SCOMM

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MEMORANDUM

TO: Senate and House Oil and Gas Committees

DATE: February 10, 1992

FROM: Ray Gillespie, for **Crowley Maritime, Delta Western** and **Petro Marine**

RE: Marine Pollution Insurance Problems

This will outline three problems non-crude carriers and operators are experiencing in obtaining marine pollution insurance to satisfy the financial responsibility and "direct action" provisions of Alaska law.

Briefly, these problems are:

1. Confusion created by apparent inconsistencies between statute and regulations concerning insurer liability/exposure when issuing a policy meeting the specific requirements of financial responsibilities statutes.

2. P&I club and insurance coverage with "direct action" endorsement is virtually unavailable to most Alaska operators in the present commercial insurance or P&I club market.

3. Whether D.E.C. has statutory authority to grant conditional operating permits to operators who have met the financial responsibility requirement dollar amounts, but can not satisfy the "direct action" endorsement due to its unavailability.

I.

LIABILITY LIMIT/EXPOSURE OF INSURERS OR GUARANTORS.

Environmental Conservation Regulation, 18 AAC 75.230 (b), requires a policy of insurance certificate or binder to carry an endorsement which reads in part as follows:

> "Any other provision of this policy notwithstanding: (1) this policy insures against any liability the insured may incur under Alaska Statute 46.04.040 (i), or any provision cited in it as a result of an unlawful discharge of oil within or affecting Alaska lands or waters within the territorial jurisdiction of the State of Alaska; however, the insurer's liability does not exceed the limits of coverage set out in Section_____ of this policy...." (emphasis added)

Alaska Statute 46.04.040 (i) reads as follows:

> "Financial responsibility under this section extends to loss compensable under AS 46.03.760 (e) or 46.03.822 and an assessment under AS 46.03.758, 46.03.759, 46.03.760 (a) or 46.04.030 (g)."

This statute in combination with 18 AAC 75.230 (b) has led P&I clubs and insurance underwriters to conclude that their exposure under a policy may not be limited to the face amount of the policy even though it meets the other monetary requirements for financial responsibility (AS 46.04.030 (k)). In other words, because statutes generally supersede any inconsistent regulation, insurers have advised operators that the potential for unlimited liability and the uncertainty of a judicial interpretation of these statutes and regulations prevents insurance underwriters and P&I clubs from writing the insurance with the required endorsement.

II.

"DIRECT ACTION" PROBLEM

AS 46.04.040 (e) reads in part as follows:

> "An action brought under AS 46.03.758, 46.03.759, 46.03.760 (a) or (e), 46.03.822, or AS 46.04.030 (g) may be brought in a state court directly against the insurer, the group, or any person providing evidence of financial responsibility. The applicant, and insurer, surety, guarantor, person furnishing an approved letter of credit, or other group or person providing proof of financial responsibility approved by the department shall appoint an agent or service of process in the state...." (emphasis added)

This provision requires that any insurer or P&I club submit directly to the Alaska jurisdiction and be subject directly to legal action against it in Alaska courts without first proceeding against the spilling operator. The State of Alaska or private party can, under this provision, proceed directly in Alaska courts against the insurer. Typically, P&I club coverage is an indemnity policy, which first requires a provable loss against the operator before the P&I club pays that loss. This is the so-called "direct action" provision which prevents many operators from securing coverage meeting the requirements of Alaska Statutes.

In the States of Washington and California recently enacted financial responsibility statutes do not require the "direct action" endorsement. In essence, California and Washington simply allow for P&I club and insurance coverage which meets the monetary financial responsibility requirements and requires no other showing of a "direct action" endorsement.

III.

UNCERTAINTY OF D.E.C. AUTHORITY TO ISSUE CONDITIONAL OPERATING PERMITS WHERE DIRECT ACTION ENDORSEMENTS ARE NOT AVAILABLE.

AS 46.04.040 (l) provides that under certain circumstances DEC may issue permits to an operator who has proof of financial

responsibility without the "direct action" endorsement. This provision has been interpreted as authority to issue conditional permits only upon proof of at least $50 million in insurance or other financial responsibility which has the direct action endorsement. Since the maximum financial responsibility coverage for a non-crude operator (tank vessel and barges) is $35 million under AS 46.04.040 (c) (2), the waiver or conditional permit provisions of subsection (1) is not available to them.

The D.E.C. has, however, been issuing conditional permits to non-crude operators which have complied with the monetary financial responsibility requirements, but are unable to get such coverage with the "direct action" endorsement. The "direct action" endorsement is unavailable in the market place to some, if not most, non-crude operators. Due to the commercial unavailability of financial responsibility with the required endorsement, the DEC is in the unpleasant predicament of denying operating permits to established responsible carriers who have been doing business in Alaska for years. Denial of such operating permits because of commercial unavailability of "direct action" endorsement is potentially devastating and would likely eliminate most non-crude refined product delivery to many Alaskan communities.

This provision should be revisited by the Legislature to reflect the realities of the insurance market and availability of coverage. As of last week, D.E.C. has suspended any Conditional Permits.

IV.

SUGGESTED SOLUTIONS

Legislation which:

1. Places explicit language in statute which limits the exposure of an insurer or P&I club to the face amount of the policy;

2. Eliminates the "direct action" requirement;

3. Provides a substitute mechanism to "direct action" which satisfies the State of Alaska and yet recognizes the realities of the available insurance or P&I club coverage;

4. Clarifies D.E.C. authority to grant conditional operating permits to non-crude operators who have otherwise complied with the monetary requirements for financial responsibility; or

5. Combination of the above.

OFFICIAL BUSINESS

Alaska State Legislature
Senate
Office of the Secretary

STATE CAPITOL
JUNEAU, ALASKA 99801-1182
(907) 465-3701
FAX: 465-2832

February 3, 1993

M E M O R A N D U M

TO: Senator Leman, Chair
Senate Special Committee on Oil and Gas

FROM: Nancy Quinto NQ
Secretary of the Senate

SUBJECT: Report on Insurance Pooling

President Halford has referred to your committee for review the Report of Insurance Pooling from Gordon S. Harrison, Director, Legislative Research Agency as requested by the Letter of Intent, Chapter 102, SLA 92.

NQ/hc

Attachment

(5)

INSURER, SURETY, GUARANTOR, PERSON FURNISHING A LETTER OF CREDIT, OR
OTHER GROUP OR PERSON
PROVIDING PROOF OF FINANCIAL RESPONSIBILITY ON BEHALF OF AN
APPLICANT UNDER THIS SECTION;
"THIRD PARTY INSURER" DOES NOT INCLUDE THE APPLICANT.
* SEC. 2. TEMPORARY LAW APPLICABLE TO NONCRUDE OIL OPERATIONS.
NOTWITHSTANDING AS 46.04.040, THE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION MAY, WITH RESPECT TO
NONCRUDE OIL OPERATIONS, APPROVE PROOF OF FINANCIAL RESPONSIBILITY
BY A PERSON, OTHER THAN THE APPLICANT,
WHO DOES NOT AGREE TO BE SUBJECT TO A DIRECT ACTION IN THE STATE OR
TO APPOINT AN AGENT FOR SERVICE OF
PROCESS IF THE APPLICANT
(1) PROVIDES PROOF OF FINANCIAL RESPONSIBILITY IN THE FORM AND
AMOUNTS OTHERWISE REQUIRED
UNDER AS 46.04.040,
(2) PROVIDES A SWORN STATEMENT THAT
(A) IS ACCEPTABLE TO THE DEPARTMENT,
(B) ATTESTS THAT THE APPLICANT HAS DILIGENTLY ATTEMPTED TO
OBTAIN A FORM OF PROOF
OF FINANCIAL RESPONSIBILITY THAT WOULD PROVIDE FOR A DIRECT ACTION
AND APPOINTMENT OF AN AGENT FOR
SERVICE OF PROCESS,
(C) DESCRIBES THE STEPS THE APPLICANT HAS TAKEN TO OBTAIN A FORM
OF PROOF OF
FINANCIAL RESPONSIBILITY THAT WOULD PROVIDE FOR A DIRECT ACTION AND
APPOINTMENT OF AN AGENT FOR
SERVICE OF PROCESS,
(D) STATES THAT A FORM OF PROOF OF FINANCIAL RESPONSIBILITY THAT
WOULD PROVIDE FOR
A DIRECT ACTION AND APPOINTMENT OF AN AGENT FOR SERVICE OF PROCESS
IS UNAVAILABLE TO THE APPLICANT,
(E) CONTINUES DILIGENT EFFORTS TO OBTAIN A FORM OF PROOF OF
FINANCIAL RESPONSIBILITY THAT
WOULD PROVIDE FOR A DIRECT ACTION AND APPOINTMENT OF AN AGENT FOR
SERVICE OF PROCESS AND PROVIDES A
SWORN STATEMENT EVERY SIX MONTHS THAT IS ACCEPTABLE TO THE
DEPARTMENT, CONTAINING THE INFORMATION
REQUIRED IN (C) OF THIS SECTION.
* SEC. 3. RATIFICATION OF PREVIOUS EXEMPTIONS GIVEN BY
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION TO NONCRUDE OIL OPERATIONS.
NOTWITHSTANDING
AS 46.04.040, THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION MAY, WITH
RESPECT TO NONCRUDE OIL
OPERATIONS, APPROVE PROOF OF FINANCIAL RESPONSIBILITY BY A PERSON,
OTHER THAN THE APPLICANT, WHO DOES NOT
AGREE TO BE SUBJECT TO A DIRECT ACTION IN THE STATE OR TO APPOINT AN
AGENT FOR SERVICE OF PROCESS IF THE
APPLICANT, BEFORE JUNE 1, 1992,
(1) PROVIDES PROOF OF FINANCIAL RESPONSIBILITY IN THE FORM AND
AMOUNTS OTHERWISE REQUIRED
UNDER AS 46.04.040,
(2) ATTESTS IN A STATEMENT TO THE DEPARTMENT THAT THE APPLICANT
HAS DILIGENTLY ATTEMPTED TO
OBTAIN A FORM OF PROOF OF FINANCIAL RESPONSIBILITY THAT WOULD

Alaska State Legislature

Legislative Research Agency

130 Seward Street, Suite 218
Juneau, Alaska 99801-2196

Phone: (907) 465-3991
Fax: (907) 463-3351

February 1, 1993

MEMORANDUM

TO: Senate President Rick Halford
House Speaker Ramona Barnes

FROM: Gordon S. Harrison
Director

RE: **Report on Insurance Pooling Requested by Senate Bill 405 (Seventeenth Legislature)**
Research Request 93.026

Senate Bill 405 of last session, "An Act relating to evidence of financial responsibility provided by persons who conduct oil operations. . ." included a letter of intent stating "The Department of Environmental Conservation and the Legislative Research Agency shall research the possibility of group pooling for the purpose of meeting the state's financial responsibility requirements for the oil spill pollution coverage for non-crude operators, and shall report back to the Legislature with their findings and recommendations by February 1, 1993."

Transmitted herewith is that report. It represents the joint efforts of the Legislative Research Agency and the Department of Environmental Conservation, with additional review by the Division of Risk Management, Department of Administration and the Division of Insurance, Department of Commerce and Economic Development.

Attachment

cc: Chief Clerk
Senate Secretary

Report to the Legislature

Group Pooling to Meet
State Financial Responsibility Requirements
for Noncrude Operators

January 29, 1993

INTRODUCTION

The Alaska Department of Environmental Conservation (DEC) administers AS 46.04.040, which requires operators transporting or storing noncrude oil products to demonstrate financial responsibility as evidence of their ability to compensate for cleanup and losses in the event of an oil products spill. Subsection (e) identifies the permissible means for demonstrating financial responsibility:

> (e) Financial responsibility may be demonstrated by (1) self-insurance, (2) insurance, (3) surety, (4) guarantee, (5) letter of credit approved by the department, or (6) other proof of financial responsibility approved by the department, including proof of financial responsibility provided by a group of insured who have agreed to cover pollution risks of members of the group under terms the department may prescribe.

Alaska Statute 46.04.040(e) further qualifies the showing of financial responsibility. In particular, it states that "an action. . . may be brought in a state court **directly** against the insurer, the group, or another person providing evidence of financial responsibility" (emphasis added), which means that damaged parties preserve the right to sue the insurance underwriter or other financial backer in an Alaska court. This is called the *direct action* clause and it has been part of the required proof of financial responsibility since 1980 when Alaska statutes were revised to conform with the federal Water Pollution Control Act.

contains DA clause?

Following the *Exxon Valdez* oil spill, and the enactment of the federal Oil Pollution Act of 1990, insurance underwriters became alarmed at the liability judgments they believed they were exposed to in state courts and, with few exceptions, refused to write *direct action* clauses into their policies. Most preferred the past practice of jurisdiction in home state, admiralty, or even international court.

In 1992 the Alaska Legislature passed Senate Bill 405 (SB 405), which permits DEC to temporarily suspend the requirement for a *direct action* clause in noncrude operators' insurance policies provided the policies meet all other requirements. The waiver expires July 1, 1994, and a note attached to SB 405 requests DEC and the Legislative Research Agency

(LRA) to review *insurance pooling* as an alternative means of meeting financial responsibility requirements. The two agencies are to report their findings and conclusions to the Legislature by February 1, 1993.

SUMMARY OF FINDINGS

Representatives of DEC, LRA and the Division of Insurance in the Department of Commerce and Economic Development (DCED) reviewed the comments and actions of present operators, and considered a range of alternatives. These are more fully described in the body of this report and its attachments. Key findings are summarized below:

- The State of Alaska can protect its resources more effectively by spending on programs to ensure the safe handling of noncrude products rather than on programs that indemnify the state against the risks of unsafe handling.

- Noncrude operators with most of their assets in the state do not pose as large a risk of avoiding direct action as itinerant vessels registered offshore.

- Group pooling among noncrude operators is unlikely to create competitively priced insurance. Too few operators are in the same risk and credit class for a pool to operate successfully without the participation of a major credit, such as the State of Alaska itself, or forced participation of larger private operators now providing self-insurance.

- The private insurance market continues to evolve in the face of post-*Exxon Valdez* oil spills occurring worldwide. One company has resumed writing *direct action* policies to Alaska noncrude operators, and the department is working with others to develop additional policies.

RECOMMENDATIONS

In view of the emergence of new private insurance products, we recommend:

- The *direct action* requirement should be retained.

- No action on insurance pooling at this time. If operators cannot acquire private policies at competitive prices by the end of this calendar year, then additional action by the state may be justified.

In the meantime, the Department of Environmental Conservation will continue to monitor new policy offerings, particularly those meeting *direct action* requirements, and inform operators of their availability.

BACKGROUND

Proof of financial responsibility is required of any operator in Alaska who stores or transports 10,000 barrels or more of noncrude products (this amount is enough to fill about 750 home heating tanks). There are 72 such operators in Alaska. This number does not include crude oil producers, refiners, terminals, and transporters that may also handle noncrude products. The latter were excluded because they are subject to higher financial requirements. Of the 72 noncrude operators:

- 9 companies are exempt because they are federal facilities or oil clean-up vessels;

- 29 companies self-insure, purchase surety bonds, obtain a letter of credit, or are guaranteed by others;

- 31 purchase insurance to demonstrate financial responsibility;
  6 companies have policies containing *direct action* clauses
  25 have applied for and been granted waivers from the requirement for *direct action* clauses in their policies; and

- 2 have not yet made suitable proof of financial responsibility.

The foregoing suggests that half the Alaska noncrude operators purchase insurance to prove financial responsibility and that three-quarters of these seek waivers of the direct action clause. An examination of the six companies that have secured policies with *direct action clauses* shows that:

- All are shore-based oil terminal operators;

- Three are electric utilities acquiring insurance through ARECA Insurance Management, Inc. This is the Alaska Rural Electric Cooperative Association's pooled insurance coverage available only to members; and

- Of the remaining three, one is the major terminal operator and fuel supplier to the Anchorage International Airport, and the other two are related terminal operators in Norton Sound covered under a single policy. The policy was brokered by Gene Sause & Company, Oregon, but the underwriter is Lloyds of London (the first instance of a Lloyds company writing a direct action policy in the post-*Exxon Valdez* era).

Thus, there is only one policy currently providing approved coverage to a small terminal operator in Alaska. This represents tangible change in the insurance market, i.e., going from none to one, but it also underscores the additional time needed if insurance with *direct action* clauses is to become generally available.

The Department of Environmental Conservation sent questionnaires to the 25 operators that purchased insurance to meet their financial responsibility requirements and were not able to obtain a policy with a *direct action* clause. The questionnaire and detailed summary from 13 respondents are attached to this report and summarized below:

- All companies cited the *direct action* clause as a primary difficulty in obtaining insurance, and most also cited the *service of process* clause as well. This clause requires insurance companies to have a qualified agent in Alaska for the purpose of receiving court papers.

- Only a few cited cost as the determining factor in obtaining insurance. Most believed policies with *direct action* and *service of process* clauses were not available at any price. A few noted the cost of increased deductibles and the expense of changing carriers due to the new survey work required.

- Companies cited good experience, i.e., a good loss record, as more important to the insurance industry than new spill response or pollution prevention measures put in place at this time. Not surprising under these circumstances, only a few operators have considered adding new spill control measures to lower their insurance costs.

- Most companies would be willing to join a State-approved insurance pool if it promised lower costs. Some cited past failures and doubted cost savings could be realized. Two suggested taxes on refined products as a means to finance an insurance pool.

Suggestions by the respondents favored legislative action amending the requirement for *direct action* and *service of process* clauses in approved insurance.

GROUP POOLING

At the time of passage of SB 405, the formation of a pool among operators was proposed as an alternative for those having difficulty obtaining insurance with a *direct action* clause. The measure was not well understood at the time and the legislature requested additional study during the interim. This report is a response to that request for additional study.

A pool could be formed among the private firms who need coverage (reciprocal insurance pool), or could involve the state government as a participant (state-sponsored pool). These and other insurance alternatives are discussed below.

Reciprocal Insurance Pool

A reciprocal insurance pool combines the capital of its members to insure against their individual risks. If the capital is sufficient and the risks well distributed, a reciprocal insurance pool can be an efficient insurance provider.

Alaska statutes 21.75 and AS 21.12 regulate the capital required by private pools formed in the state. Single policies may not exceed 10 percent of paid-in capital and surplus. In addition, the terms of such polices must be actuarially sound. The 10 percent rule currently applies to shore-based, noncrude storage terminals and most likely to barge operators as well.[1]

Operators interested in a reciprocal insurance pool may have difficulty meeting the capital requirements. The highly capitalized operators can afford to self-insure, and those with special relationships to highly capitalized companies (e.g., subsidiaries or monetary affiliations) will prefer to be guaranteed by them. It is the remaining smaller, independent operators who are candidates for joining a pool, and they are too few and have too few financial resources to form a viable insurance pool.

Another solution would be to lower or waive altogether the 10 percent capital requirements. However, this increases the risk that the pool will not being able to meet its obligations in the event of a major spill. It may also adversely affect the regulation of other insurance pools in Alaska.

Most examples of successful private insurance pools in Alaska are those formed by public municipalities, school districts, or utilities. The ARECA Insurance Management, Inc., is an example of a successful insurance pool in Alaska. Another is the Alaska Municipal League Joint Insurance Association, Inc. (AML/JIA), which is a reciprocal pool among municipalities in Alaska specifically exempted from state insurance regulation. These pools have successfully shifted risks from individual entities to the pool. Public entities have the numbers, capital, and risk levels to make group pooling work; the few, relatively small noncrude operators probably do not.

Another approach would be for the operators to organize a "Risk-Retention Group," a special type of reciprocal pool. Risk-retention groups were authorized under liberal 1986 federal statutes that allowed a group to be formed in any state with low capital and regulatory requirements (such as Vermont) and then write insurance in other states free from their regulation.

However following a pattern of poor experiences with risk-retention groups, states which formerly had low capital requirements now require such groups to enforce the requirements

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[1]Under Alaska law the "wet marine and transportation insurance" definition could possibly be used to classify barges as high sea vessels. This would subject them to Admiralty law outside of state jurisdiction.

actuarially sound plans, and sufficient capital to meet their risks. In other words, there is now little advantage or incentive to form a risk-retention group.

State-Sponsored Insurance Pool

Another solution to the problem of there being insufficient capital for a successful pool is to seek a "benefactor." The State appears to be the obvious "benefactor" for this grant or loan, especially if the overall costs of the pool are to remain within reach of the participants.

The one experience with a state-sponsored pool in Alaska is the former Medical Insurance Corporation of Alaska (MICA) which was a state-chartered medical malpractice insurance pool. It was tested only briefly as an effective insurance pool, however, because the IRS held that this type of state-sponsored corporate pool benefited only a small class of private business and denied it tax-exempt status. This pool was eventually sold to a private insurer.[2]

A state-sponsored pool could be set up in Alaska or even in another state with more liberal insurance laws. Receipt of dedicated premium funds may not be legal for the state, however, and the appropriation of seed capital is probably not feasible in any case under current fiscal conditions. A loan by the state would require protection from exceptional risks, which raises the question of one state agency having to insure itself from actions brought against it by another agency of the state. There is also the additional factor of overhead cost that must be included in the organization of a pool, especially one with a small number of members. For these reasons, a state-sponsored pool was not considered feasible.

OTHER INSURANCE APPROACHES

The option of the operators forming a mutual insurance company, either in Alaska, or another state was considered by the agencies. A "mutual" company is owned by its policy holders rather than shareholders. It differs from a reciprocal pool in that it is held to a higher regulatory standard and as a company, may write policies outside its original pool. However, regardless of the "form" of the insurance provider, the issue of "substance" remains: the capital verses risk ratio must be adequate to provide reasonable coverage.

Other variations were also considered, one of which was termed the "Greenland Plan." In Greenland, the government obtains a blanket uninsured motorist policy for all its citizens from a private entity and then charges the cost of that policy back to the licensed motorists on a pro-rata basis.

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[2]While it was operating, however, it functioned as an important source of medical malpractice insurance to many doctors and health care providers in Alaska. Its success allowed it to be sold to a private insurance company (NORCAL), and the reserves were distributed to its clientele.

Application of the "Greenland Plan" concept to Alaskan noncrude operators would require expanding the coverage to include as many operators as possible and perhaps enabling the state to use the spill reserve portion of the Oil and Hazardous Substance Spill Response Fund for purchase of a catastrophic spill insurance policy. Due to the many other proposed uses of this fund now being discussed, this option was not investigated in detail for this report.

Private Insurance Alternatives

The private insurance industry is addressing some of Alaska's noncrude operator demands on its own initiative. A policy containing a *direct action* clause has been written by Lloyds for two related operators in Norton Sound. This may be an aberration or it may signal the end of the insurance industry's aversion to these policies in the post-*Exxon Valdez* world.

Also, the insurance industry is developing a co-insurance policy aimed at satisfying the *direct action* provision as a supplement to insurance already in force. Draft policies have been submitted to DEC and the Department of Law. Should a reasonably priced product result, then this private insurance would be preferred to any of the pooling alternatives.

Private market availability of direct action insurance may also depend on meetings now underway between the London-based insurance underwriters and federal administrators of the Oil Pollution Act of 1990 (OPA 90). Although states have the right to set their own standards, a federal decision to retain the *direct action* provisions in OPA 90 will clarify federal intent and could make new private insurance policies more available.

TOWARD A LONG-TERM SOLUTION

Ultimately, lower insurance costs depend on effective oil spill prevention and response measures. The close relationship of insurance, prevention and response is perhaps best illustrated by the Philadelphia Fire Department, which only responds to fires in buildings having placards certifying that the building has both fire insurance and prevention or damage mitigation measures in place. The result is a few burned buildings but also excellent fire prevention and early detection, *and* low fire insurance costs.

The DEC seeks to emphasize state-of-the-art prevention and response so that private insurance products will be priced to reflect an underwriter's lower risk of a claim due to Alaska's rigorous oil spill prevention and contingency planning standards.

Noncrude Operators Filing Insurance
Request for Waiver of Direct Action Clause

Seacor Marine, Inc.	+Conditional approval: M/V Mustang, cap. 1,119 bbls. x $100. operating in Cook Inlet as supply vessel, in emergancy may transport fuel as cargo. Ins. does not meet requirements.
Saupe'Enterprises Inc. dba Chevron Dist.	+Conditional approval: Chevron Bulk Plant (Fairbanks), cap. 39,300 bbls.x $25. = $982,500., Insurance not approved. Quarterly reports not needed
Nushagak Electric Cooperative, Inc.	+Conditional approval: Storage cap. = 25,333 bbls X $25 = $633,325. insuranc does not have endorsement.
Sitka Fuels, Inc.	+Conditional approval: terminal cap. 12,857 bbls. x $25. = $321,425. Insurance does not have endorsement.
Harbor Ent.dba Petro Marine Services	+Conditional approval: Terminals: (Dutch Harbor) Main Plant/Resoff Dock cap. 61,058 bbls. x $25.= 1,526,450., Ballyhoo Dock cap.58,496 bbls.,(Seward Main Plant/Shoreside Petroleum 38,120 bbls., (Kodiak) Main Plant 45,841 bbls., Westward Seafoods Bulk Plant ▸ 18,379 bbls. Insurance does not have endorsement. contact Carol Lindsey at P.O. Box 389, Seward, 99664 for financial reports.
Island Providers Trnsp. (Olsen Ent.)	+Conditional Approval: M/V Lady Nina cap. 425 bbls. x $100.= $42,500 no insurance endorsement.
Alaska Pulp Corporation	+Conditional approval: APC fuel storag in Sitka, cap. 72,705 bbls. x $25 APC has a bond in amount of $1 mil., Ins. does not have required endorsement.
Moody's Sea Lighterage Inc.	+Conditional approval: barges SEA LITE 1-cap. 2,976 bbls., ST 20 -cap. 5,513 bbls..x.$25. no endorsement for insurance,
Bering Sea Fisheries	+Conditional approval: barge KING SALMON cap. 10,000 bbl. X $100. Insurance does not have endorsement.
Boyer Towing, Inc.	+Conditional Approval:barges; CALLAPOOYA, cap. 15,500 bbls..x $100., KOOTZNAHOO, cap. 3,500 bbls. P&I does not meet State approval.
Bethel Fuel Sales, Inc.	+Conditional approval: Fuel plant in Bethel, storage cap. 190,476 bbls. X $25 per barrel = $4,761,900.
Kodiak Oil Sales, Inc.	+Conditional approval: Bulk Plant-cap. 40,400 bbls. x $25., no ins. endorsement. Received insurance certificate 11/92.
Alaska Marine Charters, Inc.	+Conditional approval: barge

	INVESTIGATOR, cap. 14,600 x $100. policy does not meet reqs. Need copy o entire policy.
Lutak Petroleum, J.U. dba Totem Oil Co.	+Conditional Approval: Tank farm, cap. 77,143 bbls x $25. Insurance does not contain endorsement.
Anderes Oil Company	+Conditional approval: Ketchikan Terminal 21,682 bbl. x $25.
UIC Construction, Inc.	+Conditional approval: UICC/NAR1 Tank Farm, cap. 11,824 bbls.x $25 no insurance endorsement, Quarterly financial reports not needed. Self-insurance by parent company Ukpeagvik Inupiat Corp.
Kugkaktlik Limited (Kipnuk Fuel Co.)	+Conditional approval: barge CHALIN, cap. 2,182 bbls. x $100. = 218,200. no operating 10/15/91 thru 5/15/92. no coverage for deductible, contact James T. Brennan, 1227 West 9th Ave. #300, Anchorage 99501- 3218 , 907- 279-5528
Terminal Oil Sales, Inc.	+Conditional approved: Fuel terminal i Homer, cap. 26,296 bbls. x $25. No ins endorsement.
Smith Lighterage Co., Inc.	+Conditional approved: barges Ray'sons cap. 3023.81 bbls X $100 = $302,381 an Skip I, cap. 1309.52 bbls. Insurance not approved. vessels operate only fro May through October.
Samson Tug & Barge Co., Inc.	+Conditional approvel: Barge ANNAHOOTZ cap. 37,532 bbls. x $100 = $3,753,20 No insurance endorsement
Brix Maritime Co.	+Conditional approved: Barges; SITKA cap. 22,000 bbls. x $100., PALMER cap. 20,000 bbls. Insurance not approved
Yutana Barge Lines, Inc.	+Conditional approved: barges; RW12 cap. 850 bbls., RW11 cap. 4675, RW10 cap. 6591, RW9 cap. 4000, RW8 cap. 4168, RW7 cap. 1358, OB2 cap. 3349, OB cap. 7369, OB4 cap. 7369, OB5 cap. 7369, OB6 cap. 7369, Frank Turner #1 cap. 1131, Polaris #6 cap. 818 and Stewart cap. 2602. P&I coverage not approved,
Orca Oil Co., Inc.	+Conditional approved: Cordova Bulk Plant, cap. 35,847 bbls. X $25 = $894,175 no insurance endorsement.
Forty Niner Transportation, Inc.	+Conditional approvel: barges FNT-340-1, cap. 72,000bbls. and FNT 180-1 cap. 14,804. Insurance not approved.
Ocean Marine Services	+Conditional approved: M/V Monarch cap 1600 bbls., to transfer fuel to offshore facility. No insurance endorsement.
Northland Services, Inc.	+Conditional approved: barge KVICHAK TRADER, cap. 5675 bbls.x $100. Insurance not approved,
Unalakleet Native Corp.	-Not Approved: fuel storage facility a Unalakleet, storage capacity over 10,000 bbls.,(Jerry Reichlin, Attorney

Questionnaire and Responses

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

DIVISION OF SPILL PREVENTION AND RESPONSE
410 Willoughby Avenue, Suite 105
Juneau, AK 99801-1795

Telephone: (907) 465-5228
Fax: (907) 465-5245

December 4, 1992

COPY

Dear Mr.

Re: Financial Responsibility

Alaska Statute 46.04.040 requires that proof of financial ability to respond to an oil spill incident be submitted to and approved by the Department before operating an oil facility or vessel in the State. Some operators attempting to obtain insurance have reported problems by their insurers in meeting the requirements for direct action or for the appointment of an agent for service of process in the State.

In the spring of 1992, the Legislature passed SB 405 as temporary law:

> "Chapter 102, 1992 Temporary and Special Acts
>
> Section 2. - Temporary Law Applicable to Noncrude Oil Operations.
>
> Notwithstanding AS 46.04.040, the Department of Environmental Conservation may, with respect to noncrude oil operations, approve proof of financial responsibility by a person, other than the applicant, who does not agree to be subject to **direct action** in the state or to **appoint an agent for service of process** if the applicant
>
> (1) provides proof of financial responsibility in the form and amounts otherwise required under AS 46.04.040;
>
> (2) **provides a sworn statement that**
>
> (A) is acceptable to the department;
>
> (B) **attests that the applicant has diligently attempted to obtain a form of**

proof of financial responsibility that would provide for a direct action and appointment of an agent for service of process;

(C) describes the steps the applicant has taken to obtain a form of proof of financial responsibility that would provide for a direct action and appointment of an agent for service of process;

(D) states that a form of proof of financial responsibility that would provide for a direct action and appointment of an agent for service of process is unavailable to the applicant;

(3) continues diligent efforts to obtain a form of proof of financial responsibility that would provide for a direct action and appointment of an agent for service of process and provides a sworn statement every six months that is acceptable to the department, containing the information required in (2) of this section."

(Note - Bold type has been added to highlight the main subjects of the law.)

This temporary law gave the Department authority to grant "conditional approvals" for noncrude oil operators who could not meet requirements by other means listed in the statutes. Accompanying this legislation was a letter of intent directing the Department of Environmental Conservation and the Legislative Research Agency to study the possibility of group pooling for the purpose of meeting the state's financial responsibility requirements and to report their findings back to the Legislature.

You can assist the Department with the report to the Legislature by reviewing this temporary law and answering the questions on the attached questionnaire to the best of your ability.

Please return the completed questionnaire to my attention at the above address by December 31, 1992. If you have any questions please call me.

Thank you.

Sincerely,

Glenn Adams
Financial Responsibility

Enclosure: Financial Responsibility Questionnaire

g:\ipp\fr\section2.qst

FINANCIAL RESPONSIBILITY QUESTIONNAIRE

Questionnaire to assist the Department in identifying insurance issues affecting noncrude oil operators with existing conditional approvals and to help in providing recommendations to the Legislature on insurance pooling options and alternatives, as required in SB 405 Letter of Legislative Intent. Please use additional pages if necessary.

Questions:

A. Name of operator/applicant?

Contact person?

B. Name of current insurer/underwriter?

C. Name of agent/company that obtained policy for you?

D. What were the main difficulties in obtaining an insurance policy to meet State requirements? **(please circle yes or no)**

1. Meeting the Direct Action requirement? yes no
(AS 46.04.040(e) legal action may be brought directly against th insurer)

2. Meeting the Service of Process requirement? yes no
(AS 46.04.040(e) agent must be appointed for service of process in the State)

3. Was the cost of the insurance policy a determining factor? yes no
Please explain:

4. Was the insurance deductible requirement under 18 AAC 75.250(d) a problem? yes no
Please explain:

5. Was the cost of an insurance (property) survey to obtain a policy when changing companies or getting a new policy a factor? yes no
Please explain:

6. Was the past history of spills or claims, or the present physical condition of the facility or vessel a factor? yes no
Please explain:

E. Does the size of operator/applicant's business make a difference? yes no
Please explain:

F. Has your current insurance coverage on deck barges, tug boats or facilities stopped you from trying to get State approved coverage on oil barges because it might mean changing insurance coverage on all of your vessels, barges or facilities to another insurance company? yes no
Please explain:

G. Would you be willing to enter into a State approved insurance pool with companies similar to yours if it would save you money compared to obtaining individual insurance coverage of your own? yes no
Please explain:

H. Have you considered lowering the storage capacity of the facility or vessel to change the amount of proof required? yes no
Please explain:

I. Have you considered implementing additional pollution prevention or spill response measures to help lower the cost of the insurance premium? yes no

J. Would your insurer lower the amount of your insurance cost if your company showed pollution prevention or spill response measures were implemented? If so, what measures would the insurer except?

K. Do you have any suggestions on improving the availability of insurance for vessels or facilities? yes no
Please attach additional pages if necessary.

L. Any other constructive suggestions or comments?

Please return the completed questionnaire to:

Glenn Adams
ADEC SPAR Division
410 Willoughby Avenue, Suite 105
Juneau, Alaska 99801-1795

Telephone (907) 465-5228
FAX (907) 465-5245

THANK YOU

Form letter and questions attached
(13 reply)

FINANCIAL RESPONSIBILITY QUESTIONNARE RESULTS January 21, 1993

Quest1	Quest2	Quest3	Quest4	Quest5	Quest6	QuestE	QuestF	QuestG	QuestH	QuestI	QuestK	Notes	FRid#	Subjec
yes	yes	no	yes	no	no	—	no	not sure	—	-?-	no	This operator thinks the problems are between the underwriters and the law makers,he does not think the operators have much to say about the insurance situation.	301	Barges
yes	no	no	no	no	no	no	no	no	no	no	yes	G. Cost savings would probably be short lived. Lack of competition would ultimately cost more & State directed coverage may not be compatable with other jurisdictional requirements. H. Lowering storage capacity does not satisfy needs of customers, would increase number of voyages, thus increasing exposure. I. Would make risk easier to insure but does not effect premium cost. J. (same as I.) K. eliminate direct action would make markets more available to operators. Suggest State work directly with insurance induatry to make sure regulations are in line with available insurance coverages.	48	Barges
yes	no	no	—	no	no	no	no	yes	no	no	no	—	11	Barges
yes	yes	no	no	no	no	yes	no	yes	no	no	yes	E. Does not have capital, assets or total worth for self-insurance or bonding. I. Not necessary or an alternative. Currently do all possible. J. Not an available alternative. Existing insurance is as low as possible. K. drop direct action requirement. L. Impose a fuel tax for a State approved insurance pool for noncrude. ✓	185	Vessel
yes	yes	no	no	no	no	no	—	no	—	yes	no	—	28	Barges
yes	yes	no	no	no	no	no	no	yes	no	no	—	G. Would consider entering depending on terms. I. Lowering insurance cost is second to spill prevention. J. We are generaly a freight carrier rather than oil, additional prevention measures would at best only modest	117	Barges

reduction in insurance cost. More impact would be continuing favorable loss experience. K. There are now four available markets for marine insurance, availability does not seem to be a problem. Meeting the stringent requirements of law is more an issue for none of the sources can comply with all terms. L. Legislators and underwriters should work together to seek realistic legislation wherein requirements can be satisfied within a competative marketplace. A State approved insurance pool should be a last resort solution.

FINANCIAL RESPONSIBILITY QUESTIONNARE RESULTS January 21, 1993

Quest1	Quest2	Quest3	Quest4	Quest5	Quest6	QuestE	QuestF	QuestG	QuestH	QuestI	QuestK	Notes	FRid#	Subjec
yes	yes	yes	yes	yes	no	yes	no	yes	no	yes	yes	E. Premium cost based on annual volume .I. & J. Have always done this. K. State should avoid un-necessary regulations that restrict companies from participating in the pollution liability market. L. State should avoid excessive regulations which create additional cost per gallon to consumer.	62	Termin
yes	no	no	no	no	no	no	no	yes	no	no	no	J. Insurance is in place now and rates are lowest possible.	252	Termin
yes	yes	no	no	no	no	no	—	no	no	no	yes	G. Every pool I have seen up to this point has failed. H. We would have to cut storage to a point where we could not run our business. I&J. Isurance co. said it would not make a difference. K. Change the law to eliminate direct action, I have been told that direct action is much more necessary for vessels than terminals. It is ridiculous to have requirements that no inaurance company will agree to.	142	Termin

FINANCIAL RESPONSIBILITY QUESTIONNARE RESULTS January 21, 1993

Quest1	Quest2	Quest3	Quest4	Quest5	Quest6	QuestE	QuestF	QuestG	QuestH	QuestI	QuestK	Notes	FRid#	Subjec
yes	yes	—	yes	yes	no	no	—	yes	—	—	yes	1&2. Very difficult to find insurance to provide this coverage. 3. Cost of coverage has increased dramatically last three years. 4. All policies carry a large deductible, in most cases it can't be baught back. 5. Not at this time but if insurance changed ✓ a full survey would cost nearly $10,000. 6. We do not have an adverse loss record. E. Premiums rated on a ✓ cost per gallon basis G. Yes if cost effective and would meet State requirements H. This is an option we may have to exercise in future if insurance cost continue to rise I. The cost/reward ratio in not woth considering at this time J. We are already receiving a preferred rate, cost still to high K. Amend the statutes governing pollution liability. Specifically address the difference between crude and processed products and their relationship to the environment. l. State could impose a tax similar to LUST tax on all refined ✓ products for funding equipment pools and a State insurance program, each facility to be required to carry a $25,000 policy to cover deductible of a State group policy. it would be more practical to spend money on facility prevention and upgrading than on insurance with no hope of a return.	104	Termin
yes	yes	no	no	—	no	yes	no	yes	no	no	no	E. We are small business with one barge, suggest seperate requirements for small noncrude operator J. I believe so.	105	Barges
yes	yes	no	no	no	no	no	no	yes	no	no	no	—	70	Termir

FINANCIAL RESPONSIBILITY QUESTIONNARE RESULTS January 21, 1993

Quest1	Quest2	Quest3	Quest4	Quest5	Quest6	QuestE	QuestF	QuestG	QuestH	QuestI	QuestK	Notes	FRid#	Subjec
yes	yes	yes	yes	no	yes	yes	——	yes	yes	yes	yes	1. Direct action coverage not available 2. Insurer refuses to provide in-state service agent 3. We have only found one provide of insurance, no competition, high cost 4. Deductible increased from $10,000 to $50,000 5. If we change carriers the cost of survey would be an immense burden 6. Statutary requirements ave created the unavailability of coverage E. Most of competitors have smaller storage capacity (exempt) and do not have these costs, we cannot remain competative in our market F. N/A do not have barges G. Would be delighted to have any alternative to eliminate or reduce financial burden H. Currently reviewing infrastructure to see if reducing storage would be feasable I. Have spent $ on equipment and training but it will not cause any reduction in premium cost J. Indications from insurers, no cost decreases to occure K. We believe any improvement will come only if the statutory requirements are significantly reduced. Current regulations may be appropriate for an Alyeska or an Exxon but are virtually unattainable for a small land based distributer operation like ours L. All similar operations should have similar requirements. Financial responsibility requirements should be based on over-all volumes through-putted instead of storage capacity the way insurance companies set premiums.	109	Termin
13 YES	10 YES 3 NO	2 YES 10 NO	3 YES 9 NO	2 YES 10 NO	1 YES 12 NO	4 YES 8 NO	YES 9 NO	9 YES 3 NO	1 YES 9 NO	3 YES 8 NO	5 YES 6 NO			

Noncrude Operators

Financial Responsibility Company	Subject	Notes	frid	File Number	Proof Type
Alaska Electric Generation &Transmission	Terminal	*Approved: fuel storage facility in Soldotna, SOLDOTNA ONE, Cap. 15,476 bbls. X $25 = $386,900	0139	4.01.100	INSR
Alaska Marine Charters, Inc.	Vessel, barge	+Conditional approval: barge INVESTIGATOR, cap. 14,600 x $100. policy does not meet reqs. Need copy of entire policy. need Sec. 2 affidavit June 93.	0111	4.01.074	INSR
Alaska Pulp Corporation	Terminal	+Conditional approval: APC fuel storage in Sitka, cap. 72,705 bbls. x $25 APC has a bond in amount of $1 mil., Ins. does not have required endorsement.	0010	4.01.005	INSR
Anchorage Fueling & Service Co.	Terminal, pipeline, NC	*Approved: Fuel terminal at Port of Anchorage cap. 550,000 bbls, pipeline from Port to Anchorage International Airport cap. 65,000 bbl, fuel storage at Airport Plant #2 cap.20,000 bbl., Plant #3 cap. 41,190 bbl., Plant #5 cap. 8,426 bbl. = 676,624 bbls.x $25. Insurance policy for three years.	0187	4.01.013	INSR
Anderes Oil Company	Terminal	+Conditional approval: Ketchikan Terminal 21,682 bbl. x $25.	0244	4.01.061	INSR
Bering Sea Fisheries	Vessel, barge	+Conditional approval: barge KING SALMON cap. 10,000 bbl. X $100. Insurance does not have endorsement.	0301	4.01.088	INSR
Bethel Fuel Sales, Inc.	Terminal	+Conditional approval: Fuel plant in Bethel, storage cap. 190,476 bbls. X $25 per barrel = $4,761,900.	0148	4.01.108	INSR
Boyer Towing, Inc.	Vessel, barge	+Conditional Approval:barges; CALLAPOOYA, cap. 15,500 bbls..x $100., KOOTZNAHOO, cap. 3,500 bbls. P&I does not meet State approval.	0028	4.01.025	OTHR
Brice Inc., Marine Division	Terminal, barge	*Approved exempt: Oil barge OBS 4000, classified as an oil terminal with under 10,000 bbls. storage capacity.	0152	4.01.112	EXPT

01/22/93 Complete Listing of Financial Responsibility Records

Financial Responsibility Company	Subject	Notes	frid	File Number	Proof Type
Brix Maritime Co.	Vessel, barge	+Conditional approved: Barges; SITKA cap. 22,000 bbls. x $100., PALMER cap. 20,000 bbls. Insurance not approved,see 35a for policy.	0048	4.01.036	INSR
City of Galena	Terminal	*Approved: Galena Electric Utility, Power House, cap. = 14,762 bbls. x $25. =$369,050. =$1m min. Contact : Tony Ranon for reports.	0159	4.01.119	SELF
City of Saint Paul	Terminal	*Approved: Bulk Fuel Facility, cap. 42,857 bbls.x $25.per bbl.	0235	4.01.150	SELF
Cominco Alaska,Inc.(Red Dog Mine)	Terminal	*Approved: Red Dog Portsite- cap. 204,000 bbls. x $100 = 20,400,000, Minesite- cap. 9,000 bbls. (exempt)	0171	4.01.131	SELF
Crowley Marine Services, Inc.	Vessel, barge	=Pending: barges: B&R 5, B&R 80-1, B&R 80-2, B&R 80-3, 120-1, 120-2, 160-1, 160-4, BC 151, BC 151, UT 154, 210, 211, 212, 213, 218, 255, 312-3, ARCTIC CHALLENGER, PAC 570, CORDOVA, NIKISKI, Mckinley, PALMER, KETCHIKAN, KODIAK JUNEAU, 101, 450-2, 450-3, 450-4, 450-6, 450-7, 450-8, 450-9, 450-11, UT 10, 250-10, NAPAMUTE, EEK, ORCA NO.2, OIL NO.1, 450-10, 16, 18, 254, CINNABAR, LB-1, 500-2, Oahu. (largest is 149,726 bbls. x $100 =14,972,600). Effective 9/8/92 barge # 254 guaranteed by ARCO for full amount to transport crude oil.	0192	4.01.016	INSR
Crowley Marine Services, Inc.	Terminals	=Pending: CAPTAINS BAY TANK FARM, cap. 60,000 bbls. KOTZEBUE TANK FARM, cap.146,916 bbls. X $25 = $3,672,900. NOME TANK FARM, cap. 145,000 bbls. Approval Certificates expire 6/1/93.	0191	4.01.016a	INSR

Financial Responsibility Company	Subject	Notes	frid	File Number	Proof Type
F.I.L. (U.S.) Inc. - Alaska	Terminal	*Approved: Fuel terminals in Ketchikan, cap. 161,430 bbls, Sitka cap. 20,390 bbls., Haines, cap. 25,508 bbls., Skagway, cap. 234,625 x $25.=5,865,625., Petersberg, cap. 11,358; Craig and Wrangel are exempt under 10,000 bbls.	0076	4.01.052b	SELF
F.I.L. (U.S.) Inc. - Alaska	Vessel, tanker, barge	*Approved: M/V Frank H. Brown, cap. 48,000 bbls. x $100. = $4,800,000., oil barge Alaska Spirit, cap. 24,000 bbls. covered by form B.	0077	4.01.052a	SELF
Forty Niner Transportation, Inc.	Vessel, barge	+Conditional approved: barges FNT-340-1, cap. 72,000bbls. and FNT 180-1 cap. 14,804. Insurance not approved.	0169	4.01.129	INSR
Foss Maritime Company	Vessel, barge	*Approved: barges. FOSS 255, cap. 42,000; FOSS 256, 43,430 bbls.x $110. SEA 76,11,800, Hanalei 27,120; FOSS ENERGIZER and Z-BIG-1 are spill response contracted to Alyeska.	0201	4.01.022	SELF
Frosty Fuel Inc.	Terminal	*Approved: Frosty Fuel Co. at Cold Bay-cap. 95,238 bbls.x $25 = $2,380,950; exempt facilities under 10,000 bbls.: Sand Point 9,206 gal., Dutch Harbor 20,167 gal., ST. Paul 10,110 gal.and Port Heiden 333,904 gal.	0051	4.01.038	SELF
Golden Valley Electric Assn. Inc.	Terminal, NC pipeline	*Approved: North Pole Generation Station, cap. 300,000 bbls. x $25= Submitted Annual report and form 6. Pipeline from Petro Star Refinery.	0154	4.01.114	SELF

Financial Responsibility Company	Subject	Notes	frid	File Number	Proof Type
Harbor Ent.dba Petro Marine Services	Terminal	+Conditional approval: Terminals: (Dutch Harbor) Main Plant/Resoff Dock cap. 61,058 bbls. x $25.= 1,526,450., Ballyhoo Dock cap.58,496 bbls.,(Seward) Main Plant/Shoreside Petroleum 38,120 bbls., (Kodiak) Main Plant 45,841 bbls., Westward Seafoods Bulk Plant 18,379 bbls. Insurance does not have endorsement. contact Carol Lindsey at P.O. Box 389, Seward, 99664 for financial reports.	0125	4.01.087a	INSR
International Marine Carriers, Inc.	Vessel, tanker	*Approved exempt: vessels USNS SEALIFT ANTARCTIC, ARABIAN SEA, ARCTIC, ATLANTIC, CARIBBEAN, CHINA SEA, INDIAN OCEAN, MEDITERRANEAN and PACIFIC storage capacity ea.185,000 bbls.	0079	4.01.054c	EXPT
Island Providers Trnsp. (Olsen Ent.)	Vessel, self-propelled landing craft	+Conditional Approval: M/V Lady Nina cap. 425 bbls. x $100.= $42,500 no insurance endorsement.	0185	4.01.146	INSR
Ketchikan Pulp Co.	Terminal	*Approved: Pulp Mill fuel storage faciliities, cap. 55,602 bbls x $25 = $1,390,050. Affidavits only, quarterly reports not needed.	0035	4.01.028	SELF
Klukwan Forest Products, Inc.	Terminal	*Approved: Highland Resources Inc. bulk fuel facility, cap. 55,000 bbls. x $25.	0167	4.01.127	SELF
Klukwan Forest Products, Inc.	Vessel, barge	*Approved: barge Chilkat Warrier cap. 36,700 bbls. x $100. formerly under North Pacific Expediting, Inc.	0298	4.01.127a	SELF
Kodiak Oil Sales, Inc.	Terminal	+Conditional approval: Bulk Plant-cap. 40,400 bbls. x $25., no ins. endorsement. Received insurance certificate 11/92.	0142	4.01.102	INSR
Kotzebue Electric Assn., Inc.	Terminal	*Approved: fuel storage facility, cap. 51,382 bbls. x $25 = $1,284,550.00	0144	4.01.104	INSR

01/22/93 Complete Listing of Financial Responsibility Records

Financial Responsibility Company	Subject	Notes	frid	File Number	Proof Type
Kugkaktlik Limited (Kipnuk Fuel Co.)	Vessel, barge	+Conditional approval: barge CHALIN, cap. 2,182 bbls. x $100. = 218,200. not operating 10/15/91 thru 5/15/92. no coverage for deductible, contact James T. Brennan, 1227 West 9th Ave. #300, Anchorage 99501- 3218 , 907- 279-5528 .	0105	4.01.071	INSR
Lutak Petroleum, J.U. dba Totem Oil Co.	Terminal	+Conditional Approval: Tank farm, cap. 77,143 bbls x $25. Insurance does not contain endorsement.	0252	4.01.153	INSR
Mapco Alaska Petroleum, Inc.	Vessel, tanker NC spot charter	*Approved: self-insurance coverage for spot charter vessels as needed. Aprvd.vessels: TORM GYDA 7/12/92, URZHUM 8/27/92, EMMA MAERSK 9/21/92, KILCHEM MEDITERRANEAN 10/7/92, EMMA MAERSK 10/26/92, TEAM HADA 12/5/92, ROVER 12/26/92,	0114	4.01.076b	GRTY
Marathon Oil Company	Vessel, tanker NC LNG	*Approved: LNG vessels ARCTIC TOKYO, POLAR ALASKA, cap.439,000 bbls. each.	0044	4.01.033b	GRTY
Moody's Sea Lighterage Inc.	Vessel, barge	+Conditional approval: barges SEA LITE 1-cap. 2,976 bbls., ST 20 -cap. 5,513 bbls..x.$25. no endorsement for insurance,	0101	4.01.067	INSR
Municipality of Anchorage, Light & Power	Terminal	*Approved: George M. Sullivan Power Plant, cap. 23,810 bbls. x $25 = $595,250 = min. amt.	0122	4.01.084	SELF
Naknek Electric Association, Inc.	Terminal	*Approved: NEA fuel storage facilities in Naknek, storage cap. 39,619 bbls. x $25.	0116	4.01.078	INSR
Nome Joint Utility System	Terminal	*Approved: Tank Farms #1,#2,#3,#4 all have storage capacity each of 20,071 bbls. = 80,284 X $25 = $2,007,100. Quarterly reports not needed only annual report and quarterly affidavits.	0143	4.01.103	SELF

01/22/93 Complete Listing of Financial Responsibility Records

Financial Responsibility Company	Subject	Notes	frid	File Number	Proof Type
North Slope Borough	Terminal	*Approved: Barrow Block "B" Tank Farm 23,810 bbls., Wainwright Generator Plant 11,905 bbls., Point Hope Tank Farm 29,762 bbls. No quarterly financial report needed.	7786	4.01.116	SELF
Northland Services, Inc.	Vessel, barge	+Conditional approved: barge KVICHAK TRADER, cap. 5675 bbls.x $100. Insurance not approved,	0117	4.01.079	INSR
Nushagak Electric Cooperative, Inc.	Termina'	+Condidional approval: Storage cap. = 25,333 bbls X $25 = $633,325. insurance certificate does not have endorsement, need copy of policy, they have not receive copy of renewal insurance yet, reafirmation of Sect 2 statement 12/28/92.	0134	4.01.095	INSR
Ocean Marine Services	Vessel, tanker	+Conditional approved: M/V Monarch cap. 1600 bbls., to transfer fuel to offshore facility. No insurance endorsement.	0284	4.01.161	INSR
Offshore Fuel JV	Terminal	*Approved: Oil terminal Captain's Bay, Dutch Harbor. storage cap. 33,500 bbls. Currently joint venture with Delta Western will change on May 1, 1993.	0309	4.01.170	SELF
Orca Oil Co., Inc.	Terminal	+Conditional approved: Cordova Bulk Plant, cap. 35,847 bbls. X $25 = $894,175 no insurance endorsement.	0128	4.01.089	INSR
Peter Pan Seafoods, Inc.	Terminal	*Approved: Fuel Terminal in King Cove, cap. 12,400 bbls. X $25 = $310,000. no quarterly finacial report needed.	0163	4.01.123	SELF
Samson Tug & Barge Co., Inc.	Vessel, barge	+Conditional approvel: Barge ANNAHOOTZ, cap. 37,532 bbls. x $100 = $3,753,200 No insurance endorsement	0053	4.01.040	INSR

01/22/93 Complete Listing of Financial Responsibility Records

Financial Responsibility Company	Subject	Notes	frid	File Number	Proof Type
Saupe'Enterprises Inc. dba Chevron Dist.	Terminal	+Conditional approval: Chevron Bulk Plant (Fairbanks), cap. 39,300 bbls.x $25. = $982,500., Insurance not approved. Quarterly reports not needed.	0109	4.01.072	INSR
Seacor Marine, Inc.	Vessel, tanker, self-propelled	=Pending approval: Insurance expired M/V Mustang, cap. 1,119 bbls. x $100. operating in Cook Inlet as supply vessel, in emergancy may transport fuel as cargo. Ins. does not meet requirements.	0288	4.01.163	INSR
Sitka Fuels, Inc.	Terminal	+Conditional approval: terminal cap. 12,857 bbls. x $25. = $321,425. Insurance does not have endorsement. received copy of ins. policy 12/24/92.	0062	4.01.045	INSR
Smith Lighterage Co., Inc.	Vessel, barge	+Conditional approved: barges Ray'sons, cap. 3023.81 bbls X $100 = $302,381 and Skip I, cap. 1309.52 bbls. Insurance not approved. vessels operate only from May through October.	0099	4.01.065	INSR
St. Michael Fuel Company	Terminal	*Approved: St.Michael oil terminal cap. 34,190 bbls. x $25, Exempt: Mt. Village Tank Farm cap. 4,285 bbls., St. Mary's Tank Farm cap. 7,952 bbls., Galena cap. 9,524, Nenana cap. 7,619 Insurance coverage shoreside is Lloyds & IlU, nil ded., see Yutana Barge lines policy see .035a for vessels & let. of credit.	0047	4.01.035b	INSR
Terminal Oil Sales, Inc.	Terminal	+Conditional approved: Fuel terminal in Homer, cap. 26,296 bbls. x $25. No ins. endorsement.	0104	4.01.070	INSR

Financial Responsibility Company	Subject	Notes	frid	File Number	Proof Type
Tesoro Alaska Petroleum Co.	Vessel, tanker, NC spot charter	*Approved: non-crude Spot Charters, Contact Ms.Hilde Baldwin 512-828-8484 - vessels this fiscal year: Cathay Spirit 6/24/92, Sukhe Bator 6/25/92. Lion of California 7/5/92, Lielupe 6/25/92, Yamato Spirit 7/11/92, Cathay Spirit 7/25/92, Lion of California 7/31/92, Flying Clipper 8/5/92, Tasman Spirit 9/4/92, Lielupe 9/12/92, Tavi 9/20/92, Cathay Spirit 10/4/92, Tasman Spirit 10/17/92, Emma Maersk 10/28/92, Cloudesdale 11/10/92, Tasman Spirit 11/17/92, Rossi 11/22/92, Asiatic Spirit 12/4/92, Golden Gate Sun 1/2/93, Yamato Spirit 1/12/93, Baltimore Trader 1/25/93,	0064	4.01.046b	INSR
Tesoro Petroleum Corporation	Terminal, onshore production, pipeline	*Approved: Kenai Refinery & Terminal cap.950,000 crude & 2,550,000 NC, Anchorage Terminal cap.220,000, Valdez Terminal Old cap. 41,000, Valdez Terminal New cap. 160,000, Fairbanks Terminal cap. 60,000, 10-inch Pipeline 37,000.	0063	4.01.046a	OTHR
Texaco Refining & Marketing, Inc.	Terminal	*Approved: Anchorage Sales Terminal, non-crude terminal cap. 652,000 bbls.x $100.	0065	4.01.047a	BOND
Tidewater Pacific Inc.	Vessel	*Approved: Vessels ATLANTIC SEAHORSE cap.3380 bbls., LAFAYETTE cap. 2005 . Tender type vessels but in emergency may transport fuel.	0290	4.01.164	GRTY
Trident Seafoods Corporation	Terminal	*Approved: fuel storage facilities at Akutan Island cap. 30,238 bbls.x $25. & Sand Point cap. 15,238.	0140	4.01.101a	LETR

Financial Responsibility Company	Subject	Notes	frid	File Number	Proof Type
Trident Seafoods Corporation	Vessel, barge	*Approved: barges NC-S-1 cap. 1,250 bbls. x $100., J-S-1 cap. 1,250 Received notice of cancellation of Surety Bond 11/2/92	0141	4.01.101	LETR
U.S. Air Force	Terminal	*Approved Exempt: Barter Island -LRRS cap. 45,270 BBLS., Cape Lisburne -LRRS cap. 24,644 BBLS., Tin City -LRRS cap. 24,127 BBLS., King Salmon Airport cap. 105,476 bbls., Galena AFS cap. 442,988 bbls., Shemya AFB cap. 295,174 bbls.	0005	4.01.003a	EXPT
U.S. Air Force	Terminal	*Approved exempt: Eielson AFB fuel storage facilities: E-2 cap. 97,200, E-3 cap. 5,360, E-6 cap. 200,000 , E-7 cap. 4,166, E-8 cap. 4,166, E-9 cap. 4,166, E-10 cap. 10,000, E-11 cap. 275,000.	0204	4.01.003b2	EXPT
U.S. Air Force	Terminal	*Approved exempt: Elmendorf AFB fuel storage facilities: cap. 250,600 bbls.	0205	4.01.003b3	EXPT
U.S. Army	Terminal	-Not approved: Terminal facility, storage capacity 39.500 bbls., facility has never provided application form.	0313	4.01.171	EXPT
U.S. Defense Fuel Supply Center	Pipeline, terminal, NC	*Approved exempt: Anchorage Army Terminal, cap. 324,000 bbls., Fairbanks Army Terminal, cap. 195,000 bbls., Whittier Army Terminal cap. 630,000 bbls., Whittier to Anch. Pipeline 8 inch x 61 mi., Fbks. to Eilson Pipeline 8 inch x 27 mi.	0021	4.01.010a	EXPT
U.S. Navy	Terminal	*Approved exempt: Amchitka Island facility cap. 79,023 bbls.	0071	4.01.049	EXPT
U.S. Navy	Terminal	*Approved exempt: Fuel storage at Adak Island, cap. 652,068 bbls.	0070	4.01.049a	EXPT

Financial Responsibility Company	Subject	Notes	frid	File Number	Proof Type
UIC Construction, Inc.	Terminal	+Conditional approval: UICC/NARl Tank Farm, cap. 11,824 bbls.x $25 no insurance endorsement, Quarterly financial reports not needed. Self-insurance by parent company Ukpeagvik Inupiat Corp.	0149	4.01.109	!NSR
Unalakleet Native Corp.	Terminal	-Not Approved: fuel storage facility at Unalakleet, storage capacity over 10,000 bbls.,(Jerry Reichlin, Attorney 277-5955) NOV & COBC require compliance by Nov. 15, 1992.	0297	4.01.166	
Union Oil Co. of Cal.	Terminal	*Approved: Ketchikan Terminal cap. 112,147 bbls. X $25 bbl.	0074	4.01.051a1	SELF
Union Oil Co. of Cal.	Terminal	*Approved: Juneau Bulk Plant, cap. 61,500 bbls. x $25.	0291	4.01.051a2	SELF
Western Geophysical	Vessel, terminal	-Not Approved: The vessel M/V Northern Lighter (594351), classified as a terminal, under 10,000 bbls. storage capacity.	0257	4.01.156	EXPT
Western Hemisphere Corp. (TOSCO)	Vessel, tanker	*Approved: LION OF CALIFORNIA -cap. 133,320 bbls., Riverhead Spirit - cap. 273,795 bbls x $100.	0186	4.01.012	GRTY
Western Pioneer Inc. (Delta Western)	Terminal	*Approved: Juneau Plant 56515 bbl, Kenai Plant 14482 bbl, Yakutat Plant 17436, Dillingham 53904 bbl, Wood River Cherrier Plant 55952 bbl, Dutch Harbor 372113 bbl x $25 = $9,302,825., Naknek 37978 bbl, Captain's Bay 28000 bbl, St. George Island cap.28,500 bbls.	0026	4.01.024b	SELF
Western Pioneer Inc. (Delta Western)	Vessel barge	*Approved: Barges 180-2,cap.13,690bbls, DW-280 cap.47619, DW-282 (cap.47609 bbls.x$100= $4,761,900.) need quarterly affidavits only.	0027	4.01.024a	SELF

Financial Responsibility Company	Subject	Notes	Frid	File Number	Proof Type
Yukon Fuel Company	Terminal	*Approved: Yukon Fuel Company terminal cap. 17,550 Operated by Yutana Barge Lines, Inc. See file 35b for ins. policy info. shoreside, 35a for vessel ins. info.	0304	4.01.035c	INSR
Yutana Barge Lines, Inc.	Vessel, barge	+Conditional approved: barges; RW12 cap. 850 bbls., RW11 cap. 4675, RW10 cap. 6591, RW9 cap. 4000, RW8 cap. 4168, RW7 cap. 1358, OB2 cap. 3349, OB3 cap. 7369, OB4 cap. 7369, OB5 cap. 7369, OB6 cap. 7369, Frank Turner #1 cap. 1131, Polaris #6 cap. 818 and Stewart cap. 2602. P&I coverage not approved,	0221	4.01.035a	INSR