

(S E R V E D)
(MARCH 17, 1993)
(FEDERAL MARITIME COMMISSION)

FEDERAL MARITIME COMMISSION

WASHINGTON, D. C.

March 17, 1993

DOCKET NO. 92-40

INTERSTATE GRAIN CORPORATION

v.

PORT OF CORPUS CHRISTI AUTHORITY OF NUECES COUNTY

APPROVAL OF FINAL RELEASE AND SETTLEMENT AGREEMENT

The complaint herein concerned certain wharfage charges alleged to be in violation of certain sections of the Shipping Act of 1984.

Now, by a "Consent Motion to Dismiss," the parties (complainant and respondent) have entered into a final "Release and Settlement Agreement," providing that the subject complaint is dismissed in full, each party to bear its own costs, with prejudice as to all claims asserted, but without prejudice to either party's right to bring suit to enforce the terms of the Release and Settlement Agreement.

Briefly and in part, the Port agreed to reset the prevailing wharfage rate for the complainant at 15 cents per short ton effective July 1, 1992, through at least June 30, 1993; the Port agreed to pay Interstate \$203,984.27 in cash upon execution of the agreement; the Port and Interstate agreed that the prevailing wharfage rate charged Interstate by the Port may increase by no more than two cents per short ton effective July 1, 1993, and by an additional two cents per short ton per year on July 1 of each year thereafter for the term of their agreement, which terminates on July 1, 2002; the parties agreed to certain other terms and releases as specified by the parties in their agreement; and the parties agreed that the terms of their agreement may be enforced by either party in an action brought before either the Federal Maritime Commission or before any state or federal court of competent jurisdiction. This settlement agreement appears to be reasonable.

The policy of the Federal Maritime Commission and of the Courts is to approve reasonable settlement agreements.

Accordingly, the said final "Release and Settlement Agreement" of the parties hereby is approved and the subject complaint is dismissed.


Charles E. Morgan
Administrative Law Judge