



ESTADO LIBRE ASOCIADO DE PUERTO RICO
COMISIÓN DE SERVICIO PÚBLICO
PO BOX 190870
SAN JUAN, P.R. 00919-0870

COMMONWEALTH OF PUERTO RICO PUBLIC SERVICE COMMISSION

AMENDMENT TO THE REGULATIONS FOR WATER TRANSPORT ENTERPRISES, REGULATION NUMBER 7039 OF OCTOBER 4, 2005

PUBLIC NOTICE

In conformity with Law Number 109 of June 28, 1962, as amended, known as Puerto Rico Public Service Law and the Law Number 170 of August 12, 1988, as amended, known as the "Uniform Administrative Procedure Law", the Public Service Commission proposes the amendment of the Regulations for Water Transport Enterprises, Regulation Number 7039, October 4, 2005.

The Public Service Commission hereby notifies: all concessionaires of the Public Service Commission authorized to transport passengers by water; Water Transportation Enterprises; boats and vessels; Enterprises of Tourist Excursions by Water; Enterprises that rent aquatic transportation and jet skies; and the general public who are interested in submitting *written* comments regarding the proposed amendments can do so within thirty (30) days from this Notice.

Purpose of these amendments: is to clarify that **Section 1.04** refers to motor boats, to correct in **Section 2.01** the terms *Documentation Certification; Inspection Certification; Numeration and Uninspected Passenger Vessel Certification (UPV)*; also to modify *the definition of the following terms: Numeration Certification, Owner, A passenger vessel that has not been inspected and Island of Puerto Rico*; to add the concept and definition of *Territorial Waters*.

With regard to **Section 3.01** that states the requirements for a new petition, amended is the scope of the Inscription and Numeration Certification; Captain's License; Drug Test; Certification or report of vessel fines and the requirement of providing a Certification from the Center for Filing of Municipal Income (CRIM) is eliminated. With regard to **Section 3.01(b)** that relates to the requirements that Corporations must fulfill, the following are eliminated: Copy of the by-laws of the Corporation; Composition of the Board of Directors and Officers with information regarding these; Criminal History Certification of the members of the Board of Directors and of the person authorized by the corporation to realize transactions before the Public Service Commission, with the exception of the of the President of the Corporation; Copy of the Certificate of the Corporate Good Conduct "Good Standing"; Audited Financial Report of the Corporation; Certificate from ASUME; Certificate from the Center of Filing of Municipal Income (CRIM). In **Section 3.01(c)** which relates to the requirements for the Partnerships and Special Partnerships, the following requirements are eliminated: Copy of the financial statement of each partner; Copy of the bylaws/Regulations of the Partnership; Certification of Compliance with ASUME from each partner and Certification from the Center of Filing of Municipal Income (CRIM).

In **Section 4.01**, it is clarified that the notice that the Commission's Clerk emits with regard to a petition presented before the Commission shall be published within a period of thirty (30) days counted from the notification of same; eliminated is the requirement to remit the petition to the Office of Interventions, Accounting Systems, and Tariff Studies to realize a study regarding the necessity and public convenience of the service, as well as, the tariff to be collected for this and it is now amended so that after the edict or notice regarding the petition is published, the Commission will evaluate the tariffs submitted and the number of franchises issued for the proposed operational area, as well as, verify whether it meets the established criteria of competence, necessity, and convenience. The Commission reserves the right to ask for additional information and to investigate the merits of the petition. The period to commence operations once the Commission has authorized a franchise is increased from thirty (30) to sixty (60) days.

Section 6.03 is amended with relation to the transfer procedure in order to eliminate the prohibition of processing petitions with fines pending and states that they will be processed when a payment plan is solicited and approved according to the criteria established in the Commission's Rules of Administrative Procedure.

With relation to the procedure of *Substitution* in **Section 6.04**, the requirement of the following documents is eliminated: Inspection by the Guardian Corps of the Department of Natural and Environmental Resources (DRNA) when six or less passengers are transported and the Documentation Certificate issued by the United States Coast Guard (USCG) when the vessel's weight does exceed five (5) tons in net weight. Also eliminated is the requirement of providing a Certification of Fines issued by the DRNA and USCG and it is established that a Fines Certification

issued by the Navigation Commissioner or the USCG will be presented, whichever shall be the case.

In **Sections 6.04** and **6.05** the prohibition against processing *Substitution* petitions, as well as, *Additions* when the concessionary has pending fines, (does not include pending royalties) or fails to comply with a Resolution or Order of the Commission is eliminated and it is stated that they shall be processed when a payment plan is requested and approved, or has the express permission of the Commission, in conformity with the criteria established in the Rules of Administrative Procedure of the Commission.

As to the *Signage of a Vessel*, according to **Section 7.01**, the requirement that the following information be exhibited is eliminated: *Authorization Certification and License* issued by the Commission; Tariffs to be collected; and Inspection Certificate from the Public Service Commission; additionally, the concepts of franchise sticker, DRNA sticker or validation sticker are clarified. **Section 7.02** is added to state that all vessels that offer paid transportation shall have the following documents: Inspection Certificate, Authorization Certificate and current License issued by the Commission.

Section 9.01 is amended regarding the Obligations of the Concessionary as to the scope of the maintenance and equipment required for a vessel.

Section 10.01 is amended to extend the term of an authorization from two (2) years to five (5) years from the date of notification.

As to **Section 10.02**, regarding the causes for Suspension or Revocation, it is amended so that a positive result in a drug test has an adverse impact with regard to the captain of the vessel and not to its crew.

The Commission will receive written comments regarding the proposed amendments within thirty (30) days from the publication of this notice. The written comments can be sent to the following address:

Public Service Commission
Attention: Attorney Dinorah Martin Hau
Clerk's Office
P.O. Box 190870
San Juan, Puerto Rico 00910- 0870

Personal delivery can be made at the Clerk's Office located at:

Avenida Luis Munoz Rivera # 50, 1st Floor, Hato Rey, Puerto Rico. Service hours are from 7:30 a.m. to 4: 00 p.m. Mondays through Fridays

or by electronic mail to the following address: dmartin@csp.gobierno.pr

Should a person be interested in being heard at a public hearing regarding the proposed amendments, a written request shall be made stating the reasons why in his or her judgment a hearing is necessary. A hearing is in the discretion of the Agency.

A copy of the complete text of the proposed amendment, as well as this notice shall be available for inspection at the Clerk's Office of the Commission of Public Service, located at the physical address indicated above and at our electronic page: www.csp.gobierno.pr.

MARIA FULLANA-HERNANDEZ
PRESIDENT

ELBA C. ARROYO-MALDONADO
CLERK