19 as written or move to modify, whatever you want to
 20 do.
 21 COMMISSIONER RUSSO: I get it.
 22 MS. McNULTY: All right. So the first one is
 23 public interest is on page 8.
 24 CHAIR JACCOMA: Do we have a motion to approve
 25 or modify?

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1 COMMISSIONER KURTZ: I'll make a motion to
 2 approve.
 3 CHAIR JACCOMA: Second?
 4 COMMISSIONER ASSAL: Second.
 5 COMMISSIONER RUSSO: Forgive me for asking this
 6 again, but what are we voting -- are we voting?
 7 We're not voting on the merits, we're just
 8 acknowledging it essentially.
 9 MS. McNULTY: No. You are actually voting on
 10 what's in there because that's the determination, the
 11 basis for whatever rate you end up coming up with
 12 later. This is going to be adopted and incorporated
 13 by reference with your notice of intent to modify the
 14 rates.
 15 MS. STERN: You are either going to adopt what's
 16 in the investigative report under these criteria.
 17 These are the facts, okay, these are not -- this is
 18 not rate setting. You are voting on the fact that
 19 will support --
 20 MS. McNULTY: Your rate.
 21 MS. STERN: -- your rate or if you don't think
 22 it will, then you have to say so, but it's just,
 23 let's get the facts voted on.
 24 COMMISSIONER RUSSO: So voting on accepting the
 25 information that our decision will be based on.

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1 MS. STERN: Correct.

2 MS. McNULTY: Correct.

3 MS. STERN: Criteria.

4 COMMISSIONER RUSSO: I'm ready.

5 MS. McNULTY: Number one, public interest, you

6 just moved to approve.

7 CHAIR JACCOMA: Motion and a second. All in

8 favor?

9 COMMISSIONERS: Aye.

10 CHAIR JACCOMA: Any opposed?

11 (No response.)

12 CHAIR JACCOMA: Okay.

13 MS. McNULTY: And then I also want to go to the

14 executive summary because there's key information in

15 there that's on page -- starts on page 2 through --

16 well, 2 through 7 as amended by Mr. Law. Just the

17 starting of it. Because that also will be adopted

18 and incorporated by reference in your order.

19 COMMISSIONER RUSSO: So moved.

20 CHAIR JACCOMA: A second?

21 COMMISSIONER KURTZ: (Indicating.)

22 CHAIR JACCOMA: Second. All in favor?

23 COMMISSIONERS: Aye.

24 CHAIR JACCOMA: None opposed. Unanimous.

25 MS. McNULTY: Thank you. The next one is

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1 Section 2, average net income of pilots, pages 9

2 through 11. Mr. Law, the part that's amended, please

3 jump in, okay.

4 MR. LAW: I would like to just say my comments

5 regarding the volatility and reliability on was

6 written into that are very important and so I'd like

7 my comments on the record relevant to that section be

8 incorporated in what you accept as fact. Is that a

9 good way to put that?

10 MS. McNULTY: Yes.

11 COMMISSIONER RUSSO: Your previous testimony,

12 your previous statements.

13 MR. LAW: Right, because I think there's a

14 little editorial to those facts that support and that

15 is such a big part of your analysis is what do they

16 make, what are they going to make, and the unknown of

17 projected that you're accepting that there's some

18 unknown.

19 COMMISSIONER RUSSO: Mr. Chair, are you prepared

20 for a motion on that?

21 CHAIR JACCOMA: Yes. Do we have a motion on

22 this?

23 COMMISSIONER RUSSO: So moved.

24 CHAIR JACCOMA: Second?

25 COMMISSIONER KURTZ: (Indicating.)

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1 CHAIR JACCOMA: All in favor?

2 COMMISSIONERS: Aye.

3 CHAIR JACCOMA: None opposed. Carries

4 unanimous.

5 MS. McNULTY: The next section are the

6 reasonable operating expenses of the pilots, pages 11

7 through 12.

8 COMMISSIONER KURTZ: Motion to approve.

9 COMMISSIONER ASSAL: Second.

10 CHAIR JACCOMA: All in favor?

11 COMMISSIONERS: Aye.

12 CHAIR JACCOMA: None opposed. Motion carries

13 unanimous.

14 MS. McNULTY: Next section, pilotage rates in

15 other ports, and we have included the addendum

16 modifying the Tampa chart and Palm Beach.

17 COMMISSIONER KURTZ: Motion to approve.

18 COMMISSIONER RUSSO: Second.

19 CHAIR JACCOMA: All in favor?

20 COMMISSIONERS: Aye.

21 CHAIR JACCOMA: None opposed. Carries

22 unanimous.

23 MS. McNULTY: The next, Tab 5, the amount of

24 time the pilot spends on actual piloting, that begins

25 on page 16 through 17 of the IC.

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1 COMMISSIONER KURTZ: Motion to approve.

2 COMMISSIONER RUSSO: Second.

3 CHAIR JACCOMA: All in favor?

4 COMMISSIONERS: Aye.

5 CHAIR JACCOMA: None opposed. Motion carries

6 unanimous.

7 MS. McNULTY: Section 6, the prevailing

8 compensation, that's pages 17 through 18.

9 COMMISSIONER KURTZ: Motion to approve.

10 COMMISSIONER RUSSO: Second.

11 CHAIR JACCOMA: All in favor?

12 COMMISSIONERS: Aye.

13 CHAIR JACCOMA: Any opposed? No.

14 MS. McNULTY: That's got to be audible so it's

15 on the record. Thank you.

16 MS. STERN: And the court reporter is having a

17 hard time hearing because she's right under an

18 airflow that's extra loud.

19 MS. McNULTY: Thank you.

20 CHAIR JACCOMA: Unanimous on six.

21 MS. McNULTY: So the six was approved; is that

22 correct?

23 CHAIR JACCOMA: Yes.

24 MS. McNULTY: So seven will be the impact or the

25 rate change they have on individual pilot

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1 compensation, et cetera, and the shortage of pilots
 2 or deputy pilots, that's on pages 18 and 19 and as
 3 amended.
 4 COMMISSIONER KURTZ: Motion to approve.
 5 COMMISSIONER RUSSO: Second.
 6 CHAIR JACCOMA: All in favor?
 7 COMMISSIONERS: Aye.
 8 CHAIR JACCOMA: Unanimous.
 9 MS. McNULTY: Next will be projecting changes in
 10 vessel traffic, pages 19 and 20 as amended.
 11 COMMISSIONER KURTZ: Motion to approve.
 12 COMMISSIONER ASSAL: Second.
 13 CHAIR JACCOMA: All in favor?
 14 COMMISSIONERS: Aye.
 15 CHAIR JACCOMA: Motion carries unanimous.
 16 MS. McNULTY: The next section will be costs of
 17 retirement and medical plans, pages 21 and 22.
 18 COMMISSIONER KURTZ: Motion to approve.
 19 COMMISSIONER RUSSO: Second.
 20 CHAIR JACCOMA: All in favor?
 21 COMMISSIONERS: Aye.
 22 CHAIR JACCOMA: Motion carries unanimous.
 23 MS. McNULTY: Section 10 will be the physical
 24 risks inherent to piloting, and that is on page 23.
 25 COMMISSIONER KURTZ: Motion to approve.

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1 COMMISSIONER RUSSO: Second.
 2 CHAIR JACCOMA: All in favor?
 3 COMMISSIONERS: Aye.
 4 CHAIR JACCOMA: Motion carries unanimous.
 5 MS. McNULTY: Section 11 with special
 6 characteristics, dangers, and risks of this
 7 particular port, pages 23 to 25 as amended.
 8 COMMISSIONER KURTZ: Motion to approve.
 9 COMMISSIONER RUSSO: Second.
 10 CHAIR JACCOMA: All in favor?
 11 COMMISSIONERS: Aye.
 12 CHAIR JACCOMA: Motion carries unanimous.
 13 MS. McNULTY: Section 12 of the IC, pages 25 and
 14 26, any other factors.
 15 COMMISSIONER KURTZ: Motion to approve.
 16 COMMISSIONER RUSSO: Second.
 17 CHAIR JACCOMA: All in favor?
 18 COMMISSIONERS: Aye.
 19 CHAIR JACCOMA: Motion carries unanimous.
 20 MS. McNULTY: And then finally the consumer
 21 price index, and that's on page 26.
 22 COMMISSIONER KURTZ: Motion to approve.
 23 COMMISSIONER RUSSO: Second.
 24 CHAIR JACCOMA: All in favor?
 25 COMMISSIONERS: Aye.

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1 CHAIR JACCOMA: Motion carries unanimous.
 2 MS. McNULTY: Thank you.
 3 CHAIR JACCOMA: Now we go into our
 4 deliberations.
 5 MS. McNULTY: Correct.
 6 CHAIR JACCOMA: All right. Anyone have anything
 7 they would like to say?
 8 COMMISSIONER RUSSO: Just it's a point I believe
 9 you made and was successful in making it but I just
 10 think that any public body should proceed in a way
 11 that they should expect challenge and that's why we
 12 have to make sure we do things that is as perfectly
 13 as we can, but the fear of challenge should never,
 14 ever perform in a certain way that endangers the
 15 public safety.
 16 So we're being asked to make a decision on the
 17 rates for the pilots' performance and obligations and
 18 responsibilities for the Port of Palm Beach. And as
 19 you mentioned, they are going to buy -- they want to
 20 buy a used boat. That is just unacceptable. I know
 21 we can't do anything now and that's fine but for us
 22 to move into the future and for the future
 23 considerations what the pilots do on this date and
 24 throughout the country is essential.
 25 Now I was appointed by the Governor to focus --

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1 to focus primarily on environmental impacts of what
 2 you do. I've had enough experience with all of you
 3 to know and certainly the pilot to know that without
 4 the pilot there would be significantly more
 5 environmental damage to this country and certainly to
 6 ports and everything that will happen after those
 7 things, we saw things in the visual presentation
 8 today. And, therefore, we should not hedge. You
 9 should not try to make whatever challengers out there
 10 happy. Your job is to promote the public safety,
 11 health and welfare and the environment is a major
 12 part of that. So you're right, if a tugboat didn't
 13 show up or a motor blew out or whatever it is and
 14 that boat, that vessel that you were concerned about
 15 blocked the port and created environmental damage,
 16 how is the public served? Therefore, I would
 17 encourage the pilots to reconsider in the future to
 18 make sure that they are using first-class equipment
 19 with experienced people with backup and redundancy
 20 all the way. There you go. Thank you very much and
 21 I'm prepared to vote in favor of this.
 22 CHAIR JACCOMA: I agree.
 23 COMMISSIONER KURTZ: I'm just amazed by what
 24 they do in Palm Beach. I've been a pilot in Florida
 25 for a really long time and I had no idea the

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1 challenges that you guys face and I think this is a
 2 long time coming.
 3 CHAIR JACCOMA: Agree. Personally, I look at
 4 this port and I was in awe looking at some of those
 5 videos. I've been a pilot for going on 34 years. So
 6 all I can say is thank you.
 7 COMMISSIONER RUSSO: Yeah, outstanding.
 8 CHAIR JACCOMA: And the ability to attract and
 9 retain pilots is very important to me as a
 10 commissioner on this Board and I'm hoping that what
 11 we do today goes far enough to do that for you. So I
 12 would entertain any motion from any of my fellow
 13 commissioners to do just that.
 14 COMMISSIONER KURTZ: I would like to make a
 15 motion to accept the proposed rate change as
 16 presented by the Palm Beach Pilots.
 17 COMMISSIONER RUSSO: I'll second that motion,
 18 please.
 19 MS. McNULTY: Can I just read over the rates for
 20 the record? There's not that many of them so it's
 21 clear for the record. Make sure I'm not missing any
 22 of them. All right. Is that all right? And what
 23 I'm going to do what it's moved to, okay. That the
 24 draft charges \$20 per foot minimum 17 feet; tonnage
 25 charge .032 per GT minimum 5,000 GT, shifting vessel

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1 7,000 GT 400, 7,000 GT or greater 800. No?
 2 CAPTAIN BUSHY: Did you say 32 cents or 34
 3 cents?
 4 MS. McNULTY: I said .032, it went down.
 5 CAPTAIN BUSHY: It went down, sorry.
 6 MS. McNULTY: Barges GT plus 1.5 times draft for
 7 barges greater than 5,000 GT; running lines by pilot
 8 boats \$400; anchoring vessel in anchorage area
 9 \$1,000; detention/cancellation of pilot, \$300 per
 10 half hour; new piloting boat fee \$25 per handle for
 11 seven years; port control duties fee, \$25 per handle;
 12 reduced passenger vessel GT charge, .016 for GT on GT
 13 above 55,000 GT; late payment charge, 2 percent per
 14 month after 30 days from invoice submission; and
 15 finally, a 5 percent increase per year for ten years
 16 beginning one year after implementation date of the
 17 rates.
 18 CHAIR JACCOMA: Was there on here transfer of
 19 papers by pilot boat transfer personnel, I didn't
 20 hear you say that but I see the rate, it looks like
 21 it stays the same.
 22 MS. McNULTY: If it stays the same, then it's
 23 not in here, it's a modification.
 24 CHAIR JACCOMA: So that's what the motion is
 25 right now? So now we have discussion. Can I ask is

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1 it -- did you mention it would be improper to raise
 2 that pilot fee -- pilot boat fee?
 3 MS. McNULTY: It's not improper.
 4 COMMISSIONER RUSSO: It's not improper.
 5 MS. McNULTY: Which are the fees are you talking
 6 about?
 7 CHAIR JACCOMA: The pilot boat fee.
 8 COMMISSIONER RUSSO: \$25.
 9 COMMISSIONER ASSAL: Generating \$453,000 a year
 10 on that boat for seven years.
 11 CHAIR JACCOMA: Right.
 12 MS. STERN: You can raise it.
 13 MS. McNULTY: You can raise it and state the
 14 reason why.
 15 CHAIR JACCOMA: So do we amend the motion?
 16 Would anyone be willing to amend the motion?
 17 COMMISSIONER RUSSO: I'd be willing to amend the
 18 motion. I need a little help here in terms of
 19 anecdotally, the presenter anecdotally mentioned a
 20 boat like that new would cost somewhere north of a
 21 million dollars, so it would be nice to have a more
 22 specific number to make a motion to support.
 23 COMMISSIONER KURTZ: Okay, I will amend my
 24 motion then to accept the rate change as proposed by
 25 Palm Beach in their application with the amended

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1 pilot boat fee of \$50 instead of \$25.
 2 COMMISSIONER RUSSO: Appeasement is never a good
 3 thing when it comes to public safety.
 4 CHAIR JACCOMA: I agree.
 5 MS. McNULTY: Can I have just a little bit more
 6 justification so this way I can put it in the order
 7 to support.
 8 COMMISSIONER KURTZ: I will base my motion on
 9 the fact that because of the unreliability of their
 10 revenue stream, they could be at the low end, not
 11 70,000 a year for seven years but maybe 50,000 a year
 12 for seven years and that is certainly not enough to
 13 pay for a good pilot boat, especially, you know, with
 14 the \$50, perhaps they could actually get a new boat
 15 instead of someone's used boat. It is the thing that
 16 keeps the pilots safe and efficient to get back and
 17 forth to ships. The last thing you want is to have
 18 to call Sea Tow on a rough day because your boat
 19 broke down. Well, we've had to do that and it's
 20 awful. So is that enough justification for wanting
 21 to raise that?
 22 MS. McNULTY: Yes, and I think also perhaps for
 23 your consideration Captain Hansen also pointed out
 24 they have increased number of handles and that puts
 25 the pilots at inherent risk, so that would be another

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1 reason perhaps to have.

2 COMMISSIONER KURTZ: Need a safe, reliable boat.

3 It is one of your most important assets and certainly

4 your most expensive.

5 COMMISSIONER RUSSO: Can I also add based on the

6 personal observation of the port itself and the

7 currents and the hazards and the risks and potential

8 for environmental damage, that the cost of the

9 remediation of that damage in this very strategic and

10 important location would far exceed what the

11 amendment is asking for.

12 CHAIR JACCOMA: And further discussion, Captain

13 Hansen at the end mentioned the time period that it

14 took for this to be heard. So I guess they've been

15 somewhat shorted expected increases that they might

16 have otherwise received had this been able to be

17 heard earlier.

18 COMMISSIONER RUSSO: Over time.

19 CHAIR JACCOMA: Over time. Is that something

20 that we want to consider as well?

21 COMMISSIONER ASSAL: Did we know COVID was

22 coming?

23 CHAIR JACCOMA: I'm sorry?

24 COMMISSIONER ASSAL: Did we know COVID was

25 coming?

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1 CHAIR JACCOMA: No one did.

2 COMMISSIONER ASSAL: We're asking if I could

3 have, would have, should have.

4 COMMISSIONER RUSSO: It bothers me that it takes

5 so long to do this.

6 CHAIR JACCOMA: Right.

7 COMMISSIONER RUSSO: I know you got to go.

8 COMMISSIONER ASSAL: No, I'm listening, I

9 promise you I'm listening.

10 COMMISSIONER RUSSO: It bothers me the issues

11 (Inaudible), it would be great if we can look at it

12 more streamlined effort because things happen that

13 you don't -- this is just a big guess right now.

14 Hey, we think it's going to cost this, so we give you

15 that. This is a user fee. This is not a tax rate.

16 This is a user fee and paid by the people that need

17 your services the most. So I, again, let's sharpen

18 our pencils and figure out a way to streamline the

19 service so it's easier for you to come back in here

20 and do it in a way that's so right and so unwavering

21 that challenges will be limited, if it is at all. We

22 want to be very powerful actions so people would be

23 crazy to challenge our decisions.

24 COMMISSIONER KURTZ: So there is a motion on the

25 floor and I just have -- I just lost my train of

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1 thought.

2 COMMISSIONER RUSSO: You what?

3 COMMISSIONER KURTZ: I lost my train of thought.

4 COMMISSIONER RUSSO: I'll second that.

5 COMMISSIONER KURTZ: Sorry, senior moment.

6 CHAIR JACCOMA: Are we ready?

7 MS. ACKERMANN: Did you want to discuss changing

8 any of the --

9 COMMISSIONER KURTZ: Oh, I know what I was going

10 to say, I'm sorry. So increasing that fee to \$50,

11 you know, we're sort of hedging as you were, you

12 know, that maybe they are not going to get the cruise

13 ship and so optimistically maybe your traffic will

14 increase by getting a cruise ship or something and

15 then that will even help further but I think making

16 the decision to grant the rate change with the

17 increased pilot boat fee and sort of the lowest

18 expectation, it covers you and then anything extra is

19 just better.

20 CAPTAIN HANSEN: Am I allowed to speak? I just

21 want to mention that I didn't go through that because

22 we sped through it but the pilot boat fee, just so

23 you're clear, is not pilot income at all even if you

24 raise it to a thousand dollars for the best pilot

25 boat in the world. That's not going to affect our

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1 income.

2 COMMISSIONER KURTZ: Right, but it's money

3 that's not coming out of your pocket.

4 CAPTAIN HANSEN: Sure.

5 COMMISSIONER KURTZ: Right? And so you're going

6 to have a fund and when you have enough money to buy

7 a boat, then that's what it's for.

8 CAPTAIN HANSEN: All the other ones, any

9 increase in the others would increase pilot income,

10 that one will not.

11 CHAIR JACCOMA: So --

12 COMMISSIONER KURTZ: So there's a motion.

13 CHAIR JACCOMA: Right. For more discussion

14 would it be -- would the group consider to instead of

15 waiting a year to do it maybe give the first one in

16 six months.

17 COMMISSIONER RUSSO: First what?

18 CHAIR JACCOMA: First 5 percent increase that's

19 been requested.

20 COMMISSIONER ASSAL: Now you're amending the

21 whole thing again; right?

22 COMMISSIONER RUSSO: So okay, instead of wait a

23 year, wait six months for the first 5 percent.

24 CHAIR JACCOMA: Yes.

25 COMMISSIONER RUSSO: Again, I have no problem

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1 with that at all. The more -- the more money they
 2 spend on safety and equipment, the better. We
 3 shouldn't be hedging anything and what they do --
 4 what frustrated me is you're proving something that
 5 the world should know about it and they don't. It's
 6 frustrating for me and what I do is that I have to
 7 sit there, did you ever know what a pilot does? They
 8 have no idea. No idea. So you don't have to make
 9 your case certainly to this Board and certainly not
 10 to me. But, yes, I would be in favor of accelerating
 11 the first 5 percent and then every year after that
 12 after that date?
 13 CHAIR JACCOMA: Yes.
 14 COMMISSIONER RUSSO: Ms. Motion Person.
 15 COMMISSIONER KURTZ: Okay, I'm going to amend my
 16 motion again to include for what already has been
 17 said but to have the first 5 percent increase take
 18 place after six months rather than 12 months.
 19 MS. McNULTY: And just to rejustification for
 20 that briefly for support of the record.
 21 COMMISSIONER KURTZ: Just to try to help them
 22 out since they waited so long for their rate review
 23 and they really need their increase as soon as
 24 possible, and, historically, rate increases have
 25 taken effect immediately.

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1 CHAIR JACCOMA: Right.
 2 COMMISSIONER KURTZ: And so this effort to give
 3 the customers a few months to wrap their minds around
 4 it, to understand what's going on is a courtesy to
 5 them that has, you know, it's like they started with
 6 Jacksonville where they agreed to wait a certain
 7 amount of time before implementing it and so but in
 8 recognition of the hardship that Palm Beach is
 9 experiencing to move it up from 12 months to six
 10 months for the first increase and then every 12
 11 months thereafter.
 12 COMMISSIONER RUSSO: Does that require a second?
 13 COMMISSIONER KURTZ: The whole motion is going
 14 to need a second.
 15 COMMISSIONER RUSSO: Well put. We're
 16 recognizing the time constraints that we caused, I
 17 think. Second.
 18 CHAIR JACCOMA: Any further discussion?
 19 COMMISSIONER ASSAL: I didn't cause anything.
 20 So don't say we caused. Don't say the Board caused
 21 it. It's the process. It's not the Board.
 22 COMMISSIONER RUSSO: No, but we established --
 23 COMMISSIONER ASSAL: No, it's not the Board.
 24 It's the process. It's the system. So you put the
 25 blame on the Governor?

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1 COMMISSIONER KURTZ: There's a motion and a
 2 second.
 3 MS. McNULTY: I'd like to say what I like what I
 4 think you're saying. So for six months after, six
 5 months and then a year after to expedite relief for
 6 the pilots of Palm Beach because of the hardships
 7 that they have been experiencing, leave it at that.
 8 COMMISSIONER KURTZ: Yes.
 9 COMMISSIONER RUSSO: Because of the 11th time it
 10 took to go through the process (Inaudible).
 11 MS. McNULTY: Talk one at a time.
 12 MR. LAW: Plus all the fees, including the boat
 13 fee?
 14 MS. McNULTY: That's their thing is, their
 15 rate --
 16 CHAIR JACCOMA: We're just accelerating in six
 17 months the first increase and then --
 18 MS. McNULTY: Their motion all rates.
 19 CHAIR JACCOMA: So the motion is on the floor.
 20 Is there any further discussion? We'll call the
 21 motion. All in favor?
 22 COMMISSIONERS: Aye.
 23 CHAIR JACCOMA: Any opposed?
 24 COMMISSIONER ASSAL: (Indicating.)
 25 MS. McNULTY: We have to actually have the

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1 audible for the record, audible.
 2 CHAIR JACCOMA: So those in favor say aye.
 3 COMMISSIONERS: Aye.
 4 CHAIR JACCOMA: Three in favor. Any opposed?
 5 COMMISSIONER ASSAL: Nay.
 6 CHAIR JACCOMA: One opposed. Three to one,
 7 motion carries.
 8 MS. McNULTY: Motion carries. Then also the
 9 process is going to there will be a draft notice of
 10 intent to approve that will come before, I am
 11 assuming a teleconference call of this Board, then
 12 you vote on whether or not that's okay and the
 13 issues. The question is what should be the effective
 14 date of the rate change?
 15 CHAIR JACCOMA: What's as soon as we can get it
 16 done?
 17 COMMISSIONER KURTZ: Wouldn't it be six months
 18 from today?
 19 MS. McNULTY: No.
 20 COMMISSIONER ASSAL: Six months from the date
 21 signed of the draft, when the draft is approved, six
 22 months.
 23 MS. McNULTY: No, not six months. It could
 24 be -- the effective date of this rate change could
 25 be, for example, February 1st. By the time you do

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1 the notice, you have your meeting, do the transcript,
 2 I would suggest maybe February 1, 2022, as the
 3 effective date. If for some reason there's a hiccup,
 4 you have your meeting in January, then it's noticed,
 5 you know, the department files it, then that rate
 6 increase goes into effect January -- I mean February
 7 1, 2022. If there's a challenge to it, those rates
 8 are held subject to refund in an escrow account but
 9 that would be, I think, a doable date.

10 COMMISSIONER RUSSO: February 1, 2022?
 11 MS. McNULTY: I think --
 12 CHAIR JACCOMA: Is that the quickest?
 13 MS. McNULTY: I mean, I don't know, how long
 14 will it take the transcript?
 15 THE STENOGRAPHER: Two weeks.
 16 MS. McNULTY: That just means we're the
 17 beginning of December and then we can do it, we have
 18 to notice the meeting.
 19 MS. STERN: Donna has to draft it.
 20 MS. McNULTY: I've already started drafting the
 21 order, by the way.
 22 COMMISSIONER RUSSO: February 2nd?
 23 MS. McNULTY: February 1.
 24 COMMISSIONER RUSSO: February 1, 2022. You have
 25 to amend it.

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1 COMMISSIONER KURTZ: I don't have to amend.
 2 MS. McNULTY: No.
 3 COMMISSIONER KURTZ: No, I think this is
 4 informational.
 5 MS. McNULTY: I'd like to have a vote on the
 6 effective date, if I could, please.
 7 COMMISSIONER RUSSO: So I make a motion the
 8 effective date of this action will be February 1st,
 9 2022.
 10 COMMISSIONER KURTZ: I'll second.
 11 CHAIR JACCOMA: All in favor?
 12 COMMISSIONERS: Aye.
 13 CHAIR JACCOMA: Any opposed?
 14 COMMISSIONER ASSAL: One.
 15 CHAIR JACCOMA: Three in favor, one opposed.
 16 Motion carries. Okay. Anything else today? Motion
 17 to adjourn.
 18 COMMISSIONER RUSSO: So moved.
 19 COMMISSIONER KURTZ: (Indicating.)
 20 CHAIR JACCOMA: Adjourned.
 21 (Concluded at 2:39 p.m.)
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MEETING CERTIFICATE

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 2
 3 STATE OF FLORIDA)
 4 COUNTY OF PALM BEACH)
 5
 6 I, Melanie Wustrau, RMR, CRR certify that I was
 7 authorized to and did stenographically transcribe the Pilotage
 8 Rate Review Committee Hearing, and that the transcript is a
 9 true and complete record of my stenographic notes.
 10
 11 Dated this 17th day of November, 2021.
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 13 *Melanie Wustrau*
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