



**Notice of Pilot Board meeting of the
Port of Corpus Christi Authority of Nueces County, Texas, on
Tuesday, September 19, 2023, at 8:30 AM
At the Solomon P. Ortiz International Center
402 North Harbor Drive, Corpus Christi, Texas**

- * **Citizens may also watch the live broadcast of the meeting on the internet by following these instructions - * Open your internet web browser - - * In the address bar type <https://portofcc.com/about/commission/commission agendas/>**
- * *Under the Upcoming Events heading click on "In Progress" for the Pilot Board Meeting on September 19, 2023. (Note that the "In Progress" link will not appear until shortly before the meeting starts)*
- * *To see the Agenda Packet for this meeting, click on "Agenda Packet" under the Upcoming Events heading*
- * *Click on "PORT OF CORPUS CHRISTI AUTHORITY PUBLIC COMMENT POLICY" to review the policy. If you wish to make a public comment (agenda item 4), please follow the instructions in this policy.*

A quorum of the members of the Pilot Board will be physically present at the meeting location, which is in the Nueces Room of the Solomon P. Ortiz International Center, 402 Harbor Drive, Corpus Christi, Texas. The meeting will comply with those parts of Texas Government Code § 551.127 applicable to a meeting of the governmental body of a political subdivision that does not extend into three or more counties.

PUBLIC NOTICE is given that the Pilot Board may go into executive session at any time during the meeting to discuss matters listed on the agenda when authorized to do so by the provisions of Section 418.183 or Chapter 551 of the Texas Government Code.

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services are requested to contact Tana Neighbors at 885-6129 at least 48 hours in advance so that appropriate arrangements can be made.

The Agenda for this meeting of the Pilot Board of the Port of Corpus Christi Authority ("PCCA") is set forth below -

1. Call to order

2. Conflict of Interest Affidavits

3. Minutes

3.a. Approve minutes from the July 18, 2023 Pilot Board meeting.

[July 18 2023 Pilot Board Mtg Minutes](#)

3.b. Approve minutes from the August 28, 2023 Special Pilot Board meeting.

[August 28 2023 Special Pilot Board Meeting Minutes](#)

4. Public Comment (Each speaker is limited to 3 minutes or 60 minutes divided by the number of speakers, whichever is less) - *To make a public comment at the meeting, you must complete the Public Comment sign-in sheet located at the entrance to the meeting room before the meeting begins. During the public comment period, the Presiding Officer will call persons who have registered to the podium one at a time to deliver their comments. All public comments must be made in person.*

5. Open Agenda

5.a. Review and recommend renewal of Captain Earl Webb's expiring Branch Pilot's License to the Governor per Texas Transportation Code Section 70.040.

[Pilot Board Memo - Renewal Earl Webb September 19 2023 CM](#)

5.b. Presentation on activities of the Application Review Committee for the Board of Pilot Commissioners for the Port of Corpus Christi Authority.

6. Reconvene Hearing of the Pilot Board to Consider Pilotage Rate Application Filed by the Aransas-Corpus Christi Pilots ("Rate Application")

6.a. Designate parties entitled to Pilot Financial Report per Texas Transportation Code Section 70.065.

6.b. Adopt amended procedural rules for the hearing on the merits of the Rate Application.

[PCCA_Pilot_Board_Rate_Hearing_Procedures_2023](#)

6.c. Continue the Hearing until later date specified by the Pilot Board.

7. Adjourn

OFFICIAL MINUTES OF PILOT BOARD MEETING

July 18, 2023

The Board of Pilot Commissioners for the Port of Corpus Christi Authority (the "Pilot Board") met on Tuesday, July 18, 2023, at 8:30 a.m., at the Congressman Solomon P. Ortiz International Center (Nueces Room), 402 Harbor Drive, Corpus Christi, Texas.

Present: Mr. Charles Zahn
Mr. David P. Engel
Dr. Bryan Gulley
Mr. Rajan Ahuja
Mr. Gabe Guerra
Ms. Diane Gonzalez

| Staff Present: | |
|---------------------------|--|
| Mr. Kent Britton | |
| Mr. Clark Robinson | |
| Mr. Jeff Pollack | |
| Mr. Russell Cordo | |
| Mr. Tom Mylett | |
| Mr. Chief Eric Giannamore | |
| Mr. Richard Hernandez | |
| Mr. Bennie Benavides | |
| Mr. Bland Chamberland | |
| Mr. Daniel Villesca | |
| Mr. Tony MacDonald | |
| Ms. Tana Neighbors | |

Others Present: Mr. Dane C. Bruun

Others Present:

Capt. Mike Kershaw
Consultant

Capt. James Dooley
ACC Pilots

Mr. Xavier F. Valverde, Sr.
G&H Towing

Mr. John Green
City of Portland, Texas

- 1. Meeting called to order**
- 2. Conflict of Interest Affidavits:** None were submitted.

3. **Minutes:**

3a. **Approve minutes from the May 16, 2023, Pilot Board meeting.**

Action: On motion made by Mr. Engel and seconded by Ms. Gonzalez, the Pilot Board approved the minutes of the May 16 Pilot Board meeting in the form presented to the meeting.

4. **Public Comments:** None were received.

5. **Open Agenda**

5a. **Review and recommend renewal of Captain James Dooley's expiring Branch Pilot's License to the Governor per Texas Transportation Code Section 70.040:** Staff recommended the Pilot Board review and recommend renewal of Captain James Dooley's expiring Branch Pilot license to the Governor per Texas Transportation Code Section 70.040 effective October 4, 2023.

Action: On motion made by Mr. Guerra and seconded by Mr. Engel, the Pilot Board approved staff's recommendation.

5b. **Present 2023 2nd Quarter Aransas-Corpus Christi Pilot Work Hours Visual Inspection Report, per Sec V of the Rules and Regulations Governing Pilots and Pilotage on the Corpus Christi Ship Channel.**

No action.

6. **Recess Open Meeting and Convene Executive Session:** At 8:36 a.m. Chairman Zahn announced that the Pilot Board would go into executive session pursuant to Section 551.071 of the Texas Government Code to deliberate agenda item 6a. which is described in the agenda as follows:

6a. Legal advice from counsel regarding Chapter 70 of the Texas Transportation Code. (§551.071)

7. **Adjourn:** On motion duly made and seconded, the meeting was adjourned at 8:58 a.m.

OFFICIAL MINUTES OF PILOT BOARD MEETING
August 28, 2023

The Board of Pilot Commissioners for the Port of Corpus Christi Authority (the “Pilot Board”) convened at the Solomon P. Ortiz International Center, 402 Harbor Drive, Corpus Christi, Texas, on Monday, August 28, 2023 at 8:00 a.m., for a special called meeting of the Pilot Board.

Present: Mr. Charles Zahn
Mr. David P. Engel
Mr. Wes Hoskins
Dr. Bryan Gulley
Mr. Rajan Ahuja
Mr. Gabe Guerra
Ms. Diane Gonzalez

Present: Mr. Kent Britton
Mr. Omar Garcia
Mr. Clark Robertson
Ms. Brenda Reed
Mr. Mark Gutierrez
Mr. Brooks Lobingier, II
Mr. Bennie Benavidez
Mr. Daniel Villesca
Ms. Tana Neighbors
Mr. Eric Giannamore
Mr. Marvin Tamez

Others Present: Mr. Dane Bruun

Others Present: Mr. Mike Winans
Cheniere
Mr. Kevin Monaco
ACC Pilots
Mr. Paxton Crew
ACC Pilots
Mr. Joe Harrington
Valero
Mr. Curtis Bissonnette
Valero
Mr. Nate Murphy
Valero

Mr. Roger TenNapel
Flint Hills Resources
Mr. Kevin Miller
CITGO
Mr. Ben Watson
ACC Pilots
Mr. John Williams
ACC Pilots
Mr. Bob Paulison
CBIA

1. **Call to Order**
2. **Conflict of Interest Affidavits**
3. **Public Comment:** None were received.
4. **CONVENE HEARING OF THE PILOT BOARD TO CONSIDER PILOTAGE RATE APPLICATION FILED BY THE ARANSAS-CORPUS CHRISTI PILOTS (“RATE APPLICATION”)**
 - A. **Staff presentation regarding the purpose of the Rate Hearing.** Pilot Board counsel, Dane Bruun, provided a brief statement on the purpose of the Rate Hearing.
 - B. **Review Objections filed the following entities: CITGO Refining and Chemicals Company, LP, Valero Refining-Texas, L.P., Flint Hills Resources Corpus Christi, LLC, and Enbridge Ingleside Energy Center (each an “Objector”).** Pilot Board counsel, Dane Bruun, informed the Pilot Board that objection letters were received from each of the Objectors before the statutory deadline.
 - C. **Rule on each Objector’s standing to participate in the Hearing.** The Pilot Board heard arguments from the following: (1) Luis Perez, Enbridge Ingleside Energy Center; (2) Curtis Bissonnette, Valero Refining-Texas, L.P.; (3) Chris Lowrance, counsel for CITGO Refining and Chemicals Company, LP; (4) Roger TenNapel, Flint Hills Resources Corpus Christi, LLC; and (5) Paxton Crew, counsel for Aransas-Corpus Christi Pilots.
- Action:** On motion made by Mr. Engel and seconded by Dr. Gulley, the Pilot Board ruled that each Objector has standing to participate in the hearing.
- D. **Rule on each Objector’s right to receive Pilot Financial Report.**

Action: On motion made by Mr. Engel and seconded by Mr. Ahuja, the Pilot Board tabled consideration of Objectors' rights to receive the Pilot Financial Report until September 19, 2023.

E. Adopt procedural rules for the hearing on merits of the Rate Application, including any applicable time limits.

Action: On motion made by Mr. Guerra and seconded by Mr. Ahuja, the Pilot Board adopted the procedural rules for the hearing as presented at the meeting. The procedural rules are attached hereto as "Attachment A".

F. Delegate to Staff the authority to request from the Pilots or the Objectors, while the Hearing is in recess, any information Staff believes would be helpful to the Pilot Board in its deliberation of the Rate Application.

Action: On motion made by Ms. Gonzales and seconded by Mr. Engel, the Commission delegated to staff authority to request information helpful to the Pilot Board in its deliberation of the Rate Application

G. Continue the Hearing until later date set by the Pilot Board.

Action: On motion made by Mr. Ahuja and seconded by Dr. Gulley, the Pilot Board continued the hearing until October 23, 2023.

9. Adjourn: On motion duly made and seconded, the meeting adjourned at 8:45 a.m.

ATTACHMENT A

**PROCEDURAL RULES FOR THE PUBLIC HEARING ON PILOTAGE RATE
APPLICATION BEFORE THE BOARD OF PILOT COMMISSIONERS FOR THE
PORT OF CORPUS CHRISTI AUTHORITY**

1. The Board of Pilot Commissioners for the Port of Corpus Christi (“Pilot Board”) commenced a Public Hearing on August 28, 2023 at 8:00 a.m. (“Rate Hearing”) on the Pilotage Rate Application (“Rate Application”) submitted to the Pilot Board by the Aransas-Corpus Christi Pilots (“Applicant”). The Applicant and the parties¹ objecting to the Applicant’s application (“Industry Group”) have requested that the Pilot Board continue the Rate Hearing until a later date to allow additional time to prepare for the Rate Hearing if the mediation is unsuccessful. Applicant and Industry Group are collectively referred to herein as “Parties.”
2. The Rate Hearing will reconvene on Monday, October 23, 2023, at 8:00 a.m., at the Solomon P. Ortiz International Center, 402 Harbor Drive, Corpus Christi, Texas, or such other date, time and location as the Pilot Board’s Chairman (“Chairman”), the Honorable Charles W. Zahn, Jr., may designate in a written notice given to counsel for the Applicant and the Industry Group at least 21 days prior to the commencement of the Rate Hearing.
3. The Pilot Board adopts these Procedural Rules for the Rate Hearing to ensure that all participants will have a fair opportunity to present to the Pilot Board their respective positions on the Rate Application pending before the Pilot Board, along with supporting materials, testimony and/or evidence and to ensure that the Rate Hearing will proceed in an orderly and expeditious manner, consistent with due process, applicable law and with the public interest.
4. At the commencement of the Rate Hearing, the Chairman will call the Rate Hearing to order, briefly describe the matters before the Pilot Board and ask for announcements from the Parties.
5. Applicant shall have a total of four (4) hours to present evidence and/or testimony in support of its position on the Rate Application and a total of one (1) hour for opening and closing statements.
6. The Industry Group (collectively) shall have a total of four (4) hours to present evidence and/or testimony in support of their respective positions on the Rate Application and a total of one (1) hour for opening and closing statements.

¹ CITGO Refining and Chemicals Company, LP, Valero Refining-Texas, L.P., Flint Hills Resources Corpus Christi, LLC, and Enbridge Ingleside Energy Center.

7. Applicant will have the right to make the first opening statement and the last closing statement.
8. All testimony will be under oath; all witnesses will be sworn by the Chairman.
9. A duly licensed court reporter will transcribe the proceedings and will transcribe and certify the official record of the proceedings; the Pilot Board will maintain the official transcript of the proceedings, along with exhibits that will be made part of the record; pursuant to Section 70.068 of the Texas Transportation Code, the Pilot Board may assess the actual costs it considers fair and just for reporting and stenographic services necessarily incurred in connection with the Rate Hearing against one or more of the Parties.
10. All evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their own affairs shall be admissible in the Rate Hearing, whether or not such evidence would be admissible in a court of law in Texas; irrelevant, immaterial, harassing, or unduly repetitive evidence shall be excluded.
11. Counsel for the respective Parties will have the right to cross-examine all testifying fact and expert witnesses, who are timely designated under paragraph thirteen (13) below, and who are called to testify by the opposing party; time expended in cross-examination by a party will be subtracted from that party's allocated four (4) hours to present evidence and/or testimony.
12. The Commissioners of the Pilot Board will have the right to ask questions of any witness who may be called to testify by the Parties. The time consumed by the Commissioners' questions and the witness' answers will not count against the four (4) hours allocated to the party who called the witness.
13. On or before 4:00 p.m., October 11, 2023, counsel for the Parties shall exchange: (i) their respective witness and exhibit lists and a copy of each exhibit for the Rate Hearing; and (ii) copies of all demonstrative exhibits or materials, including, but not limited to Power Point presentations, that they intend to use during the Rate Hearing, with copies of the foregoing items in (i) and (ii) above to counsel for the Pilot Board. To be considered timely filed, the respective witness and exhibit lists, exhibits and demonstrative materials of the Parties must be received by the respective counsel for the Parties and for the Pilot Board on or before 4:00 p.m., October 11, 2023. To the extent that the respective witness lists include any designated expert witnesses, the designation must include a copy of a current CV for each designated expert witness and a copy of each expert witness' report in a form that generally complies with what is required in civil actions in Texas state

courts. Persons not listed in said witness lists and expert witnesses whose designations do not include current CVs and the expert's report(s) shall not be permitted to testify at the Rate Hearing as experts. Exhibits not included in said exhibit list nor timely filed shall not be admitted into evidence at the Rate Hearing, without first obtaining leave from the Chairman. The Parties shall not be permitted to use during the Rate Hearing any demonstrative materials that are not timely filed.

14. On or before 4:00 p.m., October 18, 2023, counsel for the respective Parties shall exchange, with copies to counsel for the Pilot Board, any written objections they may have to any of the persons or exhibits listed in the witness and exhibit lists for the Rate Hearing submitted by the opposing party pursuant to paragraph thirteen (13) above. To be considered timely filed, the respective written objections of the Parties must be received by the respective counsel for the Parties and for the Pilot Board on or before 4:00 p.m., October 18, 2023. The Chairman will rule on any said objections prior to the presentation of any evidence on the first day of the Rate Hearing.
15. No rebuttal testimony or evidence will be allowed during the Rate Hearing.
16. After the Parties have concluded their presentation of their evidence on the Rate Application, counsel for the Parties may present final summations to the Pilot Board, to the extent that the respective Parties have not exhausted the one (1) hour allocated to each of them for opening and closing statements under paragraphs five (5) and six (6) above.
17. At the conclusion of the final summations by counsel for the Parties, the Pilot Board will proceed to publicly deliberate the Rate Application and will grant, deny, or modify the Rate Application.
18. The decisions of the Pilot Board on the Rate Application will be included in the final order approved by the Pilot Board, which will state the effective date of any rate change.
19. The Chairman shall conclude and close the Rate Hearing after the Pilot Board approves the final order.

DATE: September 19, 2023

TO: Pilot Board

FROM: Russell Cordo
russell@pocca.com
(361) 885-6166

Review and recommend renewal of Captain Earl Webb's expiring Branch Pilot's License to the Governor per Texas Transportation Code Section 70.040.

SUMMARY: Staff requests the Pilot Board review and recommend renewal of Captain Earl Webb's expiring Branch Pilot's license to the Governor per Texas Transportation Code Section 70.040 effective January 1, 2024.

BACKGROUND: Captain Webb is a tenured Branch Pilot commissioned by the Governor of the State of Texas to serve upon the waters under the jurisdiction of the Port of Corpus Christi Authority. Staff requests the Pilot Board review and recommend renewal of Captain Webb's expiring Branch Pilot's license to the Governor per Texas Transportation Code Section 70.040. Staff has verified the qualifications of Captain Webb which included a criminal background check and updated mariner credential confirmation with the National Maritime Center. Staff has also confirmed with USCG there are no actions pending against Capt. Webb's license.

ALTERNATIVES: N/A

CONFORMITY TO PORT POLICY: Complies with Chapter 70 of the Texas Transportation Code which sets forth the statutory authority of the Pilot Board to govern pilotage in the Port of Corpus Christi.

EMERGENCY: No, however Capt. Webb's Branch Pilot License will expire January 1, 2024, if not renewed.

FINANCIAL IMPACT: N/A

STAFF RECOMMENDATION: Staff recommends the Pilot Board review and recommend renewal of Captain Earl Webb's expiring Branch Pilot's license to the Governor per Texas Transportation Code Section 70.040 effective January 1, 2024.

DEPARTMENTAL CLEARANCES:

Originating Department Harbormaster's Office

Reviewed & Approved Russell Cordo

Legal Dane Bruun

Executive Staff Kent Britton
 Clark Robertson

LIST OF SUPPORTING DOCUMENTS:

Application Review Committee - Letter of Support Capt. Earl Webb.

Letter of Request to Pilot Board from Capt. Earl Webb.

Memorandum (w/ enclosures)



AMENDED PROCEDURAL RULES FOR THE PUBLIC HEARING ON PILOTAGE RATE APPLICATION BEFORE THE BOARD OF PILOT COMMISSIONERS FOR THE PORT OF CORPUS CHRISTI AUTHORITY

1. The Board of Pilot Commissioners for the Port of Corpus Christi (“Pilot Board”) commenced a Public Hearing on August 28, 2023 at 8:00 a.m. (“Rate Hearing”) on the Pilotage Rate Application (“Rate Application”) submitted to the Pilot Board by the Aransas-Corpus Christi Pilots (“Applicant”). The Applicant and the parties¹ objecting to the Applicant’s application (“Industry Group”) have requested that the Pilot Board continue the Rate Hearing until a later date to allow additional time to prepare for the Rate Hearing if the mediation is unsuccessful. Applicant and Industry Group are collectively referred to herein as “Parties.”
2. The Rate Hearing will reconvene on Monday, ~~October 23~~November 6, 2023, at 8:00 a.m., at the Solomon P. Ortiz International Center, 402 Harbor Drive, Corpus Christi, Texas, or such other date, time and location as the Pilot Board’s Chairman (“Chairman”), the Honorable Charles W. Zahn, Jr., may designate in a written notice given to counsel for the Applicant and the Industry Group at least 21 days prior to the commencement of the Rate Hearing.
3. The Pilot Board adopts these Procedural Rules for the Rate Hearing to ensure that all participants will have a fair opportunity to present to the Pilot Board their respective positions on the Rate Application pending before the Pilot Board, along with supporting materials, testimony and/or evidence and to ensure that the Rate Hearing will proceed in an orderly and expeditious manner, consistent with due process, applicable law and with the public interest.
4. At the commencement of the Rate Hearing, the Chairman will call the Rate Hearing to order, briefly describe the matters before the Pilot Board and ask for announcements from the Parties.
5. Applicant shall have a total of four (4) hours to present evidence and/or testimony in support of its position on the Rate Application and a total of one (1) hour for opening and closing statements.
6. The Industry Group (collectively) shall have a total of four (4) hours to present evidence and/or testimony in support of their respective positions on the Rate Application and a total of one (1) hour for opening and closing statements.

¹ CITGO Refining and Chemicals Company, LP, Valero Refining-Texas, L.P., Flint Hills Resources Corpus Christi, LLC, and Enbridge Ingleside Energy Center.

7. Applicant will have the right to make the first opening statement and the last closing statement.
8. All testimony will be under oath; all witnesses will be sworn by the Chairman.
9. A duly licensed court reporter will transcribe the proceedings and will transcribe and certify the official record of the proceedings; the Pilot Board will maintain the official transcript of the proceedings, along with exhibits that will be made part of the record; pursuant to Section 70.068 of the Texas Transportation Code, the Pilot Board may assess the actual costs it considers fair and just for reporting and stenographic services necessarily incurred in connection with the Rate Hearing against one or more of the Parties.
10. All evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their own affairs shall be admissible in the Rate Hearing, whether or not such evidence would be admissible in a court of law in Texas; irrelevant, immaterial, harassing, or unduly repetitive evidence shall be excluded.
11. Counsel for the respective Parties will have the right to cross-examine all testifying fact and expert witnesses, who are timely designated under paragraph thirteen (13) below, and who are called to testify by the opposing party; time expended in cross-examination by a party will be subtracted from that party's allocated four (4) hours to present evidence and/or testimony.
12. The Commissioners of the Pilot Board will have the right to ask questions of any witness who may be called to testify by the Parties. The time consumed by the Commissioners' questions and the witness' answers will not count against the four (4) hours allocated to the party who called the witness.
13. On or before 4:00 p.m., October 1125, 2023, counsel for the Parties shall exchange: (i) their respective witness and exhibit lists and a copy of each exhibit for the Rate Hearing; and (ii) copies of all demonstrative exhibits or materials, including, but not limited to Power Point presentations, that they intend to use during the Rate Hearing, with copies of the foregoing items in (i) and (ii) above to counsel for the Pilot Board. To be considered timely filed, the respective witness and exhibit lists, exhibits and demonstrative materials of the Parties must be received by the respective counsel for the Parties and for the Pilot Board on or before 4:00 p.m., October 1125, 2023. To the extent that the respective witness lists include any designated expert witnesses, the designation must include a copy of a current CV for each designated expert witness and a copy of each expert witness'

report in a form that generally complies with what is required in civil actions in Texas state courts. Persons not listed in said witness lists and expert witnesses whose designations do not include current CVs and the expert's report(s) shall not be permitted to testify at the Rate Hearing as experts. Exhibits not included in said exhibit list nor timely filed shall not be admitted into evidence at the Rate Hearing, without first obtaining leave from the Chairman. The Parties shall not be permitted to use during the Rate Hearing any demonstrative materials that are not timely filed.

14. On or before 4:00 p.m., ~~October 18~~November 1, 2023, counsel for the respective Parties shall exchange, with copies to counsel for the Pilot Board, any written objections they may have to any of the persons or exhibits listed in the witness and exhibit lists for the Rate Hearing submitted by the opposing party pursuant to paragraph thirteen (13) above. To be considered timely filed, the respective written objections of the Parties must be received by the respective counsel for the Parties and for the Pilot Board on or before 4:00 p.m., ~~October 18~~November 1, 2023. The Chairman will rule on any said objections prior to the presentation of any evidence on the first day of the Rate Hearing.
15. No rebuttal testimony or evidence will be allowed during the Rate Hearing.
16. After the Parties have concluded their presentation of their evidence on the Rate Application, counsel for the Parties may present final summations to the Pilot Board, to the extent that the respective Parties have not exhausted the one (1) hour allocated to each of them for opening and closing statements under paragraphs five (5) and six (6) above.
17. At the conclusion of the final summations by counsel for the Parties, the Pilot Board will proceed to publicly deliberate the Rate Application and will grant, deny, or modify the Rate Application.
18. The decisions of the Pilot Board on the Rate Application will be included in the final order approved by the Pilot Board, which will state the effective date of any rate change.
19. The Chairman shall conclude and close the Rate Hearing after the Pilot Board approves the final order.