

**LOUISIANA PILOTAGE FEE COMMISSION
MINUTES OF OCTOBER 1, 2015 REGULAR MEETING**

MINUTES of the Regular Meeting of the Louisiana Pilotage Fee Commission of the State of Louisiana held at 602 North Fifth Street, Galvez Room, Baton Rouge, Louisiana, on October 1, 2015.

APPEARANCES OF COMMISSIONERS:

Chairman Alfred S. Lippman
Ann Trappey
John "Fenn" French
John T. Hyatt
William "Billy" S. App, Jr.
Elizabeth Jackson
Gregory M. Bowser
Captain A.J. Gibbs
Captain Michael R. Lorino, Jr.
Captain Stephen H. Hathorn
Captain Brett A. Palmer

ALSO PRESENT:

Larry E. McNutt, Jr., Administrator LPFC
Paul S. West, General Counsel

Andrew B. Ezell, Esquire
Ezell Law Firm (Crescent Pilots, Lake Charles Pilots)

Janet S. Boles, Esquire and William B. Kirtland
Boles Law Firm (NOBRA Pilots)

David L. Guerry, Esquire and Jamie Watts, Esquire
Long Law Firm (Bar Pilots)

Michelle M. O'Daniels, Esquire
Zaubrecher, Treadaway, LLC (Louisiana Maritime Association)

Randy Young, Esquire
Kean Miller (Louisiana Chemical Association)

The LPFC held its regular meeting on October 1, 2015, convening at 10:00 A.M. with the above-named parties in attendance. Also in attendance were alternate members of the LPFC, representatives of pilots and industry related entities, and members of the public.

Item I.

Chairman Lippman called the meeting to order.

Administrator conducted roll call and confirmed that a quorum was present. On a motion offered by Commissioner Hyatt, seconded by Commissioner Trappey, the Commission voted unanimously to ratify the transcript and minutes of the LPFC Regular Meeting that took place on July 30, 2015.

Item II.

P-15-004 – Request For Action Filed by Louisiana Maritime Association (re NOBRA)

On motion offered by Commissioner Hathorn, seconded by Commissioner Palmer, as approved by unanimous vote of the Commission, this matter was tabled pending further settlement discussions to be conducted between the parties.

Item III

Docket Item P-15-007 – Request For Action filed by Bar Pilots

The Chairman called upon Administrator to introduce this docket item. Administrator introduced counsel for the Louisiana Maritime Association (LaMA) and Bar Pilots and the Chairman acknowledged their requests that all pleadings filed by both parties to this matter be formally introduced into the record. Having done so, and after some discussion, a motion was offered by Commissioner Lorino, seconded by Commissioner Hyatt, that, pursuant to 12904(b)(6) of the Fee Commission rules, the LPFC dispense with the requirement of a stipulated hearing and consider the uncontested stipulated settlement between the Bar Pilots and LaMA based on the referenced filed documentation. Lorino's motion was approved by unanimous vote.

The Chairman then acknowledged a second motion offered by Commissioner Lorino, seconded by Commissioner Gibbs, that, the requirement of a stipulated hearing having been waived, proffered terms of the proposed settlement be accepted and adopted by the LPFC. At the request of the Chairman, counsel for Bar Pilots then provided a summary of the terms of the proposed joint settlement agreement. The settlement agreement was thereafter approved by unanimous vote of the Commission.

Item IV

Docket Item P-15-008 - Request For Action Filed by CRPPA

Administrator introduced this contested docket item, submitted by the Crescent River Port Pilots (CRPPA) with intervenors of record Louisiana Maritime Association (LaMA) and the Louisiana Chemical Association (LCA). Administrator summarized the issues before the Commission at the initial status conference. Chairman then called for discussion on selection of a method of adjudication. After some discussion on factual issues related to the case, the Chairman acknowledged a motion offered by Commissioner App, seconded by Commissioner

Gibbs, that the Commission as a whole conduct proceedings in the contested matter. Commissioners, the administrator, and counsel for the LPFC and the parties to this matter then participated in a lengthy discussion of issues related to Commissioner App's motion.

After this discussion, a substitute motion was offered by Commissioner Lorino, seconded by Commissioner French, that the matter be adjudicated through the appointment of a Hearing Panel. The substitute motion prevailed and, on further identical motion of Commissioner Hyatt, seconded by Commissioner French, and upon unanimous vote of the Commission, the Commission ruled that the disputed case would be adjudicated by a hearing panel.

Additional related discussion was heard by the Commission, and upon learning that Commissioner Jackson would be unable to serve, the Chairman named panel members as follows: Commissioner Trappey (Panel Chair), Commissioner Palmer, and Commissioner App.

An additional motion was offered by Commissioner Hyatt, seconded by Commissioner Gibbs, that the increased surcharge sought by the Crescent Pilots be implemented provisionally pending recommendation of the hearing panel and order of the LPFC. After discussion was heard on the matter, Commissioners Hyatt and Gibbs agreed to withdraw this motion.

Item V

***Docket Item P-15-002/P-15-003 – Requests For Action Filed by CRPPA and LaMA
Docket Item P-15-005/P-15-006 – Requests For Action filed by LaMA and Bar Pilots***

Counsel for LPFC, Paul West, reported to the Commission on Louisiana Chemical Association's filing of *Notice(s) of Appeal or in the Alternative for Declaratory Judgment & Injunctive Relief* in connection with the referenced docket items. West reported that, on behalf of the LPFC and in consultation with counsel for LCA, he would take steps to determine steps going forward and comply with all applicable appellate procedure of the 19th Judicial District Court.

Item VI

Administrator's Report

After addressing matters related to scheduling and issuance of order in previous docket items, Administrator reported on the present balances in each account held by the LPFC and presented statements to Commissioners. No questions or comments were offered and the Administrator concluded his report.

Item VII-VIII

Other Commission Activities/New Business/Public Comment/Next Meeting/Adjournment

The Chairman opened the floor for new business and public comments. None were offered.

After discussion related to the proposed date for the next regular meeting of the LPFC (December 10, 2015), the Chairman then entertained a motion to adjourn. Commissioners Hyatt offered same, seconded by Commissioner Gibbs. The LPFC then voted unanimously to adjourn.