

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

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	10/3/2018
File #	

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

CASE NO.: PRRC 2014-A

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**PORT EVERGLADES PILOTS ASSOCIATION'S RESPONSE IN OPPOSITION
TO MOTION TO INTERVENE, AND REQUEST FOR EXPEDITED CONSIDERATION**

The Port Everglades Pilots Association ("The Pilots") oppose King Ocean Services, LTD's ("King Ocean") Motion to Intervene. The Pilots adopt and incorporate by reference FCCA's Response in Opposition filed today, but respectfully submit the following for the Committee's consideration.

In 2014 the Pilots filed an application for a change of pilotage rates in Port Everglades. The application included a significant increase in rates for cargo vessels. The application was publically noticed and afforded interested parties a clear point of entry into the administrative process to challenge those rates. King Ocean did not avail itself of that clear point of entry.

Some one thousand, four hundred (1,400) days later, King Ocean attempts to intervene, claiming in part that the parties' settlement on pilotage rates gives King Ocean a second chance.

Established, binding precedent holds to the contrary. A party waives its right to intervene and contest a settlement if the party had a clear point of entry pre-settlement to challenge

proposed action adversely affecting the party's interests. *St. Joseph Hosp. of Charlotte, Florida, Inc. v. Dep't of Health and Rehabilitative Servs.*, 559 So. 2d 595 (1989); *Inverness Convalescent Center v. Dep't of Health and Rehabilitative Servs.*, 541 So. 2d 677 (1989); *Florida Medical Center v. Dep't of Health and Rehabilitative Servs.*, 484 So. 2d 1292 (1986). For four years, King Ocean had every opportunity to intervene and challenge the Pilot's proposed increase in pilotage rates - and any settlement with FCCA regarding those rates. King Ocean chose not to do so then, and it has waived any right to do so now.

The Pilots respectfully request expedited consideration and an order denying intervention.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been served by electronic mail
this 3rd day of October, 2018 to the following:

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