

(S E R V E D)
(OCTOBER 28, 2011)
(FEDERAL MARITIME COMMISSION)

FEDERAL MARITIME COMMISSION

DOCKET NO. 11- 18

VALERO REFINING-TEXAS, L.P.

v.

PORT OF CORPUS CHRISTI AUTHORITY OF NUECES COUNTY, TEXAS

NOTICE OF FILING OF COMPLAINT AND ASSIGNMENT

Notice is given that a complaint has been filed with the Federal Maritime Commission (Commission) by Valero Refining – Texas, L.P., hereinafter “Complainant,” against the Port of Corpus Christi Authority of Nueces County, Texas (PCCA) hereinafter “Respondent”. Complainant asserts that it is a limited partnership duly organized and existing under the laws of the State of Texas, and operates a petroleum refinery at two locations along the Corpus Christi Ship Channel. Complainant alleges that Respondent is a marine terminal operator and a “navigation district and political sub-division of the State of Texas.”

Complainant alleges that it “has been charged wharfage and other charges that are excessive and not reasonably related to the value of services rendered to Complainant.” Further, “[t]hrough application of such charges, Complainant has been forced to subsidize costs associated with services provided to other users of port facilities.” Complainant alleges that Respondent “has violated and continues to violate the Shipping Act, 46 U.S.C. §§ 41106(2) and (3) and 41102(c), by (a) subjecting Valero [Complainant] to an undue or unreasonable prejudice or disadvantage; (b) granting an undue preference or advantage with respect to certain users of its facilities; and (c) failing to establish, observe, and enforce

just and reasonable regulations and practices relating to or connected with the receiving, handling, storing or delivering of property.” Complainant requests the Commission issue an order “[c]ommanding the PCCA to cease and desist from engaging in the aforesaid violations of the Shipping Act; putting in force such practices as the Commission determines to be lawful and reasonable; and . . . [c]ommanding the PCCA to pay to Valero reparations for violations of the Shipping Act, including the amount of the actual injury, plus interest, costs and attorneys fees; and . . . [c]ommanding any other such relief as the Commission determines appropriate.” The full text of the complaint can be found in the Commission’s Electronic Reading Room at www.fmc.gov.

This proceeding has been assigned to the Office of Administrative Law Judges. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 C.F.R. 502.61, and only after consideration has been given by the parties and the presiding officer to the use of alternative forms of dispute resolution. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 C.F.R. 502.61, the initial decision of the presiding officer in this proceeding shall be issued by October 29, 2012 and the final decision of the Commission shall be issued by February 26, 2013.

Karen V. Gregory
Secretary