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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

CRUISE LINES INTERNATIONAL
ASSOCIATION ALASKA, *et al.*,

Plaintiffs,

v.

THE CITY AND THE BOROUGH OF JUNEAU,
ALASKA, *et al.*,

Defendants.

Case No. 1:16-cv-00008-HRH

**CRUISE LINES INTERNATIONAL
ASSOCIATION ALASKA'S
OBJECTIONS AND RESPONSES TO
CBJ'S FIRST REQUESTS FOR
ADMISSION TO CRUISE LINES
INTERNATIONAL ASSOCIATION**

Pursuant to Fed. R. Civ. P. 26(b)(1) and 36 and LCvR 26.1, Plaintiff Cruise Lines International Association Alaska ("CLIAA"), by and through undersigned counsel, responds to Defendants' City and Borough of Juneau, Alaska and Rorie Watt, in his official capacity as City Manager (together, "CBJ"), First Set of Requests for Admission to Cruise Lines International Association Alaska (each, an "RFA" and collectively, the "RFAs").

OVERARCHING OBJECTIONS

I. In accordance with Fed. R. Civ. P. 26-36, CLIAA objects to and declines to be bound by CBJ's "INSTRUCTIONS" and "DEFINITIONS" to the extent they exceed the Federal Rules of Civil Procedure and/or purport to require of CLIAA more than the Federal Rules of Civil Procedure require. In particular, but in no way limiting CLIAA's objections, CLIAA objects and declines to be bound by the following:

- A. *CBJ's RFA instruction regarding explanation of denials and objections.* This instruction purports to require CLIAA to "state the reasons for [its] objection or denial" in the event that CLIAA "objects to or denies any Request or portion of a Request." CLIAA objects to this instruction as it is outside the scope of Fed. R. Civ. P. 36(a)(4).
- B. *CBJ's RFA instruction regarding from whom each RFA solicits information.* This instruction purports to impose on CLIAA the obligation to "solicit all information obtainable by Plaintiff from Plaintiff's members, attorneys, investigators, agents, employees, and representatives" in response to each RFA. CLIAA objects to this instruction as outside the scope of Fed. R. Civ. P. 36. CLIAA's members are not subject to CLIAA's control. CLIAA further objects to this instruction as outside the scope of Fed. R. Civ. P. 36 to the extent it requests information from parties that are not within CLIAA's control.
- C. *CBJ's RFA instruction regarding CLIAA's "reasonable inquiry."* This instruction purports to require CLIAA to "describe any and all efforts [CLIAA] made to inform [itself] of the facts and circumstances necessary to answer or respond" whenever CLIAA lacks sufficient information to admit or deny an RFA. CLIAA objects to this instruction's use of the phrase "any and all," as this is outside the scope of Fed. R. Civ. P. 36. Further, CLIAA objects to this instruction because it violates multiple privileges, including but not limited to the attorney-client privilege and protections afforded by the work-product doctrine.

D. *CBJ's RFA definition of "Plaintiffs."* CLIAA objects to this definition because it contains cruise lines who are members of CLIAA. The cruise line members of CLIAA are not plaintiffs in this litigation. CLIAA further objects to this definition insofar as "Plaintiffs" is defined as any person except for CLIAA and Cruise Lines International Association ("CLIA").

II. CLIAA submits these responses without conceding the relevancy or materiality of the subject matter of any request and without prejudice to CLIAA's right to object to further discovery or to the admissibility of any additional proof on the subject matter of any response at the time of trial.

III. CLIAA's responses and objections are based on information currently known to CLIAA. CLIAA reserves the right to supplement its responses as its investigation and discovery continues; CLIAA, however, assumes no obligation to supplement its responses beyond that imposed by the Federal Rules of Civil Procedure or court orders.

OBJECTIONS AND RESPONSES TO REQUESTS FOR ADMISSION

REQUEST FOR ADMISSION NO. 1: Admit that for all times from January 1, 1991 until February 7, 2007, the Northwest and Canada Cruise Association was a cruise line industry representative to governmental entities in Alaska.

RESPONSE: CLIAA objects to this RFA as compound because it seeks admission as to an unlimited or nearly unlimited number of persons ("government entities"). Subject to and without waiving this objection and CLIAA's Overarching Objections, and after reasonable inquiry, the information CLIAA knows or can readily obtain is insufficient to enable CLIAA to admit or deny that an entity called the Northwest and Canada Cruise Association was a cruise line industry representative to government entities in Alaska from January 1, 1991 until February 7, 2007. To CLIAA's knowledge, as referenced in response to CBJ Interrogatory No. 1, an entity called the North West Cruiseship Association, renamed the North West & Canada Cruise Association on or about June 15, 2010, was a cruise line industry representative to government entities in Alaska from January 1, 1991 until February 7, 2007. It may be that there is some other entity called the Northwest and Canada Cruise Association, and so CLIAA is

unable to definitively admit or deny this RFA. Further, by explaining the grounds for its inability to either admit or deny this RFA, CLIAA does not waive and specifically preserves any applicable privilege, including the attorney-client privilege and those protections afforded by the work-product doctrine.

REQUEST FOR ADMISSION NO. 2: Admit that for all times from January 1, 1991 until February 7, 2007, the Northwest Cruise Association was a cruise line industry representative to governmental entities in Alaska.

RESPONSE: CLIAA objects to this RFA as compound because it seeks admission as to an unlimited or nearly unlimited number of persons (“government entities”). Subject to and without waiving this objection and the Overarching Objections, and after reasonable inquiry, the information CLIAA knows or can readily obtain is insufficient to enable CLIAA to admit or deny that an entity called the Northwest Cruise Association was a cruise line industry representative to government entities in Alaska from January 1, 1991 until February 7, 2007. To CLIAA’s knowledge, as referenced in response to CBJ Interrogatory No. 1, an entity called the North West Cruise Ship Association, renamed the North West & Canada Cruise Association on or about June 15, 2010, was a cruise line industry representative to government entities in Alaska from January 1, 1991 until February 7, 2007. It may be that there is some other entity called the Northwest Cruise Association, and so CLIAA is unable to definitively admit or deny this RFA. Further, by explaining the grounds for its inability to either admit or deny this RFA, CLIAA does not waive and specifically preserves any applicable privilege, including the attorney-client privilege and those protections afforded by the work-product doctrine.

REQUEST FOR ADMISSION NO. 3: Admit that for all times after February 7, 2007, Member cruise lines in the Alaska trade were represented by the Alaska Cruise Association, which amended its articles of incorporation on May 1, 2013 by changing its name to “CLIAA Alaska”.

Response: Subject to and without waiving its Overarching Objections, CLIAA denies this RFA except as follows: CLIAA admits that the Alaska Cruise Association, which amended its articles of incorporation on May 1, 2013 by changing its name to “CLIAA Alaska,” represented its member cruise lines, as that membership changes from time to time, in the Alaska trade after February 7, 2007.

REQUEST FOR ADMISSION NO. 4: Admit that in accordance with AS 43.52.210 the state levies a tax at a rate of \$34.50 for a passenger for each trip or itinerary lasting more than 72 hours on the State of Alaska’s marine water.

Response: CLIAA objects to this RFA to the extent it calls for a legal conclusion. CLIAA further objects to this RFA because it impermissibly relates to law—simply asking that CLIAA confirm the contents of a referenced or unreferenced statute or regulation. This RFA does not relate to facts, the application of law to fact, or opinions about either—the only permissible subject of an RFA. CLIAA has no special knowledge that would enable it to answer the request with any more certainty than CBJ or the court through judicial notice. Subject to and without waiving its objections and the Overarching Objections, CLIAA admits that this RFA provides a summary recitation of AS 43.52.210.

REQUEST FOR ADMISSION NO. 5: Admit that in accordance with AS 43.52.255, the \$34.50 tax is reduced by the total amount of the fee assessed against the passenger traveling on a commercial passenger vessel imposed by City and Borough of Juneau.

Response: CLIAA objects to this RFA as it calls for a legal conclusion. CLIAA further specifically objects to and denies any implication that the referenced fee, understood for purposes of this RFA to refer to the marine passenger fee and the port development fee imposed by CBJ, is “assessed against” a passenger or that the liability for payment of such fee lies with a passenger. Subject to and without waiving its objections and the Overarching Objections, CLIAA admits this RFA.

REQUEST FOR ADMISSION NO. 6: Admit that, should you prevail in this litigation, the total amount levied against passengers in accordance with AS 43.52.255 will remain unaltered.

Response: CLIAA objects to this RFA as it calls for a legal conclusion. CLIAA specifically objects to and denies that CBJ’s entry fees are “levied against passengers.” Subject to and without waiving its objections and the Overarching Objections, CLIAA denies this RFA except as follows: CLIAA admits that a legal finding that the CBJ entry fees violate the Constitution and/or federal statutes as alleged in the First Amended Complaint will not result in a reduction in the tax levied by the State of Alaska pursuant to AS 43.52.200-295. CLIAA specifically denies that this means that CLIAA’s member cruise lines and CLIAA have not been harmed by CBJ’s unlawful entry fees and use thereof.

REQUEST FOR ADMISSION NO. 7: Admit that, absent action by the Alaska legislature, cruise ship passengers will see no reduction in the fees collected by state and local governments on cruises to Alaska.

Response: Subject to and without waiving its Overarching Objections, CLIAA denies this RFA.

REQUEST FOR ADMISSION NO. 8: Admit that Table 1 to CBJ’s First Request for Admissions to Cruise Lines International Association accurately states rankings of U.S. Cruise Ship Ports based on passenger counts for the period 2011-2015.

Table 1: Rankings of U.S. Cruise Ships Ports, 2011-2015

**Table 1 to Defendant's First Request for Admissions
Rankings of U.S. Cruise Ship Ports, 2011-2015**

2011		2012		2013		2014		2015	
PORT	Count	PORT	Count	PORT	Count	PORT	Count	PORT	Count
1 Miami	4,018,161	1 Miami	3,774,452	1 Miami	4,030,356	1 Miami	4,770,000	1 Miami	4,900,000
2 Everglades	3,951,843	2 Caraveral	3,736,474	2 Caraveral	3,717,586	2 Everglades	3,981,414	2 Everglades	3,773,386
3 Caraveral	3,100,000	3 Everglades	3,689,022	3 Everglades	3,600,636	3 Caraveral	3,935,804	3 Caraveral	3,726,063
4 San Juan	1,124,441	4 Galveston	1,207,214	4 Galveston	1,208,802	4 San Juan	1,356,822	4 Galveston	1,648,000
5 Manhattan	1,027,042	5 San Juan	1,051,719	5 San Juan	1,176,343	5 Galveston	1,285,204	5 San Juan	1,457,173
6 Galveston	920,615	6 Manhattan	1,026,176	6 Manhattan	1,103,078	6 Manhattan	1,077,812	6 New Orleans	1,023,700
7 Seattle	885,949	7 Tampa	974,259	7 Juneau	991,559	7 New Orleans	1,014,325	7 Juneau	972,799
8 Juneau	875,947	8 New Orleans	937,000	8 Ketchikan	954,684	8 Juneau	953,055	8 Manhattan	910,096
9 Tampa	875,611	9 Seattle	934,900	9 Seattle	870,994	9 Tampa	888,343	9 Seattle	898,032
10 Ketchikan	843,920	10 Juneau	927,941	10 Tampa	825,613	10 Ketchikan	884,503	10 Ketchikan	892,100
11 Key West	790,233	11 Ketchikan	837,374	11 Skagway	823,874	11 Seattle	823,780	11 Tampa	867,114
12 New Orleans	736,908	12 Key West	832,887	12 Key West	765,116	12 Skagway	819,239	12 Skagway	815,541
13 Skagway	708,981	13 Skagway	755,681	13 Los Angeles	430,189	13 Key West	777,040	13 Key West	726,937
14 Los Angeles	608,386	14 Cape Liberty	476,671	14 Boston	382,885	14 Los Angeles	578,668	14 Los Angeles	592,335
15 Honolulu	482,000	15 Los Angeles	426,073	15 Cape Liberty	382,000	15 Cape Liberty	448,214	15 Cape Liberty	460,000
16 Cape Liberty	442,475	16 Boston	380,054	16 San Francisco	313,020	16 Boston	316,851	16 Boston	328,305
17 Boston	310,244	17 San Diego	259,123	17 Jacksonville	219,191	17 San Francisco	256,410	17 San Francisco	297,504
18 San Diego	257,458	18 Baltimore	250,000	18 Baltimore	212371	18 Honolulu	242,057	18 Honolulu	240,268
19 Baltimore	252,000	19 Jacksonville	195,397	19 San Diego	205,000	19 San Diego	200,000	19 San Diego	214,671
20 Brooklyn	216,747	20 San Francisco	195,178	20 Charleston	188,082	20 Baltimore	198,000	20 Charleston	201,269
21 Jacksonville	188,726	21 Charleston	189,445	21 Seward	125,183	21 Charleston	185,787	21 Baltimore	192,991
22 Charleston	186,502	22 Seward	136,892	22 Brooklyn	117,119	22 Jacksonville	181,580	22 Jacksonville	183,192
23 San Francisco	136,479	23 Brooklyn	123,966	23 Sitka	103,420	23 Seward	141,442	23 Sitka	117,546
24 Seward	132,779	24 Sitka	110,714	24 New Orleans	98,786	24 Brooklyn	103,828	24 Brooklyn	113,043
25 Sitka	107,092	25 Norfolk	50,000	25 Norfolk	40,000	25 Sitka	90,182	25 Seward	91,230
26 Norfolk	40,000	26 Haines	31,007	26 Haines	34,378	26 Norfolk	40,000	26 Norfolk	50,000
27 Haines	27,176	27 Honolulu	0	27 Honolulu	0	27 Haines	29,133	27 Haines	41,553

Response: CLIAA objects to this RFA as irrelevant to any party’s claim or defense. Passenger counts for U.S. Cruise Ship Ports during the period 2011-2015 are irrelevant to the issues in this lawsuit: the legality of CBJ’s entry fees and use or misuse thereof. CLIAA further objects to this RFA as vague, in part because the source and basis of these numbers is unclear—CBJ could have but chose not to provide the source of these data points. CLIAA further objects to this RFA as overly broad, unduly burdensome, and compound, as it would require CLIAA to determine the accuracy of 135 separate passenger counts at geographically disparate ports. CLIAA further objects as the answer to this RFA may require expert testimony. Subject to and without waiving these objections and the Overarching Objections, CLIAA states that after reasonable inquiry, the information CLIAA knows or can readily obtain is insufficient to enable CLIAA to admit or deny this RFA. CLIAA’s reasonable inquiry included

review of information in its possession, custody, and control and review of third-party records available online. By referencing its inquiry efforts in this response, CLIAA does not waive and specifically reserves the right to object to this RFA on the grounds that it requires CLIAA to perform extensive, burdensome, and independent research, including research outside of CLIAA's possession, custody, or control and/or from third-party sources, particularly when CBJ knows where it obtained the information in this RFA, but chose not to provide its source(s) to CLIAA. Further, by referencing its inquiry efforts in this response, CLIAA does not waive and specifically preserves any applicable privilege, including the attorney-client privilege and those protections afforded by the work-product doctrine.

REQUEST FOR ADMISSION NO. 9: Admit that Table 2 to CBJ’s First Requests for Admissions to Cruise Lines International Association accurately states non-Alaskan United States ports called on by Member cruise lines in 2016.

Table 2: Non-Alaskan, United States Ports Called on Cruise Lines; 2016

U.S. Cruise Ship Ports	Cruise Lines									
	Carniva	Celebrity	Disney	Holland Americ	Norwegian	Princes	Royal Caribbean	Silverse	Regen	Oceania
Astoria, OR		X		X	X	X	X		X	
Baltimore, MD	X						X		X	
Bar Harbor, MA				X	X	X	X		X	
Boston, MA				X		X	X		X	
Brooklyn, NY				X		X				
Cape Liberty, NJ		X					X			
Catalina Island, CA		X			X	X				
Charleston, SC	X			X					X	
Everglades, FL										
Fort Lauderdale, FL	X	X		X		X	X			
Galveston, TX	X		X				X			
Gloucester, MA				X						
Hilo, HI		X		X	X	X			X	
Honolulu, HI	X	X		X	X	X	X		X	
Houston, TX										
Jacksonville, FL	X								X	
Kahului, HI		X			X				X	
Kailua Kona, HI		X			X					
Kauai, HI				X		X				
Key West, FL		X			X		X		X	
Lahaina, HI		X		X		X			X	
Long Beach, CA	X			X		X				
Los Angeles, CA		X		X	X	X			X	
Manhattan, NY				X		X				
Miami, FL	X	X	X		X		X		X	
Mobile, AL	X									
Monterey, CA		X								
Nawiliwili, HI				X		X			X	
New Orleans, LA	X	X			X					
New York City, NY	X		X		X		X		X	
Newport, RI				X	X		X		X	
Norfolk, VA	X					X			X	
Port Caravel, FL	X		X	X	X		X		X	
Portland, ME				X	X		X		X	
Rockland, ME							X			
San Diego, CA		X	X	X	X	X			X	
San Francisco, CA		X	X	X	X	X	X		X	
San Juan, PR	X	X	X			X	X			
Santa Barbara, CA		X				X	X			
Seattle, WA	X	X		X		X	X			
St. John, USVI				X		X				
St. Croix, USVI							X			
St. Thomas, USVI		X	X	X	X	X				
Tampa, FL	X			X	X		X			

Response: CLIAA objects to this RFA as irrelevant to any party’s claim or defense. Non-Alaskan United States ports called on by member cruise lines in 2016 are irrelevant to the issues in this lawsuit: the legality of CBJ’s entry fees and use or misuse thereof. CLIAA further objects to this RFA as vague, in part because the source and basis of these numbers is unclear—CBJ could have but chose not to

provide the source of these data points. CLIAA further objects to this RFA as overly broad, unduly burdensome, and compound, as it would require CLIAA to determine the accuracy of whether each of ten (10) cruise lines visit each and every one of forty-four (44) U.S. Ports—a total of 440 total questions in one RFA. Subject to and without waiving these objections and the Overarching Objections, CLIAA states that after reasonable inquiry, the information CLIAA knows or can readily obtain is insufficient to enable CLIAA to admit or deny this RFA. CLIAA’s reasonable inquiry included review of information in its possession, custody, and control and review of third-party records available online. By referencing its inquiry efforts in this response, CLIAA does not waive and specifically reserves the right to object to this RFA on the grounds that it requires CLIAA to perform extensive, burdensome, and independent research, including research outside of CLIAA’s possession, custody, or control and/or from third-party sources, particularly when CBJ knows where it obtained the information in this RFA, but chose not to provide its source(s) to CLIAA. Further, by referencing its inquiry efforts in this response, CLIAA does not waive and specifically preserves any applicable privilege, including the attorney-client privilege and those protections afforded by the work-product doctrine.

REQUEST FOR ADMISSION NO. 10: Admit that Table 3 to CBJ's First Requests for Admissions to Cruise Lines International Association accurately states Member vessel port calls on the Port of Juneau between 2012 and 2016.

Table 3: Plaintiff Association Member Port Calls on the Port of Juneau

Carnival Cruise Lines					
Vessel (reported passenger capacity)	2012 season	2013 season	2014 season	2015 season	2016 season
<i>Carnival Legend</i> (2,124)				17	17
<i>Carnival Miracle</i> (2,124)		20	20		
<i>Spirit</i> (2,124)	20				

Celebrity Cruises					
Vessel (reported passenger capacity)	2012 season	2013 season	2014 season	2015 season	2016 season
<i>Century</i> (1,770)	19	18	16		
<i>Infinity</i> (1,950)	19		15	15	17
<i>Millennium</i> (1,950)	15	18	16	17	16
<i>Solstice</i> (2,850)		17	19	20	18

Crystal Cruises					
Vessel (reported passenger capacity)	2012 season	2013 season	2014 season	2015 season	2016 season
<i>Crystal Serenity</i> (1,080)					8

Disney Cruise Line					
Vessel (reported passenger capacity)	2012 season	2013 season	2014 season	2015 season	2016 season
<i>Disney Wonder</i> (2,500)	16	14	15	14	13

Holland America Line					
Vessel (reported passenger capacity)	2012 season	2013 season	2014 season	2015 season	2016 season
<i>Amsterdam</i> (1,380)	10	16	13	16	17
<i>Maasdam</i> (1,258)					9
<i>Nieuw Amsterdam</i> (2,106)					22
<i>Oosterdam</i> (1,916)	21	20	20	20	
<i>Statendam</i> (1,260)	18	21	19	9	
<i>Volendam</i> (1,432)	21	21	21	18	23
<i>Westerdam</i> (1,916)	20	20	20	20	20
<i>Zaandam</i> (1,432)	20	19	20	18	19
<i>Zuiderdam</i> (1,916)	20	20	20		

Norwegian Cruise Line					
Vessel (reported passenger capacity)	2012 season	2013 season	2014 season	2015 season	2016 season
<i>Norwegian Jewel</i> (2,376)	18	18	18	20	20
<i>Norwegian Sun</i> (1,936)		18		20	19
<i>Norwegian Pearl</i> (2,394)	20	20	20	20	20

Oceania Cruises					
Vessel (reported passenger capacity)	2012 season	2013 season	2014 season	2015 season	2016 season

<i>Regatta</i> (684)		6	8	5	8
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Ponant Yacht Cruises and Expeditions					
Vessel (reported passenger capacity)	2012 season	2013 season	2014 season	2015 season	2016 season

Princess Cruises					
Vessel (reported passenger capacity)	2012 season	2013 season	2014 season	2015 season	2016 season
<i>Coral Princess</i> (1,975)	18	19	18	19	18
<i>Crown Princess</i> (3,120)			18	18	19
<i>Dawn Princess</i> (1,950)	1				
<i>Diamond Princess</i> (2,600)	19	18			
<i>Golden Princess</i> (2,600)	17	19	20	13	
<i>Grand Princess</i> (2,600)		19	18	18	13
<i>Island Princess</i> (1,975)	19	19	18		13
<i>Pacific Princess</i> (688)			18	16	
<i>Ruby Princess</i> (3,080)				19	19
<i>Sapphire Princess</i> (2,600)	19	19			
<i>Sea Princess</i> (1,950)	12				
<i>Siar Princess</i> (2,600)	19	19	12	18	19
<i>Sun Princess</i> (1,998)					1

Regent Seven Seas Cruises					
Vessel (reported passenger capacity)	2012 season	2013 season	2014 season	2015 season	2016 season
<i>Seven Seas Mariner</i> (700)					14
<i>Seven Seas Navigator</i> (490)	14	15	14	16	

Royal Caribbean International					
Vessel (reported passenger capacity)	2012 season	2013 season	2014 season	2015 season	2016 season
<i>Explorer of the Seas</i> (3,835)					17
<i>Jewel of the Seas</i> (2,501)				17	
<i>Radiance of the Seas</i> (2,501)	19	17	17	17	16
<i>Rhapsody of the Seas</i> (2,435)	18	15	16		

Silversea Cruises					
Vessel (reported passenger capacity)	2012 season	2013 season	2014 season	2015 season	2016 season
<i>Silver Shadow</i> (382)	14	15	17	19	18

Response: CLIAA objects to this RFA on the grounds that it is overly broad, unduly burdensome, and compound, as it requires CLIAA to verify 210 specific numbers and is really 210 RFAs in one RFA. Subject to and without waiving these objections and the Overarching Objections, CLIAA states that after reasonable inquiry, the information CLIAA knows or can readily obtain is insufficient to enable CLIAA to admit or deny this RFA. CLIAA's reasonable inquiry included review of information in its possession, custody, and control and review of third-party records available online. By referencing its inquiry efforts in this response, CLIAA does not waive and specifically reserves the right to object to this RFA on the grounds that it requires CLIAA to perform extensive, burdensome, and independent research, including research outside of CLIAA's possession, custody, or control and/or from third-party sources,

particularly when CBJ knows where it obtained the information in this RFA, but chose not to provide its source(s) to CLIAA. Further, by referencing its inquiry efforts in this response, CLIAA does not waive and specifically preserves any applicable privilege, including the attorney-client privilege and those protections afforded by the work-product doctrine.

REQUEST FOR ADMISSION NO. 11: Admit that Table 4 to CBJ’s First Requests for Admissions to Cruise Lines International Association accurately states web-advertised Member Cruise Line Per-Passenger (Double Berth) Price Ranges for 7 day sailings to or from Alaska in 2016.

Table 4: Plaintiff Association Member Cruise Line Web-advertised Per-Passenger (Double Berth) Price Range and Governmental taxes and other charges for 7 day sailings to or from Alaska 2016¹

Member Cruise Line	Passenger (double berth) price range	Governmental taxes and other charges
Carnival Cruise Lines	\$729.00 - \$3,459.00	\$222.58
Celebrity Cruises	\$599.00 - \$8,999.00	\$132.74 - \$214.64
Crystal Cruises	\$3,060.00 - \$18,550.00	\$350.00
Disney Cruise Line	\$1,988.00 - \$8,050.00	\$173.46 - \$241.08
Holland America	\$419.00 - \$3,899.00	\$187.00 - \$248.00
Norwegian Cruise Lines	\$479.00 - \$7,542.00	\$218.60 - \$237.15
Oceania Cruises	\$1,999.00 - \$9,199.00	\$171.35 ²
Princess Cruise Lines	\$749.00 - \$2,828.00	\$219.00 - \$220.75
Regent Seven Seas Cruises	\$4,999.00 - \$18,499.00	³
Royal Caribbean International	\$672.00 - \$2,208.00	\$190.30 - \$223.36
Silversea Cruises	\$3,950.00 - \$14,150.00	⁴

Response: CLIAA objects to this RFA as vague, as it is unclear what the term “web-advertised” means and the types of web advertisements it takes into account. CLIAA objects to this RFA on the grounds that it is overly broad, unduly burdensome, and compound, as it requests information about 7-day sailing price ranges to and from Alaska on 11 different cruise lines. CLIAA further objects because determining all web-advertised rates (assuming this means all rates advertised on the internet)—for 2016, which are no longer readily available online—would require an extensive search—well beyond the scope

¹ Governmental taxes and other charges are in addition to the web-advertised price unless expressly noted otherwise.

² Oceania Cruises includes the governmental charges in its base fare.

³ Regent Seven Sea Cruises includes the governmental charges in its base fare. It does not disclose the amount.

⁴ Silversea Cruises indicates that the governmental charges are included in its base fare, but also includes the following language in its *Terms and Conditions*: “Silversea reserves the right to pass through to its guests (including fully paid and deposited guests) any taxes and government fees / quasi-government fees that relate specifically to a guest’s itinerary.”

of Rule 36—of not only each cruise line’s website, but also innumerable other travel advertising sites. Subject to and without waiving these objections and the Overarching Objections, CLIAA states that after reasonable inquiry, the information CLIAA knows or can readily obtain is insufficient to enable CLIAA to admit or deny this RFA. CLIAA’s reasonable inquiry included review of information in its possession, custody, and control and review of third-party records available online. By referencing its inquiry efforts in this response, CLIAA does not waive and specifically reserves the right to object to this RFA on the grounds that it requires CLIAA to perform extensive, burdensome, and independent research, including research outside of CLIAA’s possession, custody, or control and/or from third-party sources, particularly when CBJ knows where it obtained the information in this RFA, but chose not to provide its source(s) to CLIAA. Further, by referencing its inquiry efforts in this response, CLIAA does not waive and specifically preserves any applicable privilege, including the attorney-client privilege and those protections afforded by the work-product doctrine.

REQUEST FOR ADMISSION NO. 12: Admit that Table 4 to CBJ’s First Requests for Admissions to Cruise Lines International Association accurately states web-advertised Member Cruise Line Per-Passenger Governmental taxes and other charges for 7 day sailings to or from Alaska in 2016.

Table 4: Plaintiff Association Member Cruise Line Web-advertised Per-Passenger (Double Berth) Price Range and Governmental taxes and other charges for 7 day sailings to or from Alaska 2016⁵

Member Cruise Line	Passenger (double berth) price range	Governmental taxes and other charges
Carnival Cruise Lines	\$729.00 - \$3,459.00	\$222.58
Celebrity Cruises	\$599.00 - \$8,999.00	\$132.74 -\$214.64
Crystal Cruises	\$3,060.00 - \$18,550.00	\$350.00
Disney Cruise Line	\$1,988.00 - \$8,050.00	\$173.46 - \$241.08
Holland America	\$419.00 - \$3,899.00	\$187.00 - \$248.00
Norwegian Cruise Lines	\$479.00 - \$7,542.00	\$218.60 - \$237.15
Oceania Cruises	\$1,999.00 - \$9,199.00	\$171.35 ⁶
Princess Cruise Lines	\$749.00 - \$2,828.00	\$219.00 - \$220.75
Regent Seven Seas Cruises	\$4,999.00 - \$18,499.00	⁷
Royal Caribbean International	\$672.00 - \$2,208.00	\$190.30 - \$223.36
Silversea Cruises	\$3,950.00 - \$14,150.00	⁸

⁵ Governmental taxes and other charges are in addition to the web-advertised price unless expressly noted otherwise.

⁶ Oceania Cruises includes the governmental charges in its base fare.

⁷ Regent Seven Sea Cruises includes the governmental charges in its base fare. It does not disclose the amount.

Response: CLIAA objects to this RFA as vague, as it is unclear what the term “web-advertised” means and the types of web advertisements it takes into account. CLIAA objects to this RFA on the grounds that it is overly broad, unduly burdensome, and compound, as it requests information about 7-day sailing price ranges to and from Alaska on 11 different cruise lines. CLIAA further objects because determining all web-advertised rates (assuming this means all rates advertised on the internet)—for 2016, which are no longer readily available online—would require an extensive search—well beyond the scope of Rule 36—of not only each cruise line’s website, but also innumerable other travel advertising sites. Subject to and without waiving these objections and the Overarching Objections, CLIAA states that after reasonable inquiry, the information CLIAA knows or can readily obtain is insufficient to enable CLIAA to admit or deny this RFA. CLIAA’s reasonable inquiry included review of information in its possession, custody, and control and review of third-party records available online. By referencing its inquiry efforts in this response, CLIAA does not waive and specifically reserves the right to object to this RFA on the grounds that it requires CLIAA to perform extensive, burdensome, and independent research, including research outside of CLIAA’s possession, custody, or control and/or from third-party sources, particularly when CBJ knows where it obtained the information in this RFA, but chose not to provide its source(s) to CLIAA. Further, by referencing its inquiry efforts in this response, CLIAA does not waive and specifically preserves any applicable privilege, including the attorney-client privilege and those protections afforded by the work-product doctrine.

⁸ Silversea Cruises indicates that the governmental charges are included in its base fare, but also includes the following language in its *Terms and Conditions*: “Silversea reserves the right to pass through to its guests (including fully paid and deposited guests) any taxes and government fees / quasi-government fees that relate specifically to a guest’s itinerary.”

REQUEST FOR ADMISSION NO. 13: Admit that Table 5 to CBJ’s First Requests for Admissions to Cruise Lines International Association accurately states Member website notices regarding governmental taxes and other charges in 2016.

Table 5: Plaintiff Member Notices regarding governmental taxes and other charges

Member Cruise Line	Member Cruise Line Notice
Carnival Cruises	Cruise Fare does not include Taxes, Fees and Port Expenses. Taxes, Fees and Port Expenses range from \$40.44 to \$222.82, and are assessed on a per guest basis and according to the itinerary.
Celebrity Cruises	The guest will remain liable for any applicable taxes, fees or surcharges that may be assessed by any governmental or quasi-governmental agencies.
Crystal Cruises	Fares . . . do not include cruise port, security and handling charges, which vary by departure.
Disney Cruise Line	The term taxes, fees and port expenses may include without limitation all or a portion of the following: 1) taxes, tolls, fees and charges paid to US or foreign governmental or quasi-governmental authorities, such as head taxes, dockage fees, wharfage fees, customs and immigration fees, inspection fees, security fees, passenger facilities charges, Panama Canal tolls, flight segment fees, and international arrival and departure taxes; and 2) port expenses associated with navigation (pilotage), berthing, stevedoring, baggage handling/storage, and security services. Taxes, fees and port expenses may be assessed on a per passenger, per vessel, per ton, or per berth basis; any taxes, tolls, fees or expenses not based on a per passenger basis will be calculated based on the number of passengers on the vessel. Taxes, fees and port expenses are subject to change and we reserve the right to collect any increases in effect at the time of sailing even if the fare has already been paid in full.
Holland America	Taxes, Fees & Port Expenses , as used by us, may include any and all fees, charges, tolls and taxes imposed on us by governmental or quasi-governmental authorities, as well third party fees and charges arising from a vessel’s presence in a harbor or port. Taxes, Fees & Port Expenses may include U.S. Customs fees, head taxes, Panama Canal tolls, dockage fees, wharfage fees, inspection fees, pilotage, air taxes, hotel or VAT taxes incurred as part of a land tour, immigration and naturalization fees, and Internal Revenue Service fees, as well as fees paid to third parties for navigation, berthing, stevedoring, baggage handling/storage and security services. Taxes, Fees & Port Expenses may be assessed per passenger, per berth, per ton or per vessel. Assessments calculated on a per ton or per vessel basis will be spread over the number of passengers on the Ship. Taxes, Fees & Port Expenses are subject to change and we reserve the right to collect any

	increases in effect at the time of sailing even if the fare has already been paid in full.
Princess Cruise Lines	Taxes, Fees & Port Expenses , as used by us, may include any and all fees, charges, tolls and taxes imposed on us by governmental or quasi-governmental authorities, as well third party fees and charges arising from a vessel's presence in a harbor or port. Taxes, Fees & Port Expenses may include U.S. Customs fees, head taxes, Panama Canal tolls, dockage fees, wharfage fees, inspection fees, pilotage, air taxes, hotel or VAT taxes incurred as part of a land tour, immigration and naturalization fees, and Internal Revenue Service fees, as well as fees for navigation, berthing, stevedoring, baggage handling/storage and security services. Taxes, Fees & Port Expenses may be assessed per passenger, per berth, per ton or per vessel. Assessments calculated on a per ton or per vessel basis will be spread over the number of passengers on the Ship. Taxes, Fees & Port Expenses are subject to change and we reserve the right to collect any increases in effect at the time of sailing even if the fare has already been paid in full.
Regent Seven Seas	Total cruise prices include government taxes and fees. OR Sample prices are in U.S. Dollars and are per person, double occupancy, and do not include U.S. government fees, taxes, or airfare unless otherwise noted.
Royal Caribbean International	Taxes, fees and port expenses are subject to change. The cruise fares quoted also do not include any applicable government taxes , fees, or surcharges that may be assessed by any governmental agencies. Such assessment is subject to change without notice at any time whether or not you have a confirmed booking under deposit or if you have made a final payment.
Silversea Cruises	Taxes and Government/Quasi-Government Fees and Fuel Supplements are included in the cruise fare. These charges include taxes and fees imposed on Silversea by governmental or quasi-governmental agencies and include, but are not limited to, such items as arrival or departure taxes and per person port usage or impact fees. Silversea reserves the right to pass through to its guests (including fully paid and deposited guests) any taxes and government fees / quasi-government fees that relate specifically to a guest's itinerary. "Taxes and Government fees / quasi-government fees" include any and all fees, charges, surcharges, tolls and taxes imposed by governmental or quasi-governmental authorities including, but not limited to, customs fees, per person berth taxes or fees, embarkation and / or disembarkation fees at ports, airline transportation fees, dockage fees, and wharfage fees.

Response: CLIAA objects to this RFA as vague, as it is unclear what the term "web-advertised" means and the types of web advertisements it takes into account. CLIAA objects to this RFA on the

grounds that it is overly broad, unduly burdensome, and compound, as it requests information about historical website information from nine separate sources outside of CLIAA's control. Subject to and without waiving these objections and the Overarching Objections:

(1) CLIAA admits that Carnival Cruises has a website notice, available at <https://www.carnival.com/cruise-deals/vifp-club/past-guest-offers-oey/terms.aspx>, that contains the language in this RFA attributed to Carnival Cruises;

(2) CLIAA admits that Celebrity Cruises has a website notice, available at <http://www.celebritycruises.com/about-celebrity/price-terms>, that contains the language in this RFA attributed to Celebrity Cruises;

(3) CLIAA admits that Crystal Cruises has a website notice, available at <http://www.crystalcruises.com/legal/cruise-fares-and-promotional-information>, that contains the language in this RFA attributed to Crystal Cruises;

(4) CLIAA admits that Disney Cruise Line has a website notice, available at <https://disneycruise.disney.go.com/contracts-terms-safety/taxes-and-fees/>, that contains the language in this RFA attributed to Disney Cruise Line;

(5) CLIAA admits that Holland America has a website notice, available at <http://www.hollandamerica.com/pageByName/ContentForNACountries.action?requestPage=GovFees>, that contains the language in this RFA attributed to Holland America;

(6) CLIAA admits that Princess Cruise Lines has a website notice, available at http://www.princess.com/html/global/book/disclaimers/TFPE_definition.html, that contains the language in this RFA attributed to Princess Cruise Lines;

(7) CLIAA admits that Royal Caribbean International has a website notice, available at http://www.royalcaribbean.com/customersupport/faq/details.do?pagename=frequently_asked_questions&faqId=225&faqSubjectId=322, that contains the language in this RFA attributed to Royal Caribbean International;

(8) CLIAA admits that Silver Sea Cruises has a website notice, available at <http://www.silversea.com/terms-and-conditions/>, that contains the language in this RFA attributed to Silver Sea Cruises. CLIAA states that after reasonable inquiry, including using a search of Regent Seven Seas’ website, CLIAA is unable to confirm the language in this RFA attributed to Regent Seven Seas may be attributed to Regent Seven Seas. Further, by referencing its inquiry efforts in this response, CLIAA does not waive and specifically preserves its work-product doctrine and attorney-client privileges and protections.

REQUEST FOR ADMISSION NO. 14: Admit that Table 6 to CBJ’s First Requests for Admissions to Cruise Lines International Association accurately states Member cruise line disclosures of port entry fees to the Securities and Exchange Commission.

Table 6: Member acknowledgment of port entry fees in SEC Filings

Company	Statement	Source
Royal Caribbean Cruises Ltd. & its cruise brands Royal Caribbean International and Celebrity Cruises	In addition to or instead of income taxation, virtually all jurisdictions where our ships call impose some sort of tax or fee, or both, based on guest headcount, tonnage or some other measure.	U. S. Securities and Exchange Commission, Form 10-K, filed February 22, 2016
Carnival Corporation & its cruise brands, Carnival Cruise Lines, Holland America and Princess Cruises	In addition to or in place of income taxes, virtually all jurisdictions where our ships call impose taxes, fees and other charges based on guest counts, ship tonnage, passenger capacity or some other measure.	U. S. Securities and Exchange Commission, Form 10-K, filed February 22, 2016
Norwegian Cruise Line Holdings Ltd. & its cruise brands Regent Seven Seas and Oceania	We may be subject to state, local and non-U.S. income or non-income taxes in various jurisdictions, including those in which we transact business, own property or reside.	U. S. Securities and Exchange Commission, Form 10-K, filed February 2, 2016

Response: CLIAA objects to this RFA as irrelevant to any party’s claim or defense. The alleged statements in the table associated with this RFA do not make it more or less likely that the CBJ entry fees and their use are or are not lawful. CLIAA further objects to this RFA as compound, as it purports to require CLIAA to determine the veracity of three separate statements allegedly made to the U.S. Securities Exchange Commission (“SEC”) by member cruise lines. CLIAA further objects to this RFA to

the extent that it suggests that all of the types of taxes listed in the table in this RFA are “entry fees” akin to CBJ’s unlawful entry fees. Subject to and without waiving these objections and the Overarching Objections, CLIAA denies this RFA except as follows:

(1) CLIAA admits that Royal Caribbean Cruises Ltd.’s Form 10K filed with the SEC on February 22, 2016 (Commission file number 1-11884) contains the statement excerpted in the table in this RFA and attributed to Royal Caribbean’s SEC filing.

(2) CLIAA admits that Carnival Corporation’s Form 10K, filed with the SEC on January 29, 2016 (Commission file number 001-15136), contains the statement excerpted in the table in this RFA and attributed to Carnival’s SEC filing.

(3) CLIAA admits that Norwegian Cruise Line Holdings Ltd.’s Form 10K, filed with the SEC on February 29, 2016 (Commission file number 001-35784), contains the statement excerpted in the table in this RFA and attributed to Norwegian’s SEC filing.

REQUEST FOR ADMISSION NO. 15: Admit that Table 7 to CBJ’s First Requests for Admissions to Cruise Lines International Association accurately states passenger wharfage and other passenger entry fees of non-Alaska United States Ports used by Member Cruise Lines in 2016.

Table 7: Passenger wharfage and other passenger entry fees of major non-Alaska United States Ports used by Plaintiff Association Member Cruise Lines

U.S. Port		Rate Basis
Astoria	\$7.35	Per passenger embarking or disembarking from/to at-anchor vessels or piers for which POA provides security.
Baltimore	\$6.00	Per Passenger embarking, disembarking or in transit
Bar Harbor	\$4.30	For Ships Anchoring: \$2.30 per passenger; port development fee: \$2.00 per passenger
Boston	\$15.00	1) Cruise Passengers, embarking for, or disembarking from a voyage or cruise and 2) Port of Call Passengers, embarking and disembarking; Per manifested passenger
Canaveral	\$7.37	passenger wharfage, per passenger
Charleston	\$20.00- \$35.00	Passengers embarking, disembarking, or on board vessel at arrival, per passenger for the first day. Based on actual passengers manifested per voyage.

		fewer than 1,000 passengers \$35.00 1,000 -- 2,000 passengers \$30.00 2,001 -- 2,500 passengers \$25.00 2,501 and more passengers \$20.00
Fort Lauderdale	\$10.261	Vessels offering multiday cruises, no minimum number of sailings, embark, disembark, in transit, per passenger
Galveston	\$5.20	Per passenger for passengers embarking or disembarking
Hawaii Harbors	\$7.00	per passenger 2015
Houston	\$25.75	per passenger
Key West	\$10.00	per passenger disembarking
Los Angeles	\$10.31	per passenger
Miami	\$11.32	Per passenger for other than small passenger vessels
New Orleans	\$15.00 - \$20.00	dockage at \$10.00 per passenger for ocean-going vessels; passenger wharfage charge at \$5.00 for each passenger embarking on a vessel slated to return to New Orleans, \$5.00 for each passenger disembarking on a vessel doing a roundtrip to New Orleans, and \$10.00 for a vessel departing for another port and not slated to return
New York (public)	\$8.96	For each passenger, on an intra-harbor commuter ferry \$5.12 each; For all other passengers \$8.96 each
New York (Manhattan) Cruise Terminal	\$21.65	per passenger each way for a homeport and once for each in-transit port-of-call
Portland ME	\$6.00 – \$10.00	\$6.00 per manifested passenger for vessels under 1,000 passengers; \$10.00 per manifested passenger for vessels over 1,000 passengers
St. Thomas-St. John Virgin Islands	\$5.60	per passenger
San Francisco	\$18.00	per passenger
San Juan	\$6.73	per passenger per way
Seattle	\$15.15 - 30.30	Non-bundled passenger fees: (1) Home Port Cruise Ship Per Passenger each way \$15.15 (2) Port of Call/Repositioning Call Embarking and/or disembarking Per Passenger per call \$15.15 (3) Port of call/Repositioning Call, in transit Per Passenger per call \$15.15
Tampa	\$7.00	per passenger embarking, disembarking or in-transit

Response: CLIAA objects to this RFA as irrelevant to any party's claim or defense. Passenger wharfage and other passenger fees at other U.S. Cruise Ship Ports are irrelevant to the issues in this lawsuit: the legality of CBJ's entry fees and use or misuse thereof. CLIAA further objects to this RFA as vague, in part because the source and basis of these numbers is unclear—CBJ could have but chose not to provide the source of these data points. CLIAA further objects to this RFA as overly broad, unduly burdensome, and compound, as it would require CLIAA to determine the veracity of at least 51 separate fee municipal fee structures at geographically disparate ports. Subject to and without waiving these objections and the Overarching Objections, CLIAA states that after reasonable inquiry, the information CLIAA knows or can readily obtain is insufficient to enable CLIAA to admit or deny this RFA. CLIAA's reasonable inquiry included review of information in its possession, custody, and control and review of third-party records available online. By referencing its inquiry efforts in this response, CLIAA does not waive and specifically reserves the right to object to this RFA on the grounds that it requires CLIAA to perform extensive, burdensome, and independent research, including research outside of CLIAA's possession, custody, or control and/or from third-party sources, particularly when CBJ knows where it obtained the information in this RFA, but chose not to provide its source(s) to CLIAA. Further, by referencing its inquiry efforts in this response, CLIAA does not waive and specifically preserves any applicable privilege, including the attorney-client privilege and those protections afforded by the work-product doctrine.

REQUEST FOR ADMISSION NO. 16: Admit that the City and Borough of Juneau assesses the marine passenger fee on commercial passenger vessels with overnight berthing accommodations that depart and return to Juneau and cruise exclusively in the waters of Alaska.

Response: CLIAA objects to this RFA on the grounds that it calls for a legal conclusion. CLIAA objects to this RFA as vague and overly broad, as it does not include a date range. Subject to and without waiving these objections and the Overarching Objections, CLIAA states that after reasonable inquiry, the information CLIAA knows or can readily obtain is insufficient to enable CLIAA to admit or deny this RFA. CLIAA's reasonable inquiry included review of information in its possession, custody,

and control and review of third-party records available online. By referencing its inquiry efforts in this response, CLIAA does not waive and specifically reserves the right to object to this RFA on the grounds that it requires CLIAA to perform extensive, burdensome, and independent research, including research outside of CLIAA's possession, custody, or control and/or from third-party sources. Further, by referencing its inquiry efforts in this response, CLIAA does not waive and specifically preserves any applicable privilege, including the attorney-client privilege and those protections afforded by the work-product doctrine.

REQUEST FOR ADMISSION NO. 17: Admit that the City and Borough of Juneau assesses passenger-for-hire fees on owners of vessels using the City and Borough of Juneau's Intermediate Vessel Float or their Marine Park Lightering Float as part of a for-hire tour or experience with a duration of less than 24 hours in the amount of \$400 per calendar year per vessel and \$1.50 per passenger each calendar day that one or more facilities is used for passenger-for-hire activity.

Response: CLIAA objects to this RFA on the grounds that it calls for a legal conclusion. CLIAA objects to this RFA because it impermissibly relates to law—simply asking that CLIAA confirm the contents of a referenced or unreferenced statute or regulation. This RFA does not relate to facts, the application of law to fact, or opinions about either—the only permissible subject of an RFA. CLIAA has no special knowledge that would enable it to answer the request with any more certainty than CBJ or the court through judicial notice. Subject to and without waiving its objections and the Overarching Objections, CLIAA denies this RFA except as follows: (1) CLIAA admits that CBJ regulation 05 CBJAC 20.080(d) (Passenger for hire fee) provides for permit fees on owners of vessels engaged in passenger-for-hire activities in the amount of \$400.00 per vessel plus \$1.50 per passenger each calendar day that one or more facilities is used for passenger-for-hire activity for calendar year 2016. (2) CLIAA further admits that CBJ regulation 05 CBJAC 15.030(h) (Dockage charges) provides that vessels loading passengers as part of a for-hire tour or experience with a duration of less than 24 hours shall pay passenger-for-hire fees as set out in 05 CBJAC 20.080(d) from May 1 to September 30.

REQUEST FOR ADMISSION NO. 18: Admit that the City and Borough of Juneau assesses passenger-for-hire fees on owners of vessels using the City and Borough of Juneau's facilities at Douglas Boat Harbor, North Douglas Boat Launch, Amalga Harbor Boat Launch, Echo Cove Boat Launch, Tee Harbor Launch Ramp, Harris Harbor, Harris Harbor Launch Ramp, Aurora Boat

Harbor, Statter Boat Harbor, or Statter Boat Harbor Launch Ramp in the amount of \$400 per calendar year per vessel and \$1.50 per passenger each calendar day that one or more facilities is used for passenger-for-hire activity.

Response: CLIAA objects to this RFA on the grounds that it calls for a legal conclusion. CLIAA objects to this RFA because it impermissibly relates to law—simply asking that CLIAA confirm the contents of a referenced or unreferenced statute or regulation. This RFA does not relate to facts, the application of law to fact, or opinions about either—the only permissible subject of an RFA. CLIAA has no special knowledge that would enable it to answer the request with any more certainty than CBJ or the court through judicial notice. Subject to and without waiving its objections and the Overarching Objections, CLIAA denies this RFA except as follows: (1) CLIAA admits that CBJ regulation 05 CBJAC 20.080(d) (Passenger for hire fee) provides for permit fees on owners of vessels engaged in passenger-for-hire activities in the amount of \$400.00 per vessel plus \$1.50 per passenger each calendar day that one or more facilities is used for passenger-for-hire activity for calendar year 2016. (2) CLIAA further admits that CBJ regulation 05 CBJAC 20.080(b) exempts persons conducting passenger-for-hire activities at the Douglas Boat Harbor Launch Ramps, North Douglas Launch Ramp, Amalga Harbor Launch Ramp, Tee Harbor Launch Ramp, and Echo Cove Launch Ramp from the fees provided for in 05 CBJAC 20.080.

REQUEST FOR ADMISSION NO. 19: Admit that the Alaska Marine Highway System, a state agency, has not offered scheduled ferry service into the Port of Juneau since the 1991 inception of what Plaintiffs term “entry fees” in their First Amended Complaint.

Response: CLIAA objects to this RFA as compound. Subject to and without waiving its Overarching Objections, CLIAA denies this RFA except as follows: (1) CLIAA admits that the Alaska Marine Highway System (“AMHS”) is a part of the Alaska Department of Transportation, which is an Alaska state agency. (2) CLIAA further admits that the AMHS does not offer scheduled ferry service into the Port of Juneau, as that term is defined by CBJ in these RFAs. Instead, the AMHS provides ferry service to CBJ via the Auke Bay Ferry Terminal, which is a state-owned dock and terminal within the boundaries of CBJ.

REQUEST FOR ADMISSION NO. 20: Admit that no vessel of the Alaska Marine Highway System has embarked or disembarked passengers in the Port of Juneau at any time between 2010

and 2016, except for the *M.V. Malaspina's* commemorative *Golden Voyage*, celebrating its 50 years of service, when it offered a special round-trip sailing to Tracy Arm Fjord in May 2013.

Response: CLIAA objects to this RFA as compound. Subject to and without waiving its Overarching Objections: (1) CLIAA admits that the *M.V. Malaspina* took a commemorative *Golden Voyage* in May 2013 to celebrate fifty years of service and included a stop in the Port of Juneau, as defined by these RFAs. (2) CLIAA further states that after reasonable inquiry, the information CLIAA knows or can readily obtain is insufficient to enable CLIAA to further admit or deny this RFA. CLIAA's reasonable inquiry included review of information in its possession, custody, and control and review of third-party records available online. By referencing its inquiry efforts in this response, CLIAA does not waive and specifically reserves the right to object to this RFA on the grounds that it requires CLIAA to perform extensive, burdensome, and independent research, including research outside of CLIAA's possession, custody, or control and/or from third-party sources, particularly when CBJ knows where it obtained the information in this RFA, but chose not to provide its source(s) to CLIAA. Further, by referencing its inquiry efforts in this response, CLIAA does not waive and specifically preserves any applicable privilege, including the attorney-client privilege and those protections afforded by the work-product doctrine.

REQUEST FOR ADMISSION NO. 21: Admit that each Member cruise line must collect, assemble and electronically transmit the following information, for each sailing, to and from Alaska at least 96 hours before arrival to the United States Coast Guard, in accordance with 33 CFR 160.206:

(1) Vessel Information:

- (i) Name;**
- (ii) Name of the registered owner;**
- (iii) Country of registry;**
- (iv) Call sign;**
- (v) International Maritime Organization (IMO) international number or, if vessel does not have an assigned IMO international number, substitute with official number;**
- (vi) Name of the operator;**
- (vii) Name of the charterer; and**
- (viii) Name of classification society**

(2) Voyage Information:

- (i) Names of last five ports or places visited;**
- (ii) Dates of arrival and departure for last five ports or places visited;**

- (iii) For each port or place in the United States to be visited list the names of the receiving facility, the port or place, the city, and the state;
 - (iv) For each port or place in the United States to be visited, the estimated date and time of arrival;
 - (v) For each port or place in the United States to be visited, the estimated date and time of departure;
 - (vi) The location (port or place and country) or position (latitude and longitude or waterway and mile marker) of the vessel at the time of reporting; and
 - (vii) The name and telephone number of a 24-hour point of contact.
- (4) Information for each Crewmember Onboard:**
- (i) Full name;
 - (ii) Date of birth;
 - (iii) Nationality;
 - (iv) Passport or mariners document number (type of identification and number);
 - (v) Position or duties on the vessel; and
 - (vi) Where the crewmember embarked (list port or place and country).
- (5) Information for each Person Onboard in Addition to Crew:**
- (i) Full name;
 - (ii) Date of birth;
 - (iii) Nationality;
 - (iv) Passport number; and
 - (v) Where the person embarked (list port or place and country).
- (6) Operational condition of equipment required by § 164.35 of this chapter**
- (7) International Safety Management (ISM) Code Notice:**
- (i) The date of issuance for the company's Document of Compliance certificate that covers the vessel;
 - (ii) The date of issuance for the vessel's Safety Management Certificate; and
 - (iii) The name of the Flag Administration, or the recognized organization(s) representing the vessel flag administration, that issued those certificates.
- * * *
- (9) International Ship and Port Facility Code (ISPS) Notice:**
- (i) The date of issuance for the vessel's International Ship Security Certificate (ISSC), if any;
 - (ii) Whether the ISSC, if any, is an initial Interim ISSC, subsequent and consecutive Interim ISSC, or final ISSC;
 - (iii) Declaration that the approved ship security plan, if any, is being implemented;
 - (iv) If a subsequent and consecutive Interim ISSC, the reasons therefor;
 - (v) The name and 24-hour contact information for the Company Security Officer; and
 - (vi) The name of the Flag Administration, or the recognized security organization(s) representing the vessel flag Administration that issued the ISSC.

Response: CLIAA objects to this RFA as overly broad, unduly burdensome, and compound. CLIAA objects to this RFA as it calls for a legal conclusion. Subject to and without waiving these objections and the Overarching Objections, CLIAA denies this RFA.

REQUEST FOR ADMISSION NO. 22: Admit that each Member cruise line must collect, assemble and electronically transmit the following information for each sailing to and from Alaska to the United States Customs and Border Protection, through the Advance Passenger Information System (APIS) in accordance with 19 CFR 4.7b:

- (i) Full name (last, first, and, if available, middle);
- (ii) Date of birth;
- (iii) Gender (F = female; M = male);
- (iv) Citizenship;
- (v) Country of residence;
- (vi) Status on board the vessel;
- (vii) Travel document type (e.g., P = passport, A = alien registration);
- (viii) Passport number, if a passport is required;
- (ix) Passport country of issuance, if a passport is required;
- (x) Passport expiration date, if a passport is required;
- (xi) Alien registration number, where applicable;
- (xii) Address while in the United States (number and street, city, state, and zip code), except that this information is not required for U.S. citizens, lawful permanent residents, crew members, or persons who are in transit to a location outside the United States;
- (xiii) Passenger Name Record locator, if available;
- (xiv) Foreign port/place where transportation to the United States began (foreign port code);
- (xv) Port/place of first arrival (CBP port code);
- (xvi) Final foreign port/place of destination for in-transit passenger and crew member (foreign port code);
- (xvii) Vessel name;
- (xviii) Vessel country of registry/flag;
- (xix) International Maritime Organization number or other official number of the vessel;
- (xx) Voyage number (applicable only for multiple arrivals on the same calendar day); and
- (xxi) Date of vessel arrival.

Response: CLIAA objects to this RFA as overly broad, unduly burdensome, and compound. CLIAA further objects to this RFA as it calls for a legal conclusion. Subject to and without waiving these objections and the Overarching Objections, CLIAA denies this RFA.

REQUEST FOR ADMISSION NO. 23: Admit that Table 8 to CBJ’s First Request for Admissions to Cruise Lines International Association accurately states the passenger reporting requirements for the ports listed in Table 8.

Table 8: Representative Port Passenger Reporting Requirements

Port	Reporting Requirement
Baltimore	The owner, agent or other person in charge of a vessel carrying passengers subject to passenger fees in this Rule 34-017(D) shall furnish to the Administration complete copies of the vessel’s passenger manifest or summary listing passengers embarking, disembarking or in transit at the Port of Baltimore. This Rule 34-017(D) is subject to the provisions of Rule 34-009 of this Schedule regarding the providing of vessel manifests or summaries.
Charleston	All vessels, their owners, agents and stevedoring companies shall permit the Authority access to manifests, loading or discharge lists, rail or motor carrier freight bills or any pertinent documents for the purpose of audits to determine the accuracy of reports filed or for obtaining necessary information for correct billing of charges
Houston	Vessels and Agents shall present certified copies of passenger manifests or other documentation deemed acceptable by the Port Authority, including all changes and supplements thereto, on forms and in the manner prescribed by the Port Authority. Certified copies of manifests on inward sailings shall be presented not later than 10 working days after arrival of Vessel at wharf. Certified copies of manifests on outward sailings shall be presented not later than 10 working days after sailing.
New Orleans	Within ten (10) working days following the departure of a vessel carrying passengers for hire, such vessel shall submit to the Board certified manifests listing all such passengers so embarking and debarking.
St. Thomas-St. John VI	All vessel agents or representatives shall within five (5) business days after arrival or departure of a vessel, report to Virgin Islands Port Authority the amount of all cargo and/or passengers loaded or unloaded. Such reports shall be in the form of copies of the ship’s manifest or certified statements showing cargo, number of passengers and all other information which Virgin Islands Port Authority deems necessary for the compilation of billing and commercial statistics or for other purposes.
San Francisco	The owner, agent, master, or other person in charge of a vessel carrying passengers, subject to passenger fees as provided in Item 1000, shall advise the Port of the number of passengers disembarking, in transit, and embarking at the Port of San Francisco. This information will be reported on the San Francisco Port Commission’s Wharfage Statement (Form No. 14-B).
San Juan	As a mandatory condition, the Vessel Owner, Master, Consignee Agent or person in charge of a Vessel or Cargo must furnish PRPA a complete Vessel manifest, consisting, among other things, of a list of passengers including identity facts like name, date of birth, nationality, sex, among other information.
Seattle	Users must furnish a complete copy of manifest of cargo and/or statement of passengers loaded or discharged at terminals to the Port of Seattle Terminal Operator.

Response: CLIAA objects to this RFA as irrelevant to any party's claim or defense. Passenger port requirements for ports other than the port at the City and Borough of Juneau are irrelevant to the legality of CBJ's entry fees and CBJ's use or misuse thereof. CLIAA further objects to this RFA as overbroad, unduly burdensome, and compound. CLIAA further objects to any representation of the table in this RFA as representative of port passenger reporting requirements. Subject to and without waiving these objections and the Overarching Objections:

(1) CLIAA admits that the Port of Baltimore's website contains the language in this RFA related to the Port of Baltimore at: <http://msa.maryland.gov/megafile/msa/speccol/sc5300/sc5339/000113/002000/002422/unrestricted/20064277e.pdf>;

(2) CLIAA admits that the Port of Charleston's website contains the language in this RFA related to the Port of Charleston at: <http://www.scspace.com/wp-content/uploads/8-charleston-tariff.pdf>;

(3) CLIAA admits that the Port of Houston's website contains the language in this RFA related to the port of Houston at: <http://porthouston.com/portweb/wp-content/uploads/2016/08/PHA-Tariff17-2016-0101.pdf>;

(4) CLIAA admits that the Port of New Orleans' website contains the language in this RFA related to the Port of New Orleans at: http://portno.com/CMS/Resources/tariff/cargo_rates_tariffs_4_2016.pdf;

(5) CLIAA admits that the Port of St. Thomas-St. John VI's website contains the language in this RFA related to the port of St. Thomas-St. John VI at: http://www.viport.com/documents/Fees_and_Rates/2006_March_01_Amended_%20Effective_2014_April_23.pdf;

(6) CLIAA admits that the Port of San Francisco's website contains the language in this RFA related to the Port of San Francisco at:

http://www.sfport.com/ftp/uploadedfiles/about_us/divisions/maritime/Tariff%20No.5%20Oct-15-09.pdf;

(7) CLIAA admits that the Port of Seattle’s website contains the language in this RFA related to the Port of Seattle at: https://www.portseattle.org/Cargo/SeaCargo/Documents/20160101_tariff_5_20160101.pdf;

(8) CLIAA states that after reasonable inquiry, including a search of San Juan’s website, CLIAA lacks sufficient information to either admit or deny the port passenger reporting requirements at San Juan. By referencing its inquiry efforts in this response, CLIAA does not waive and specifically preserves its work-product doctrine and attorney-client privileges and protections.

REQUEST FOR ADMISSION NO. 24: Admit that the City and Borough of Juneau’s municipal code (CBJ Chapter 69.20) requires Member cruise lines or their authorized agents from each vessel to present the City and Borough of Juneau’s port director with a passenger manifest upon which the passenger fee for each ship is calculated.

Response: CLIAA objects to this RFA as it calls for a legal conclusion. Subject to and without waiving its objections and the Overarching Objections, CLIAA denies this RFA except as follows: (1) CLIAA admits that CBJ Code 69.20 states that the passenger fee for each ship shall be calculated based on the passenger manifest for the ship upon entry into any port within the City and Borough. (2) CLIAA further admits that CBJ Code 69.20.030(b) states that the owner or authorized agent from each ship shall present the City and Borough port director with a passenger manifest. (3) CLIAA further admits that CLIAA cruise line members operate vessels subject to the CBJ code provisions referenced in this RFA.

REQUEST FOR ADMISSION NO. 25: Admit that the City and Borough of Juneau has accepted an electronically transmitted passenger total for each sailing into the Port of Juneau from Member cruise lines or their authorized agents on forms prepared by Cruise Line Agencies of Alaska since at least 2010.

Response: CBJ denies this RFA except as follows: (1) CLIAA admits that CBJ Ordinance Serial No. 2012-27 “An Ordinance Amending the Marine Passenger Fee Code” states that a “passenger manifest shall be signed, produced, delivered, or electronically transmitted by an authorized agent of the owner or

operator of the ship[.]” (2) CLIAA further admits that member cruise lines operate ships subject to this Ordinance.

REQUEST FOR ADMISSION NO. 26: Admit that Table 9 to CBJ’s First Request for Admissions to Cruise Lines International Association accurately states the Delinquent List provisions for the ports listed therein.

Table 9: Representative Port Denials of Use for Delinquent Accounts

Port	Delinquent Payment	Action
Baltimore	Any account receivable in excess of thirty (30) calendar days old is subject to the immediate withholding of all credits, discounts, subsidies, incentives, etc., whether or not related to the outstanding receivables, until such time as all receivables for the account are rendered current.	The Administration reserves the right to deny to anyone the use of any terminal until all past due accounts are paid, and to apply any payment received against the oldest outstanding invoices.
Boston	Any terminal user doing business under this tariff may apply for credit. Credit, which is extended at the discretion of the Terminal Operator, requires payment within twenty days of the invoice date. Failure to pay credit accounts within thirty days shall result in cancellation of credit privileges and the reestablishment of cash terms.	If payment is not received within forty-five days, the name of the responsible party will be placed on a delinquent list and such party shall be denied further use of the facility until all outstanding charges have been paid.
Brooklyn	Invoices are due and payable within ten (10) days from date of invoice. Invoices not paid within thirty (30) days from date of invoice are subject to a one and one half percent (1.5%) service charge per month. Failure to pay within thirty (30) days may cause the name of the responsible party to be placed on a delinquent list.	Failure to pay within thirty (30) days may cause the name of the responsible party to be placed on a delinquent list and then such party may be denied further use of the facilities until all outstanding charges have been paid.
Canaveral	In addition to the other remedies provided by the rules and regulations of the Canaveral Port Authority for violation of these tariff terms and conditions, the carrier, vessel, owner, shipper, receiver and/or agent who shall violate any of the terms and conditions of this tariff or who shall fail to pay any bills hereunder hen	If an account on cash basis fails to comply with the above, they will be denied the use of Port facilities by the Canaveral Port Authority until such violation is corrected or until said charges due are paid, as the case may be.

	presented, shall be placed on a delinquent list.	
Charleston	Failure to pay within 30 days (or within the time specified in an agreement between the user and the Authority) will result in the responsible party being placed on the delinquent list.	All parties placed on the delinquent list will be denied further use of Authority facilities until all outstanding charges have been paid.
Galveston	Any invoice issued by the Galveston Wharves, which is unpaid 30 days after the date the invoice is issued, shall become delinquent.	All vessels, their owners and/or agents, stevedoring companies, or other Users of the Facilities whose account becomes delinquent may be placed on the delinquent list and may be denied further use of the facilities until all such charges together with any other charges due shall have been paid.
Miami	Any invoice remaining unpaid the last day of the month following the month billed is delinquent and the Port users billed will be placed on a delinquent list.	The port reserves the right to refuse the use of Port facilities and services to any Port user on the delinquent list and to demand payment of charges in advance before further services will be performed or facilities used.
New Orleans	All charges incurred under the provisions of this tariff shall be payable within 30 days from the date of bill or invoice. Interest of .0333 percent per day, or approximately 12 percent per year, shall be assessed on the balance due on invoices more than 30 days old.	The Board reserves the right to place a user on a cash basis, or to deny the use of the Board's facilities to any user until all outstanding delinquent charges have been paid.
New York (public)	All charges published in this tariff shall be due and payable upon presentation of an invoice. Invoices not paid within thirty (30) calendar days of the invoice date will be subject to a fee of .8% on the outstanding balance and then every fifteen (15) days thereafter.	The Port Authority reserves the right to deny to anyone the use of any terminal until all past due accounts are paid, and to apply any payment received against the oldest outstanding invoices.
New York (Manhattan) Cruise Terminal	Invoices rendered in accordance with this tariff are due on presentation. Failure to pay within the agreed credit terms may cause the name of the responsible party to be placed on a delinquent list.	Such party may be denied further use of the facilities until all outstanding charges have been paid.
Portland ME	Credit, which is extended at the discretion of the Terminal Operator requires payment within 30 days of	The Terminal Operator reserves the right to deny anyone the use of any Terminal until all past due accounts

	the date of the invoice.	are paid.
St. Thomas-St. John VI	Any bill unpaid on the 30th day following the day on which an invoice is issued is delinquent. A delinquent invoice is subject to a penalty charge of one and one-half percent (1.5%) for each month that said invoice remains delinquent at the end of the month.	The Virgin Islands Port Authority reserves the right to refuse the use of Port facilities and services to any Port user on the delinquent list and to demand payment charges in advance before further services will be performed or facilities used.
Tampa	C25: Any bill unpaid on the 30th day following the day on which the invoice was issued is delinquent. Delinquent accounts shall incur (as liquidated damages) a late charge of one and one-half percent (1-1/2%) for each 30 days (eighteen percent (18%) per year, simple interest), that said bill remains delinquent.	All terminal operators, steamship agents or other users of the facilities of the Port, placed on the Delinquent List in accordance with Item C25 shall be denied further use of the facilities by the Port Authority until all such charges, together with any other charges due, shall have been paid.

Response: CLIAA objects to this RFA as irrelevant to any party’s claim or defense. Port Denials of Use for Delinquent Accounts at ports other than the port at the City and Borough of Juneau are irrelevant to the issues in this lawsuit: the legality of CBJ’s entry fees and use or misuse thereof. CLIAA further objects to this RFA as overbroad, unduly burdensome, and compound. CLIAA further objects to any representation of the table in this RFA as representative of port passenger reporting requirements. Subject to and without waiving these objections and the Overarching Objections:

(1) CLIAA admits that the Port of Baltimore’s website contains the language in this RFA related to the Port of Baltimore at: http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&cad=rja&uact=8&ved=0ahUKEwjqlor-6a7RAhXI5IMKHVUfBgAQFggnMAI&url=http%3A%2F%2Fmsa.maryland.gov%2Fmegafile%2Fmsa%2Fspeccol%2Fsc5300%2Fsc5339%2F000113%2F002000%2F002422%2Funrestrictedd%2F20064277e.pdf&usg=AFQjCNGe1qBo7jGg88GQJGlfM_7mx7VgYA;

(2) CLIAA admits that the Port of Boston's website contains the language in this RFA related to the Port of Boston at: <https://massport.com/media/6768/TAR2Revision15.pdf>;

(3) CLIAA admits that the Port of Canaveral's website contains the language in this RFA related to the Port of Canaveral at: https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0ahUKEwjo_vW27a7RAhWn34MKHfL2DNkQFggaMAA&url=https%3A%2F%2Fwww.portcanaveral.com%2FPortCanaveral%2Fmedia%2FPublic-Docs%2F41st-Revised-Tariff-No-12-Effective-10-1-14.pdf&usg=AFQjCNG9iLp_QzLk_P1i9Zz7GDWyQYDfqw&bvm=bv.142059868,d.amc;

(4) CLIAA admits that the Port of Charleston's website contains the language in this RFA related to the Port of Charleston at: www.scspace.com/wp-content/uploads/greer-rate-schedule.pdf;

(5) CLIAA admits that the Port of Galveston's website contains the language in this RFA related to the port of Galveston at: www.portofgalveston.com/DocumentCenter/View/1153;

(6) CLIAA admits that the Port of Miami's website contains the language in this RFA related to the Port of Miami at: <https://www.miamidade.gov/portmiami/library/tariff/page-08.pdf>;

(7) CLIAA admits that the Port of New Orleans' website contains the language in this RFA related to the port of New Orleans at: www.portno.com/CMS/Resources/tariff/cargo_rates_tariffs_2_2016.pdf;

(8) CLIAA admits that the Port of New York's (public) website contains the language in this RFA related to the Port of New York (public) at: <https://www.panynj.gov/port/pdf/tariffs-port-authority-ny-nj-1009.pdf>;

(9) CLIAA admits that the Port of Portland, Maine's website contains the language in this RFA related to the Port of Portland, Maine at: www.portlandmaine.gov/1765/FMC-Tariff-No-7;

(10) CLIAA admits that the Port of St. Thomas-St. John VI's website contains the language in this RFA related to the Port of St. Thomas-St. John VI at:

http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=4&cad=rja&uact=8&ved=0ahUKEwjHxJTX8K7RAhVizIMKHfG8BtEQFggwMAM&url=http%3A%2F%2Fwww.viport.com%2Fdocuments%2FFees_and_Rates%2FMarineTariff01March2006_AMENDED_Effective_01Oct2016.pdf&usg=AFQjCNHozYD0IVuOkP9R3pTDYVH6ZUGXCA;

(11) CLIAA admits that the Port of Tampa’s website contains the language in this RFA related to the Port of Tampa at: [https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=4&ved=0ahUKEwjkufox8a7RAhVI74MKHVhFAn4QFggtMAM&url=https%3A%2F%2Fwww.tampaport.com%2Ftamaport%2Fmedia%2FTampaPort%2FPDF%2FTARIFF-TPA-TARIFF-NO-13-MASTER-20121214\(3\).pdf&usg=AFQjCNE_y9OIVdRBDEMexd0iiUsf0FK07g&bvm=bv.142059868,d.amc](https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=4&ved=0ahUKEwjkufox8a7RAhVI74MKHVhFAn4QFggtMAM&url=https%3A%2F%2Fwww.tampaport.com%2Ftamaport%2Fmedia%2FTampaPort%2FPDF%2FTARIFF-TPA-TARIFF-NO-13-MASTER-20121214(3).pdf&usg=AFQjCNE_y9OIVdRBDEMexd0iiUsf0FK07g&bvm=bv.142059868,d.amc);

(12) CLIAA states that after reasonable inquiry, including a search of the Port of Brooklyn and the Port of New York’s (Manhattan) website, CLIAA lacks sufficient information to either admit or deny the port denials of use for delinquent accounts at the Ports of Brooklyn and New York (Manhattan). By referencing its inquiry efforts in this response, CLIAA does not waive and specifically preserves its work-product doctrine and attorney-client privileges and protections.

REQUEST FOR ADMISSION NO. 27: Admit that embarking/disembarking passengers, independent visitors, and conventioners are subject to the CBJ’s hotel/motel room bed tax of 7 per cent.

Response: CLIAA objects to this RFA as it calls for a legal conclusion. CLIAA further objects to this RFA as compound and vague, as the terms “independent visitors” and “conventioners” are not defined. Subject to and without waiving these objections and the Overarching Objections, CLIAA denies this RFA except as follows: CLIAA admits that CBJ Code 69.07.020(a) levies a hotel-motel room rental tax of seven percent of the room rent on guests not otherwise exempt from the tax.

REQUEST FOR ADMISSION NO. 28: Admit that an independent audit conducted in December 2003 by Elgee, Rehfield and Mertz, LLC, concluded that the methodology used by CBJ

in preparing its Marine Passenger Fee Cost Allocation Plan was “reasonable and appropriate for purposes of estimating cruise ship passenger costs to CBJ’s functions.”

Response: CLIAA objects to this RFA on the grounds that the referenced document is not attached to these RFAs. CLIAA further objects to this RFA to the extent that it calls for ratification of conclusions about how the disputed entry fees are used or budgeted to be used. CLIAA further objects to this RFA because it violates the best evidence rule in that it seeks to assert what is set forth in a document although the document itself is the best evidence of what is set forth. Further, CLIAA objects to this RFA as wholly contradictory to the very purpose of a request for admission, namely, to increase the efficiency of litigation. Subject to and without waiving its objections and the Overarching Objections, CLIAA denies this RFA except as follows: CLIAA admits that Elgee, Rehfield and Mertz, LLC conducted an audit in December 2003.

REQUEST FOR ADMISSION NO. 29: Admit that CBJ Code 69.20.120(a) provides that the marine passenger fee established by initiative “shall be appropriated in support of the marine passenger ship industry including:

- **Design, construction, enhancement, operation, or maintenance of capital improvements;**
- **Operating funds for personnel, training, commodities, rentals, services and equipment for services provided, made available to, or required as a result of marine passenger ships and marine passengers;**
- **Projects and programs that promote safety, environmental improvements efficiency of interstate and international commerce, or enforcement of laws caused or required by marine passenger ships and marine passengers;**
- **Acquisition of land required to execute the activities listed in this section;**
- **Surveys, analyses, polls, plans, monitoring, and similar efforts to measure, describe or predict, or manage marine passenger ships and marine passengers, for items listed in subsections (a)(1)—(a)(4) of this section.”**

Response: CLIAA objects to this RFA as it calls for a legal conclusion. CLIAA objects to this RFA because it impermissibly relates to law—simply asking that CLIAA confirm the contents of a referenced or unreferenced statute or regulation. This RFA does not relate to facts, the application of law to fact, or opinions about either—the only permissible subject of an RFA. CLIAA has no special knowledge that would enable it to answer the request with any more certainty than CBJ or the court

through judicial notice. Subject to and without waiving its objections and the Overarching Objections, CLIAA admits that this RFA provides direct recitation of CBJ Code 69.20.120(a).

REQUEST FOR ADMISSION NO. 30: Admit that the City and Borough of Juneau owns and operates the Juneau International Airport.

Response: CLIAA objects to this RFA as compound. Subject to and without waiving its objections and the Overarching Objections, CLIAA admits this RFA.

REQUEST FOR ADMISSION NO. 31: Admit that the Federal Aviation Administration has identified the Juneau International Airport as a primary commercial service airport in its National Plan of Integrated Airport Systems (NPIAS), making it eligible to receive Federal grants under the Airport Improvement Program (AIP).

Response: CLIAA objects to this RFA as compound and irrelevant to the issues in this case: whether CBJ's entry fees and use thereof are lawful. Subject to and without waiving its objections and the Overarching Objections, CLIAA admits this RFA.

REQUEST FOR ADMISSION NO. 32: Admit that the Federal Aviation Administration manages the Passenger Facilities Charge (PFC) program (49 USC §40117, 14 CFR Part 158) which allows the collection of PFC fees for every enplaned passenger at commercial airports controlled by public agencies.

Response: CLIAA objects to this RFA as compound and as it calls for a legal conclusion. Subject to and without waiving its objections and the Overarching Objections, CLIAA admits this RFA.

REQUEST FOR ADMISSION NO. 33: Admit that the Federal Aviation Administration has placed the Juneau International Airport on its approved list of airports for collection of the PFC.

Response: Subject to and without waiving its Overarching Objections, CLIAA denies this RFA except as follows: CLIAA admits that Juneau International Airport was a PFC approved location as of December 31, 2016.

REQUEST FOR ADMISSION NO. 34: Admit that the Juneau International Airport was authorized to, and did collect, the maximum allowable \$3.00 PFC per enplaning passenger between October 1, 1998 and February 1, 2001.

Response: CLIAA objects to this RFA as compound. Subject to and without waiving these objections and the Overarching Objections, CLIAA denies this RFA except as follows: CLIAA admits

that the Juneau International Airport was authorized to collect a \$3.00 PFC per enplaning passenger between October 1, 1998 and February 1, 2001.

REQUEST FOR ADMISSION NO. 35: Admit that the Juneau International Airport was authorized to, collected, and continues to collect, the maximum allowable \$4.50 PFC per enplaning passenger beginning August 1, 2001.

Response: CLIAA objects to this RFA as compound. Subject to and without waiving these objections and the Overarching Objections, CLIAA denies this RFA except as follows: CLIAA admits that the Juneau International Airport was authorized to collect a \$4.50 PFC per enplaning passenger beginning August 1, 2001.

REQUEST FOR ADMISSION NO. 36: Admit that 49 USC §40116(b) prohibits local jurisdictions and airport authorities from levying their own taxes or fees on individuals “traveling in air commerce”.

Response: CLIAA objects to this RFA as it calls for a legal conclusion. CLIAA objects to this RFA because it impermissibly relates to law—simply asking that CLIAA confirm the contents of a referenced or unreferenced or statute or regulation. This RFA does not relate to facts, the application of law to fact, or opinions about either—the only permissible subject of an RFA. CLIAA has no special knowledge that would enable it to answer the request with any more certainty than CBJ or the court through judicial notice. Subject to and without waiving its objections and the Overarching Objections, CLIAA denies this RFA.

REQUEST FOR ADMISSION NO. 37: Admit that Alaska’s commercial passenger vessel excise tax exempts from taxation vessels:

- **With fewer than 250 berths or other overnight accommodations for passengers;**
- **That are noncommercial vessels, warships, and vessels operated by the state, the United States, or a foreign government; or**
- **Whose cruise consists of a trip or itinerary lasting 72 hours or less.**

Response: CLIAA objects to this RFA as it calls for a legal conclusion. CLIAA objects to this RFA because it impermissibly relates to law—simply asking that CLIAA confirm the contents of a referenced or unreferenced or statute or regulation. This RFA does not relate to facts, the application of law to fact, or opinions about either—the only permissible subject of an RFA. CLIAA has no special

knowledge that would enable it to answer the request with any more certainty than CBJ or the court through judicial notice. Subject to and without waiving its objections and the Overarching Objections, CLIAA admits that this RFA accurately summarizes Alaska statutes AS § 43.52.200, AS § 43.52.210, and AS § 43.52.295.

REQUEST FOR ADMISSION NO. 38: Admit that the Division of Legislative Audit (hereafter the Division) is a state agency created in accordance with Art. IX, sec. 14 of the Alaska Constitution and AS 24.20.241-311 to conduct post-audits.

Response: CLIAA objects to this RFA as it calls for a legal conclusion. Subject to and without waiving these objections and the Overarching Objections, CLIAA admits this RFA.

REQUEST FOR ADMISSION NO. 39: Admit that the Division's audits are independent of the agency being audited.

Response: CLIAA objects to this RFA as it calls for a legal conclusion. Further, CLIAA objects to this RFA as compound because it seeks admission as to an unlimited or nearly unlimited number of audits. Subject to and without waiving these objections and the Overarching Objections, CLIAA states that after reasonable inquiry, the information CLIAA knows or can readily obtain is insufficient to enable CLIAA to admit or deny this RFA. CLIAA's reasonable inquiry included review of information in its possession, custody, and control and review of third-party records available online. By referencing its inquiry efforts in this response, CLIAA does not waive and specifically reserves the right to object to this RFA on the grounds that it requires CLIAA to perform extensive, burdensome, and independent research, including research outside of CLIAA's possession, custody, or control and/or from third-party sources. Further, by referencing its inquiry efforts in this response, CLIAA does not waive and specifically preserves any applicable privilege, including the attorney-client privilege and those protections afforded by the work-product doctrine.

REQUEST FOR ADMISSION NO. 40: Admit that the Division's audits are of three types:

- **financial-compliance;**
- **performance; and**
- **special reports.**

Response: CLIAA objects to this RFA as it calls for a legal conclusion. Further, CLIAA objects to this RFA as compound because it seeks admission as to an unlimited or nearly unlimited number of audits. Subject to and without waiving these objections and the Overarching Objections, CLIAA denies this RFA except as follows: CLIAA admits that the Division of Legislative Audit's website,

<http://legaudit.akleg.gov/about/>, states that there are three types of audits: financial-compliance, performance, and special reports.

REQUEST FOR ADMISSION NO. 41: Admit that on May 7, 2015 the Legislative Budget and Audit Committee requested a special audit of the State's Commercial Passenger Vessel (CPV) tax program.

Response: CLIAA objects to this RFA, without limitation, to the extent that the RFA characterizes special audit ACN 04-30083-16 as (i) having included a review of CBJ's use of funds generated from CBJ's own entry fees, (ii) having provided an adequate legal review applying the proper legal standards, and (iii) having relied upon accurate information. Subject to and without waiving its objections and its Overarching Objections, CLIAA denies this RFA except as follows: CLIAA admits that the Senate Finance Committee made the referenced special audit request on March 27, 2015, as referenced by this website, http://www.akleg.gov/basis/get_documents.asp?session=29&docid=8532, and that the Legislative Budget and Audit Committee issued an audit of the CPV tax program.

REQUEST FOR ADMISSION NO. 42: Admit that the Division of Legislative Audit undertook the special audit as Audit Control Number (CAN) 04-30083-16.

Response: Subject to and without waiving its Overarching Objections, CLIAA admits this RFA.

REQUEST FOR ADMISSION NO. 43: Admit that the special audit ACN 04-30083-16 evaluated CPV receipts and distributions from FY07 through FY15.

Response: CLIAA objects to this RFA, without limitation, to the extent that the RFA characterizes special audit ACN 04-30083-16 as (i) having included a review of CBJ's use of funds generated from CBJ's own entry fees, (ii) having provided an adequate legal review applying the proper legal standards, and (iii) having relied upon accurate information. Subject to and without waiving this objection and its Overarching Objections, CLIAA admits this RFA.

REQUEST FOR ADMISSION NO. 44: Admit that the objectives of the special audit ACN 04-30083-16 were to:

- **Identify inception-to-date balances of unspent shared tax revenues by community, and determine the reasonableness of balances;**
- **Evaluate each community's use of shared tax revenues, and determine whether the revenues were used for statutorily defined purposes;**

- **Identify the amount and purpose of appropriations made to communities and other recipients, whether related projects were initiated as expected and, if applicable, reasons for delay; and**
- **Evaluate the CPV fund balance and determine fund solvency.**

Response: CLIAA objects to this RFA, without limitation, to the extent that the RFA characterizes special audit ACN 04-30083-16 as (i) having included a review of CBJ's use of funds generated from CBJ's own entry fees, (ii) having provided an adequate legal review applying the proper legal standards, and (iii) having relied upon accurate information. Subject to and without waiving this objection and its Overarching Objections, CLIAA admits this RFA.

REQUEST FOR ADMISSION NO. 45: **Admit that with respect to special audit ACN 04-30083-16, the Division of Legislative Audit was provided a legislative legal memorandum addressing the federal constitutional and statutory limitations on uses of a cruise ship passenger tax.**

Response: CLIAA objects to this RFA, without limitation, to the extent that the RFA characterizes special audit ACN 04-30083-16 as (i) having included a review of CBJ's use of funds generated from CBJ's own entry fees, (ii) having provided an adequate legal review applying the proper legal standards, and (iii) having relied upon accurate information. Subject to and without waiving this objection and its Overarching Objections, CLIAA admits this RFA.

REQUEST FOR ADMISSION NO. 46: **Admit that in conducting special audit ACN 04-30083-16, the Division of Legislative Audit reviewed municipal expenditures from the CPV tax program of six local governments, including the City and Borough of Juneau.**

Response: CLIAA objects to this RFA, without limitation, to the extent that the RFA characterizes special audit ACN 04-30083-16 as (i) having included a review of CBJ's use of funds generated from CBJ's own entry fees, (ii) having provided an adequate legal review applying the proper legal standards, and (iii) having relied upon accurate information. Subject to and without waiving this objection and its Overarching Objections, CLIAA admits that the Division of Legislative Audit reviewed municipal expenditures from the CPV tax program of six local governments, including the City and Borough of Juneau, however, CLIAA denies any implication that the Division limited its review to only six local governments.

REQUEST FOR ADMISSION NO. 47: Admit that the Division of Legislative Audit presented its special audit CAN 04-30083-16 to the Legislative Budget and Audit Committee on February 29, 2016 and the Legislative Budget and Audit Committee authorized its release to the public on April 15, 2016.

Response: CLIAA objects to this RFA as compound. Subject to and without waiving this objection and its Overarching Objections, CLIAA admits this RFA.

REQUEST FOR ADMISSION NO. 48: Admit that the Division of Legislative Audit's special audit CAN 04-30083-16 contains no finding that the City and Borough misused CPV tax proceeds on any capital projects.

Response: CLIAA objects to this RFA, without limitation, to the extent that the RFA characterizes special audit ACN 04-30083-16 as (i) having included a review of CBJ's use of funds generated from CBJ's own entry fees, (ii) having provided an adequate legal review applying the proper legal standards, and (iii) having relied upon accurate information. Subject to and without waiving this objection and its Overarching Objections, CLIAA admits this RFA.

REQUEST FOR ADMISSION NO. 49: Admit that the Division of Legislative Audit's special audit CAN 04-30083-16 contains no finding that the City and Borough of Juneau misspent money collected as fees.

Response: CLIAA objects to this RFA, without limitation, to the extent that the RFA characterizes special audit ACN 04-30083-16 as (i) having included a review of CBJ's use of funds generated from CBJ's own entry fees, (ii) having provided an adequate legal review applying the proper legal standards, and (iii) having relied upon accurate information. Subject to and without waiving this objection and its Overarching Objections, CLIAA admits this RFA.

REQUEST FOR ADMISSION NO. 50: Admit that the City and Borough of Juneau projects reviewed by the Division of Legislative Audit in its special audit CAN 04-30083-16 included projects for which CBJ's port development and marine passenger fees were used.

Response: CLIAA objects to this RFA, without limitation, to the extent that the RFA characterizes special audit ACN 04-30083-16 as (i) having included a review of CBJ's use of funds generated from CBJ's own entry fees, (ii) having provided an adequate legal review applying the proper legal standards, and (iii) having relied upon accurate information. Subject to and without waiving this objection and its Overarching Objections, CLIAA admits this RFA.

REQUEST FOR ADMISSION NO. 51: Admit that Table 10 to CBJ's First Request for Admissions to Cruise Lines International Association accurately states the budgeted expenditures of the CBJ Port Development Fee proceeds for the period FY11 through FY 17.

Table 10: Port Development Fee Expenditures FY11-FY17

	<u>Total</u>		<u>Total</u>	Beginning	Uplands Near		
	<u>Transfers to</u> <u>CIP</u>	<u>Transfers to</u> <u>Debt Service</u>			<u>Tram etc.</u> <u>H51-095</u>	<u>New Cruise Ship</u> <u>Berths H51-101</u>	<u>Seawalk</u> <u>H51-092</u>
2011	1,500,000		1,500,000	3,723,167.00	-	-	
2012	2,575,000		2,575,000	1,500,000.00	-	-	
2012	4,735,000		4,735,000	2,575,000.00	-	-	
2013	2,800,000		2,800,000	4,735,000.00	-	-	
2014	2,925,000	403,900	3,328,900	(11,422,331.08)	14,222,331.08	-	
2016	2,500,000	2,338,900	4,838,900	-	2,400,000.00	525,000.00	
2017	-	2,093,200	2,093,200	-	2,500,000.00	-	
	17,035,000	4,836,000	21,871,000		1,110,835.92	19,122,331.08	
						525,000.00	

H51-095 Downtown Cruise Ship Berth Enh

Activity: H51-095 Inception Date: 07/01/05 Budget: 100 Currency: USD

Revenues (By Funding Source)	Budget	Actuals	Funds Available
EMW-2013-PU-00497	75,000.00	75,000.00	0.00
10-DC-015	2,500,000.00	2,500,000.00	0.00
09-DC-555	1,022,567.87	1,022,567.87	0.00
12-DC-611	0.00	0.00	0.00
F225 MARINE PASSENGER FEES	858,402.00	740,670.77	117,731.23
F531 DOCK FUND	0.00	0.00	0.00
F215 SALES TAX AREAWIDE	0.00	0.00	0.00
11-DC-645	5,720,589.84	5,720,589.84	0.00
F233 STATE MARINE PSSNGR F	155,686.25	155,686.25	0.00
F232 PORT DEVELOPMENT FEES	1,110,835.92	1,110,835.92	0.00
REVENUE TOTALS:	11,443,081.88	11,325,350.65	117,731.23

H51-092 Waterfront Seawalk II

Activity: H51-092 Inception Date: 07/01/12 Budget: 100 Currency: USD

Revenues (By Funding Source)	Budget	Actuals	Funds Available
2014 SERIES I BOND PROCEED	6,000,000.00	4,361,083.02	1,638,916.98
FY13 PORT REV BOND APPROVE	0.00	0.00	0.00
F233 STATE MARINE PSSNGR F	8,475,000.00	0.00	8,475,000.00
F232 PORT DEVELOPMENT FEES	525,000.00	0.00	525,000.00
REVENUE TOTALS:	15,000,000.00	4,361,083.02	10,638,916.98

H51-101 Cruise Berth Improvements

Activity: H51-101 Inception Date: 04/01/11 Budget: 100 Currency: USD

Revenues (By Funding Source)	Budget	Actuals	Funds Available
09-DC-555	477,432.13	477,432.13	0.00
11-DC-645	3,279,410.16	3,279,410.16	0.00
12-DC-611	7,500,000.00	7,500,000.00	0.00
2015-II REV BOND PROCEEDS	20,595,000.00	20,595,000.00	0.00
2015-II REV BOND PROCEED A	305,000.00	305,000.00	0.00
F233 STATE MARINE PSSNGR F	12,966,043.75	12,949,653.62	16,390.13
F531 DOCK FUND	5,596,229.00	0.00	5,596,229.00
F215 SALES TAX AREAWIDE	3,018.00	0.00	3,018.00
FY13 PORT REV BOND APPROVE	0.00	0.00	0.00
F225 MARINE PASSENGER FEES	3,913,018.00	1,905,614.91	2,007,403.09
F232 PORT DEVELOPMENT FEES	19,122,331.08	401,704.57	18,720,626.51
REVENUE TOTALS:	73,757,482.12	47,413,815.39	26,343,666.73

Response: CLIAA objects to this RFA as overly broad, unduly burdensome, and compound, as it would require CLIAA to determine the veracity of innumerable figures and descriptions of those figures. CLIAA further objects as the answer to this RFA may require expert testimony. CLIAA further objects to this RFA because this RFA violates the best evidence rule in that it seeks to assert what is set forth in multiple documents although those documents themselves are the best evidence of what is set forth. Further, CLIAA objects to this RFA as wholly contradictory to the very purpose of a requests for admission, namely, to increase the efficiency of litigation, by excerpting and combining large quantities of information, and divorcing that information from the source or sources from which the information came, and then requesting CLIAA to admit the veracity of that information, when the very sources of that information provide the information. Subject to and without waiving these objections and the Overarching Objections, CLIAA states that after reasonable inquiry, the information CLIAA knows or can readily obtain is insufficient to enable CLIAA to admit or deny this RFA. CLIAA's reasonable inquiry included review of information in its possession, custody, and control and review of third-party records available online. By referencing its inquiry efforts in this response, CLIAA does not waive and specifically reserves the right to object to this RFA on the grounds that it requires CLIAA to perform extensive, burdensome, and independent research, including research outside of CLIAA's possession, custody, or control and/or from third-party sources, particularly when CBJ knows where it obtained the information in this RFA, but chose not to provide its source(s) to CLIAA. Further, by referencing its inquiry efforts in this response, CLIAA does not waive and specifically preserves any applicable privilege, including the attorney-client privilege and those protections afforded by the work-product doctrine.

REQUEST FOR ADMISSION NO. 52: Admit that Table 11 attached to CBJ's First Request for Admissions to Cruise Lines International Association accurately states the budgeted expenditures of the CBJ Marine Passenger Fee proceeds for the period FY12 through FY 17.

Table 11: Marine Passenger Fee Proceeds (In thousands of dollars) FY12 -- FY17

Description	FY12	FY13	FY14	FY15	FY16	FY17	Total
Apportioned Funding attributable to Cruise Ship & Passenger Services							
Identified Government Operations: On May 10, 2000, the Assembly Finance Committee approved a formula that reflects cruise ship passenger impacts on specific government services and is used to determine an amount of Marine Passenger Fee (MPF) proceeds to be used in support of identified general government operations.	1,400.0	1,400.0	1,400.0	1,400.0	1,400.0	1,400.0	8,400.0
Identified Airport Operations: Funding for airport operations is intended to offset impacts for services provided to the cruise ship industry and for support to the cruise ship passengers and crew. (1)	159.1	-	-	-	-	-	159.1
Identified Docks and Facilities Operations: Funding for docks and facilities operations is intended to offset the costs and impacts of providing area-wide services and support to cruise ship passengers. (1)	154.0	154.0	154.1	154.1	154.1	154.1	924.4
Total Apportioned Funding attributable to Cruise Ship & Passenger Services	1,713.1	1,554.0	1,554.1	1,554.1	1,554.1	1,554.1	9,483.5

Public Health and Safety							
<p>Seasonal EMS Transport Program: CBJ provides ambulance transport service for cruise ship patients that need to be transported from cruise ships and/or Bartlett Hospital to the airport for medevac to Anchorage or Seattle. The demand for patient transport service increases considerably during the summer due to cruise ship patients and does create situations, on a regular basis, in which we do not have available staff to provide transport service when requested.</p>	129.7	184.0	166.1	195.8	225.9	232.4	1,133.9
<p>CCFR Ambulance Replacement: Medic 1 is a 2003 Ford ambulance with 118,550 miles. It is scheduled for replacement this summer. It operates almost entirely as a transport vehicle for cruise ship passengers. During the 2011 summer season, it was used for 462 transports directly tied to the cruise industry compared to 485 transports for the entire year. Due to its high mileage, maintenance problems have become more frequent including fuel leaks and brake problems. This will provide partial funding for replacement of the ambulance.</p>	-	175.0	-	-	-	-	175.0
<p>Capital City Fire/Rescue (CCFR) Air Medevac Support: This funding is an offset for unrecoverable costs incurred by the fire department for the air medevac program in response to medical events involving cruise ship passengers or crew. On average, CCFR only recovers 36% of the total costs from patient billings.</p>	25.0	25.0	25.0	15.0	-	-	90.0
<p>Non-Profit Air Medevac Support: Airlift Northwest, a</p>	50.0	50.0	50.0	50.0	25.0	-	225.0

non-profit ambulance transport service, was founded in 1983 to provide air ambulance service to Southeast Alaska. According to Airlift Northwest, the requested amount is to offset unrecoverable costs related to transport of cruise ship passengers and crew from Juneau this past year.								
Bartlett Regional Hospital Support: For the past three fiscal years, cruise ship passengers have accounted for an annual average 4.5% of Bartlett Regional Hospital's patients (inpatients and outpatients). The funds expended in this category equate to the bad debt incurred from cruise ship passengers and crew.	29.4	-	54.5	61.5	86.0	131.6	363.0	
Crossing Guards: The purpose of this program is to facilitate safe traffic flow in the downtown area, encourage pedestrians to stay on the sidewalks, increase pedestrian safety, and control the crossing locations where summer pedestrians can cross the streets. This funding also provides for some limited equipment purchases, general training, scheduling, and deployment of the crossing guards.	125.0	150.6	128.0	140.0	160.0	180.0	883.6	
Downtown Foot/Bike Patrol: This provides additional foot and bike patrol presence by Juneau Police Department (JPD) officers in the downtown area during the summer. JPD's presence is important to ensure the safety of visitors, provide assistance and direction, and mitigate problems that can occur between some of the regular downtown locals and summertime visitors.	122.6	87.0	87.0	87.0	171.2	189.7	744.5	
Downtown Security Program	56.3	56.3	56.3	56.3	57.0	57.0	339.2	

<p>– Downtown Business Association: Funding for this program supports two uniformed security officers that patrol the downtown area on foot from May through September. These security officers assist visitors with information, directions, and patrol the downtown area for loitering, panhandling, public intoxication, and other public nuisances potentially impacting summer visitors and local residents. With regard to public safety issues and infractions of the law, the security officers refer these issues to JPD to handle. This program is provided through a private contract administered by the Downtown Business Association.</p>							
<p>Accessibility Training and Trip Coordination (SAIL): SAIL provides training addressing the safety and participation of people with disabilities. In addition, they provide information on accessibility, deliver appropriate equipment, and coordinate with local operators to provide safe and accessible experiences.</p>	-	-	48.0	48.0	24.0	-	120.0
<p>Total Public Health and Safety</p>	538.0	727.9	614.9	653.6	749.1	790.7	3,984.2

Public Facilities and Transportation							
<p>Downtown Restroom Maintenance: This funding provides contractual services (labor and materials) required to clean the public restrooms in City Hall, Steamship Plaza, and the new Downtown Transportation Center seven days a week, six times per day, for five months during the summer.</p>	75.0	75.0	75.0	75.0	75.0	85.5	460.5

<p>Downtown Sidewalk Cleaning: Due to heavy summer use by visitors, the downtown sidewalks require extra cleaning and litter/garbage removal to keep them clean and safe. This funding provides for two temporary summer employees to operate and maintain sidewalk sweepers and empty downtown garbage containers. Some funding replaces cigarette butt receptacles and some garbage receptacles.</p>	89.0	89.0	95.0	109.5	109.5	109.5	601.5
<p>Transit Public Bus Service: Visitors heavily use local bus service during the summer, making it necessary to increase services in order to accommodate locals adequately in addition to summer visitors. The bus system provides a safe, efficient, and cost-effective way for visitors to visit the glacier and view other areas of Juneau. The additional revenue from summer visitors does help offset the cost of providing additional summer bus services; however, our transit system is heavily subsidized and the additional costs are not completely offset by the revenue received.</p>	278.0	278.0	300.0	300.0	300.0	300.0	1,756.0
<p>Waterfront Seawalk: This project provides funding to continue the design, examination of right-of-way issues, pedestrian access and safety, and construction of the seawalk in accordance with the Waterfront Development Plan.</p>	603.9	971.8	833.1	64.1	650.2	237.2	3,360.3
<p>Port-Customs Building Maintenance: The Port-Customs building is occupied by the Department of Homeland Security-Customs Border Protection year-round and Docks and Harbors staff from April through October. Funding for this project also includes</p>	-	133.5	133.5	133.5	133.5	133.5	667.5

support for the new Visitors Center, which is managed by the Juneau Convention and Visitors Bureau. Docks and Harbors is responsible for the year-round maintenance and operation of the facility, which includes all utilities, alarm monitoring, winter snow removal, janitorial, maintenance of the parking lot, and general maintenance of the facility.							
Cruise Dock Cathodic Protection: This project provides for the replacement of a cathodic protection system, pile replacement, and sheet pile coating for the CBJ Steamship Dock.	-	500.0	-	-	-	-	500.0
Real Time Monitoring and Communications System: This project provides wind and current monitoring sensors at the various dock locations allowing for real time information for navigation purposes. The system is broadcast over radio, internet, or other public media to be available to all cruise ships navigating in the immediate area.	-	-	75.0	-	-	97.5	172.5
Electrical Winches – Cruiseship Terminal: This project provides funding to purchase and install three electrical winches on mooring dolphins which currently do have a mechanical means of lifting ships mooring lines out of the water. The mooring lines are becoming increasingly larger and more difficult to manage by traditional manual means. This project enhances ship and local labor safety.	-	-	60.0	-	-	-	60.0
Last Chance Basin Well Field Project: This project partially funds the development of two	-	-	-	1,200.0	-	-	1,200.0

new well fields in the Last Chance Basin. The Last Chance Basin well field is diminishing in production capacity. As a result there have been times when the water available for the cruise ships has been reduced to a limited amount or no water at all. The development of these wells increases the capacity and provides for a predictable water supply to the cruise ships. Total project cost is estimated at \$3M.							
Marine Park Bus Parking Lot Brick Repair: The Marine Park bus parking lot is demonstrating undulations in the brick surfaces suggesting the substrate is being undermined. The funds will be used to contract with an experienced mason to repair the areas needing attention.	-	-	-	-	30.0	-	30.0
Front and Franklin Streets Reconstruction: This request will partially fund Phase I of the Franklin and Front Street Reconstruction project, including reconstruction of Franklin Street from Admiral Way to Front Street.	-	-	-	-	-	900.0	900.0
Total Public Facilities and Transportation	1,045.9	2,047.3	1,571.6	1,882.1	1,298.2	1,863.2	9,708.3

Private Dock Facilities							
1. AJ Juneau Dock, LLC							
Restroom Cleaning and Maintenance – AJ Juneau Dock, LLC: This provides funding for restroom cleaning and maintenance supplies for cruise ship passenger and public restrooms.	20.0	20.0	15.0	20.0	26.0	26.0	127.0
Juneau Port Security and Short-Range Response Boat – AJ Juneau Dock, LLC The Department of Homeland Security awarded the AJ dock	19.6	19.6	19.6	19.6	19.6	19.6	117.6

with a port security and short range response boat that conducts port security patrols, at-sea deliveries to cruise ships in port (some items can not go across the docks for security reasons), is designed to accommodate medevac's, spill response, salvage operations, and on-scene support for emergency or law enforcement issues when ships are at anchor or at sea. This request is solely to cover the manning, maintenance and operational expenses related to this vessel.								
Port Security Guard, Security Training and Exercises – AJ Juneau Dock, LLC: This is a single request to fund a number of port security related expenses and projects. The training and exercise funding will benefit all regulated Juneau cruise ship passenger facilities. The AJ dock has been host to two large maritime security exercises. The AJ dock and other local facilities participate in annual security training.	44.0	44.0	26.0	36.0	93.8	93.8	337.6	
Security Improvements – AJ Juneau Dock, LLC: This allocation provides funding to complete a security guard building and enhance the dock entrance with better security signage and a more secure (higher) gate entrance similar to eB1 dock enclosures. This will complete a project that was funded last year with matching federal Port Security Grant Program funds. The building will be in place for the 2012 cruise ship season but funding was not sufficient for the entire project due to foundation requirements, the need for an additional electrical transformer, and fence replacement/repairs.	-	28.0	-	-	-	-	28.0	

<p>Dock Entrance Atrium – AJ Juneau Dock, LLC: This project provides funding for the design and partial construction of a permanent covered area for cruise ship passengers, providing a focal gateway to the facility where passengers and workers would be sheltered from inclement weather. The covered area would have a historical mining theme and an outdoor warming fireplace and provide a specific location to meet traveling companions or groups as well as receive local and tour information. Currently, this area is covered by an inadequate canvas tent that is due for replacement this year. The concept is to create an aesthetic park-type atmosphere outside the restricted dock area for interpretive and historical information with features that complement the AJ/Juneau mining heritage and Juneau’s natural beauty. This area will remain open for community use year-round.</p>	-	170.2	145.0	-	-	-	315.2
<p>Cathodic Protection – AJ Juneau Dock, LLC: This project is critical to the longevity of the steel infrastructure of the facility and will include the installation of appropriately engineered zinc cathodic protection.</p>	160.4	-	-	-	-	-	160.4
<p>Canvas Replacement – AJ Juneau Dock, LLC: The canvas sections for the AJ covered areas, including the dock entrance and staging area, have been patched and portions replaced but the canvas life has expired and is now due for a full replacement.</p>	10.0	-	-	-	-	-	10.0
<p>Security Gates – AJ Juneau Dock, LLC: The AJ dock has four road access points. When</p>	48.0	-	-	-	-	-	48.0

the facility is not in use portable barriers are placed at these locations to enhance port security and deter vandalism. This project will construct swing gates at each access location that can be closed when the facility is not in use.							
Permanent Covered Walkway – AJ Juneau Dock, LLC: This project would redesign the covered pedestrian ramp so that it has a permanent cover to protect the electrical lighting fixtures and block the southeast wind.	48.0	-	-	-	-	-	48.0
Covered Walkway Side Panels – AJ Juneau Dock, LLC: In FY12 the AJ dock received funding to cover the AJ dock access ramp walkway with a permanent cover to replace the deteriorating canvas cover. Included in this project design are side panels to block the prevailing wind and rain. However the panel material costs are much more expensive than anticipated. This project will purchase and install these side panels. This project would also provide side panels for the newly constructed covered walkway leading to the atrium.	-	-	-	120.0	-	-	120.0
Tour and Information Kiosk and Shuttle Kiosk – AJ Juneau Dock, LLC: This will fund the initial planning and design of two kiosks.	32.0	35.0	-	-	-	-	67.0
Grey Water Connection and CBJ Lift Station Improvements – AJ Juneau Dock, LLC: Preliminary engineering work for this project has been completed. This connection could be operational for the 2012 if the Thane Treatment Plant could be upgraded to handle the	318.0	-	-	-	-	-	318.0

increased volume. This estimate provides a portion of the funding for construction, engineering, utility easement, permits and design.							
Security Camera Expansion – AJ Juneau Dock, LLC: This project provides funding to purchase additional cameras to cover the entire dock. Grant funding received only provided partial funding.	-	-	30.0	-	-	-	30.0
Electrical Winches – AJ Juneau Dock, LLC: This project provides funding to purchase and install three electrical winches on mooring bollards which currently do have a mechanical means of lifting ships mooring lines out of the water. The mooring lines are becoming increasingly larger and more difficult to manage by traditional manual means. This project would enhance ship and local labor safety.	-	-	58.0	-	-	-	58.0
Bear-Proof Garbage Dumpster and Two Bear Proof Trash Cans-AJ Juneau Dock, LLC: This project is a one-time purchase of a bear proof garbage dumpster and two bear proof trash cans. Cost includes purchase, shipping and installation.	-	-	-	7.9	-	-	7.9

Dock Barge Maintenance –AJ Juneau Dock, LLC: This project funds the completion of AJ dock floating barge maintenance for one of two barges at the facility. This project encompasses standard under-hull work, zinc replacements, blasting and painting, towing, remove/replace piling collars, disconnecting/connecting electrical and plumbing and installation of temporary navigational beacons (required by US Coast Guard).	-	-	-	-	300.0	330.0	630.0
AJ Juneau Dock, LLC – TSS Wastewater Monitoring System Upgrade: In order to improve the reliability of the total suspended solids monitoring system, allowing data to be transmitted to the wastewater plant as CBJ requires, and to prevent back flow of wastewater into the system control cabinets, a solenoid valve and water trap need to be added to the air line. This will cover the materials and labor for the improvements needed on this system.	-	-	-	-	-	6.5	6.5
Total AJ Juneau Dock, LLC	700.0	316.8	293.6	203.5	439.4	475.9	2,429.2

2. Franklin Dock Enterprises, LLC							
Restrooms – Franklin Dock Enterprises, LLC: This project provides funding for restroom cleaning and maintenance supplies for cruise ship passenger and public restrooms.	20.0	12.0	15.0	20.0	25.0	25.0	117.0
Security – Franklin Dock Enterprises, LLC: This funding provides training for security personnel to achieve compliance with the Coast Guard required security plan and to construct a new security	100.0	55.0	75.0	85.0	85.0	85.0	485.0

tent for the approach dock.								
Security – Franklin Dock Enterprises, LLC: This project provides funding for the purchase and installation of a weather transmitter station, which allows ships to login and access real time weather conditions in the Juneau harbor. This will increase the safety of harbor operations as ships can know, well in advance, if a tug is required due to wind speed at the dock.	-	2.0	-	-	-	-	-	2.0
Security Gates Franklin Dock Enterprises, LLC: Provide funding to construct an addition to the approach dock awning that will connect the secure area to the public access area, thus creating one continuous covered walkway to provide shelter for passengers and pedestrians utilizing the public and private thoroughfare at the dock and staging area.	-	83.0	-	-	-	-	-	83.0
Security Camera System – Franklin Dock Enterprises, LLC: This will provide funding to upgrade the existing security camera system in order to provide better coverage along the dock, passenger, and public access areas.	-	10.0	-	-	-	-	-	10.0
Dock Resurfacing – Franklin Dock Enterprises, LLC: This will fund replacement of the enamel non-skid surface on the dock with Permacrete which also helps to seal the concrete and minimize future cracking in the concrete dock surface. The original coating is past its useful life.	40.0	-	-	-	-	-	-	40.0
Corrosion Control – Franklin Dock Enterprises, LLC: This will fund cleaning and repainting of areas under the dock which have been subjected	60.0	-	-	-	-	-	-	60.0

to corrosion. It will also be used to take electrolysis measurements on the pilings and add new zinc anodes as necessary to protect the integrity of the pilings.							
Retaining Wall Improvements – Franklin Dock Enterprises, LLC: This project will involve rebuilding the retaining wall from the dock entrance south to the edge of the pavement to combat subsidence and slope failure.	150.0	25.0	-	-	-	-	175.0
Staging Area Improvements – Franklin Dock Enterprises, LLC: This project will replace the canvas top on the covered staging area which has exceeded its useful life.	30.0	-	-	-	-	-	30.0
Parking Area Improvements – Franklin Dock Enterprises, LLC: This project will pave the parking area behind the restrooms.	75.0	-	-	-	-	-	75.0
Staging Area Improvements – Franklin Dock Enterprises, LLC: Funding to provide a cover for the passenger waiting area on the main dock.	25.0	-	-	-	-	-	25.0
Electrical Winches – Franklin Dock Enterprises, LLC: \$96,100 Project Description This would provide funding to purchase and install five electrical winches on mooring bollards which currently do have a mechanical means of lifting ships mooring lines out of the water. The mooring lines are becoming increasingly larger and more difficult to manage by traditional manual means. This project would enhance ship and local labor safety.	-	-	96.1	-	-	-	96.1
Protective Winch Covers- Franklin Dock Enterprises, LLC: This project provides	-	-	-	-	3.5	-	3.5

<p>funding for canvas covers for the line handling, electric winches funded with MPF in 2013-14. The covers will prolong the life of these mechanical devices by protecting from wear and rust caused by salt spray and damp climate conditions.</p>							
<p>Tour Information Booth – Franklin Dock Enterprises, LLC: This project calls for construction of a new tour information booth for excursion personnel to utilize to answer passenger questions and work with local tour operators out of the rain and weather on a daily basis. (much like what was approved/constructed for AJ Dock with Marine Passenger Fee funds in 2011)</p>	-	-	28.0	-	-	-	28.0
<p>Dock Deck Safety – Franklin Dock Enterprises, LLC: This project calls for repair of dock surface in various spots where forklifts have dislodged safety surfacing and left trip hazards. Repair or replace synthetic pedestrian walkway (carpeting) to ensure safe transit of passengers, crew and visitors to and from the shops’ gangways.</p>	-	-	-	25.0	-	-	25.0
<p>Bear-Proof Garbage Dumpster – Franklin Dock Enterprises, LLC: This project is a one-time purchase to provide for a bear proof garbage receptacle for the facility. Cost includes, purchase, shipping and installation.</p>	-	-	-	3.5	-	-	3.5
<p>Total Suspended Solids Monitoring System – Franklin Dock Enterprises, LLC: This project would purchase and install a real time total suspended solids monitoring system, including telemetry/communications</p>	-	-	-	100.0	-	-	100.0

programming which will allow CBJ to monitor wastewater discharged into the CBJ wastewater plant.								
Dock Maintenance and Refurbishment – Franklin Dock Enterprises, LLC: This project provides funding for new brackets and cables to reattach the Yokahama fenders along the dock in order to provide adequate and safe docking buffers along the wooden breasting dolphins. Replacement of 12' x 12' wooden bull rails along dock where they have been damaged.								
Second year funding is to pressure wash, patch, paint and smooth slip/trip hazards on dock surface and re-fill with composite to avoid future cracking, breaking and formation of divots. Repaint surface and apply slip-resistant grout to provide safe and slip-proof pedestrian access. Re-galvanize safety and security barriers. Repair/replace indoor/outdoor carpet on passenger walkways to address same pedestrian access and safety concerns.	-	-	-	-	30.0	29.0	59.0	
TSS Wastewater Monitoring System Upgrade – Franklin Dock: The South Franklin Street Cruise Ship Dock graywater discharge flow and total suspended solids (TSS) monitoring and reporting system was constructed last year at the request of the CBJ Public Works Department. The system provides continuous data to the Juneau Douglas Wastewater Treatment Plant through a radio telemetry system installed with the project. In order to improve the reliability of the TSS monitoring system, allowing	-	-	-	-	-	6.5	6.5	

data to be transmitted to the wastewater plant as CBJ requires, and to prevent back flow of wastewater into the system control cabinets, a solenoid valve and water trap need to be added to the air line. This will cover the materials and labor for the improvements needed on this system.							
Tug Assists for the Franklin Dock: The new floating docks, (16B) are being constructed adjacent to the Franklin Dock. The new docks may impact vessel approaches and departures from the Franklin Dock under certain weather and traffic conditions. In these cases it may be necessary for the vessel to use a tug in order to preserve the safety and security of the vessel and dock structures in the harbor. These funds would be used to reimburse if tug assists or stand byes are needed only for the Franklin Dock.	-	-	-	-	-	70.0	70.0
Total Franklin Dock Enterprises, LLC	500.0	187.0	214.1	233.5	143.5	215.5	1,493.6

3. Goldbelt, Inc.							
Dock, Piling, Electrical and Water Upgrades - Goldbelt, Inc.: \$217,000 Project Description Provide funding to apply zinc, paint and cathodic protection to the dock and pilings. Install a new piling for gangway support and upgrade the potable water system and marine electrical system.	-	-	217.0	-	-	-	217.0
Replacement and Installation of New Gangway – Goldbelt, Inc: This project provides funding for the purchase and installation of a new gangway and reinstallation of potable water lines, pump out lines,	-	-	-	-	230.0	-	230.0

electrical service and cleaning, and spray galvanizing of float hinge plate and a guest staging area.							
Guest Staging Area – Goldbelt, Inc.: This project provides funding to purchase a 20 x 20 frame tent with windows, baseplates for dock mounting, and 3-sidewalls to be used as a guest staging area.	-	-	-	-	8.0	-	8.0
Total Goldbelt, Inc.	-	-	217.0	-	238.0	-	455.0

Tourism Services							
Juneau Convention and Visitors Bureau (JCVB): The JCVB provides summer visitors with information, directions, and assistance. Program expenses include administrative support for training and supervision of 130 volunteers, managing the cruise ship terminal kiosk and Centennial Hall information centers, a paid seasonal visitor information position, and printed materials.	127.0	127.0	142.0	140.0	150.0	160.0	846.0
Tourism Best Management Practices: This provides funding for printing, public notices, advertisements, and a contractual amount for Juneau Convention and Visitors Bureau (JCVB) staff to provide support to the Tourism Best Management Practices (TBMP) effort. TBMP is a voluntary industry-managed program, designed to provide services to vessel passengers and address impacts, including safety issues, of tourism on local residents.	15.0	15.0	15.0	15.0	15.0	15.0	90.0
Downtown Pay Phones: To meet telephonic communications demands from cruise ship passengers and cruise ship crew, CBJ has established a requirement to maintain pay telephones in the	-	-	12.7	12.7	12.7	12.7	50.8

downtown corridor. Docks and Harbors and CHJ Administration maintain the existing downtown pay phones.							
Total Tourism Services	142.0	142.0	169.7	167.7	177.7	187.7	986.8
Grand Totals	4,639.0	4,975.0	4,635.0	4,694.5	4,600.0	5,087.1	28,630.6
	FY12	FY13	FY14	FY15	FY16	FY17	Total

[1] “Identified Airport Operations:” and “Identified Docks and Facilities Operations” are allocated separately from “Identified Government Operations” because the former two are Enterprise Funds that receive no General Fund monies.

Response: CLIAA objects to this RFA as overly broad, unduly burdensome, and compound, as it would require CLIAA to determine the accuracy of innumerable figures and descriptions of those figures. CLIAA further objects as the answer to this RFA may require expert testimony. CLIAA further objects to this RFA to the extent that it calls for ratification of conclusions about how the disputed entry fees are used or budgeted to be used, and that this RFA violates the best evidence rule in that it seeks to assert what is set forth in multiple documents although those documents themselves are the best evidence of what is set forth. Further, CLIAA objects to this RFA as wholly contradictory to the very purpose of a requests for admission, namely, to increase the efficiency of litigation, by excerpting and combining large quantities of information, and divorcing that information from the source or sources from which the information came, and then requesting CLIAA to admit the veracity of that information, when the very sources of that information provide the information. Subject to and without waiving its objections and the Overarching Objections, CLIAA denies this RFA.

REQUEST FOR ADMISSION NO. 53: Admit that the Entry Fees referenced in Paragraph 25 of your First Amended Complaint are paid by the cruise ship passengers as part of each passenger’s price for the cruise.

Response: CLIAA objects to this RFA as compound. Subject to and without waiving its objection and the Overarching Objections, CLIAA denies this RFA. Pursuant to CBJ Code or ordinance, the entry fees are paid by the owner or agent of the ship or vessel.

REQUEST FOR ADMISSION NO. 54: Admit that the Entry Fees referenced in Paragraph 25 of your First Amended Complaint are added to the cost of the passenger's ticket price by your Member companies.

Response: CLIAA objects to this RFA as compound. Subject to and without waiving this objection and the Overarching Objections, CLIAA states that after reasonable inquiry, the information CLIAA knows or can readily obtain is insufficient to enable CLIAA to admit or deny this RFA without qualification. CLIAA's reasonable inquiry included review of information in its possession, custody, and control and review of third-party records available online. By referencing its inquiry efforts in this response, CLIAA does not waive and specifically reserves the right to object to this RFA on the grounds that it requires CLIAA to perform extensive, burdensome, and independent research, including research outside of CLIAA's possession, custody, or control and/or from third-party sources. Further, by referencing its inquiry efforts in this response, CLIAA does not waive and specifically preserves any applicable privilege, including the attorney-client privilege and those protections afforded by the work-product doctrine. Notwithstanding the foregoing, CLIAA admits that, generally, member cruise lines attempt to recover certain external charges, including port fees, through the mechanism of the ticket price.

REQUEST FOR ADMISSION NO. 55: Admit that the Entry Fees referenced in Paragraph 25 of your First Amended Complaint are not paid by your Member companies as an out of pocket expense by the companies.

Response: CLIAA objects to this RFA as compound. Subject to and without waiving this objection and the Overarching Objections, CLIAA denies this RFA.

REQUEST FOR ADMISSION NO. 56: Admit that the payment of the Entry Fees referenced in Paragraph 25 of your First Amended Complaint does not result in any loss of revenue to any of your Member companies.

Response: CLIAA objects to this RFA as compound. Subject to and without waiving this objection and the Overarching Objections, CLIAA states that after reasonable inquiry, the information CLIAA knows or can readily obtain is insufficient to enable CLIAA to admit or deny this RFA without qualification. CLIAA's reasonable inquiry included review of information in its possession, custody, and control and review of third-party records available online. By referencing its inquiry efforts in this

response, CLIAA does not waive and specifically reserves the right to object to this RFA on the grounds that it requires CLIAA to perform extensive, burdensome, and independent research, including research outside of CLIAA's possession, custody, or control and/or from third-party sources. Further, by referencing its inquiry efforts in this response, CLIAA does not waive and specifically preserves any applicable privilege, including the attorney-client privilege and those protections afforded by the work-product doctrine. Notwithstanding the foregoing, CLIAA admits that, generally, member cruise lines attempt to recover certain external charges, including port fees, through the mechanism of the ticket price.

REQUEST FOR ADMISSION NO. 57: Admit that no passenger who has paid the Entry Fees referenced in Paragraph 25 of your First Amended Complaint has authorized you to file this lawsuit against the City and Borough of Juneau.

Response: CLIAA objects to this RFA as irrelevant to the issues in this case: whether CBJ's entry fees and use thereof are lawful. CLIAA further objects to this RFA as irrelevant, as it is the cruise ship, not the passengers, who are liable to CBJ for its entry fees. CBJ would have no recourse against a passenger if its entry fees were not paid. Subject to and without waiving its objections and the Overarching Objections, CLIAA denies that any passenger has paid the entry fees to CBJ. CLIAA admits that it has not sought and has not received authorization from any passenger on an Alaska cruise to file this lawsuit against CBJ. CLIAA denies each and every remaining allegation in this RFA.

DATED: January 9, 2017

By: /s/ C. Jonathan Benner

C. Jonathan Benner (*pro hac vice*)

Kathleen E. Kraft (*pro hac vice*)

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Association Alaska and Cruise Lines International
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CERTIFICATE OF SERVICE

I certify that on January 9, 2017 (ASKT), I caused a true and correct copy of the foregoing document to be served on:

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/s/ Kathleen E. Kraft

Kathleen E. Kraft