

PORT EVERGLADES TARIFF NO. 12

Item No. 515–Wharfage and container crane incentives for qualifying ocean carriers.

Issue No. 2

Effective Date: October 1, 2011

The provisions of this Item apply to non-terminal operating container cargo ocean carriers that do not have a wharfage and operating agreement or lease approved by Broward County. Such non-terminal operating container cargo ocean carriers that load/discharge containerized cargo at Port Everglades utilizing its vessels, or is participating in a Federal Maritime Commission filed vessel sharing agreement (VSA) with other lines (which will result in the VSA participants loading/discharging containerized cargo at Port Everglades), may apply to the Port Everglades Chief Executive in writing for approval of application of the provisions of this Item, which approval entitles such non-terminal operating container cargo ocean carriers to receive the herein below Tariff incentive discounts on an annual basis effective from the date of first vessel call. To qualify for Port Everglades Chief Executive approval, such non-terminal operating container cargo ocean carriers must use the County's container gantry and/or mobile harbor crane and demonstrate the ability to load/discharge a minimum of 100,000 container cargo tons annually at Port Everglades. For container cargo ocean carriers having a ship using, on the same port call, a combination of container lift on/lift off (LO/LO) using County's container gantry and/or mobile harbor crane and roll on/roll off (RO/RO) cargo that is discharged/loaded in ocean shipping containers, in over the road trailers, and/or on flat racks such RO/RO cargo qualifies for container cargo wharfage discounts. Such RO/RO cargo tonnage will be combined with LO/LO cargo discharged/loaded with County's container gantry and/or mobile harbor crane for determining discount level for cargo wharfage purposes only. For container cargo ocean carriers qualifying under this Tariff Item participating in a VSA, the combined container cargo tonnage of all VSA participating carriers will be considered in achieving the minimum 100,000 ton threshold and qualifying for levels of discounts.

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(Annual Minimum Containerized Cargo Short Tons)	Percentage Discount from Published Tariff Rates for Container Cargo (Tonnage) Wharfage Rates and Container Gantry/Mobile Harbor Crane Rental Rates (excluding standby, start up, & shut down)
0-50,000 Tons per year	10%
50,001-100,000 Tons per year	20%
100,001-250,000 Tons per year	35%
250,001-300,000 Tons per year	40%
300,001-350,000 Tons per year	45%
350,001- Tons and over per year	50%

Annual Minimum Tonnage includes the container cargo tons loaded/discharged at Port Everglades during each twelve (12) month period commencing on the date of the first vessel loading/discharging operation and terminating 365 days thereafter. As additional qualified vessels are loaded/discharged during this time period, such activity is to be included within this 365-day time period. The enumerated incentive discounts herein above apply only where such non terminal operating container cargo ocean carrier utilizes the County's container gantry/mobile harbor cranes and only to container cargo (tonnage) wharfage rates and container gantry crane rental rates, (excluding charges for standby, start up & shut down) and shall have no effect on any other Tariff fee, charge, and/or rate under any other provision of Tariff No. 12 as amended or reissued.

In instances where a qualifying container cargo ocean carrier participates in two or more independent and/or VSA services at Port Everglades, container cargo tonnage and charges for container gantry/mobile harbor crane hours will be combined for purposes of application of discounts as provided for in this Item. During the course of each twelve (12) month period, each service in which a qualifying container cargo ocean carrier participates will be treated independently for purposes of application of cargo wharfage and container crane discounts. At the end of each twelve (12) month period, container cargo tons and charges for container crane rental hours for all services in which a qualifying container cargo ocean carrier participates will be combined. For purposes of combining container cargo tons and charges for container crane rental hours, the twelve (12) month period/effective date for all independent and/or VSA services is considered to be that of the first vessel call of the first qualifying service. Should the calculation combining container cargo tons and charges for container crane rental hours result in the ocean carrier reaching a higher level(s) of

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discount, a credit will be issued to the carrier within sixty (60) days of the end of the twelve (12) month period provided the carrier has given the Port Everglades Department, in writing, its designation as to which of its account(s) is to receive the credit.

To remain eligible for the herein above enumerated incentive discounts such non-terminal operating container cargo ocean carrier's account with Broward County must be and remain current with no delinquent balances and such carrier shall continue to demonstrate its ability to load/discharge a minimum of 100,000 container cargo tons annually at Port Everglades. Under the Port Everglades Chief Executive's guidelines and Broward County's Port Everglades Department's Accounts Receivable Policy and Procedures, all accounts will be monitored and appropriate action taken on delinquent accounts. A qualified carrier whose account becomes delinquent will not receive discounts on cargo wharfage and charges for container crane rental during the period(s) of delinquency. During a period of account delinquency, container cargo wharfage and charges for container gantry/mobile harbor crane rental will be invoiced at full Tariff rates. For carriers participating in a VSA, only the individual member(s) of the VSA whose account is delinquent will be denied discounts. Once carrier's account returns to current status, the carrier will again be entitled to discounts at the level at which the service is then operating. Irrespective of a carrier's account status, all container cargo tons will be counted toward reaching additional levels of discount.