



The Pre-Summit Workshop:

RISKS & REWARD

Successful Public-Private Partnerships For Port & Intermodal Improvements

The critical need for renovation and growth in North America's port and intermodal infrastructure coupled with the diminished availability of traditional financing structures has initiated a budding courtship between the public and private sectors. However, before a mutually satisfying consummation can be reached, there are a wide variety of risks that must be addressed and surmounted. Only by building understanding and establishing rapport between these two disparate communities can a solid structure be formulated to develop solutions that work and turn risks into reward.

The Workshop will address three unique areas. The first will be "Background & Context" in which a pertinent history of the port and intermodal environment will be explored and explained. The second, "Identifying Risk," will examine five of the most prevalent and challenging areas of risk. The final portion of the Workshop will address the most current "Financial Structures & Considerations" and how they can best be employed to secure a successful partnership.

In short, the Workshop will offer a "something for everyone" format; attendees from the port and intermodal community will receive valuable insight into potential financial structures and the challenges to achieving them while attendees from the financial community will obtain a tutorial on the background and risk involved in financing port and intermodal investments.

9:00 – 9:30 **BACKGROUND & CONTEXT**

Port and intermodal investments will occur within a unique environment which must be properly appreciated for a successful financing to be established. Issues to be addressed will include:

- Port and intermodal historic development
- Port ownership and operations
- Intermodal ownership and operations
- Regulatory and legal framework
- Political and stakeholder influences

John Flaherty, Principal, THE CARLYLE GROUP

IDENTIFYING RISK

Five of the most challenging risks will be examined and, for each one, the following elements will be explored:

- The nature of the risk
- The quantification of the risk
- The allocation of the risk
- The mitigation of the risk (natural, external or contractual)

9:30 – 10:15 ECONOMIC/FINANCIAL RISK (GLOBAL/COUNTRY)
Doug Rubin, *Head of Surface Transportation Analysis*,
MOFFATT & NICHOL ECONOMICS

10:15 – 11:00 CONTRACTUAL RISK
Corey Boock, *Partner*, NOSSAMAN LLP

11:00 – 11:15 *Refreshment Break*

11:15 – 12:00 REGULATORY RISK
Margo Bennett, *Partner*, NOSSAMAN LLP

12:00 – 12:45 FOREIGN INVESTMENT RISK
Simeon M. Kriesberg, *Partner*, MAYER BROWN LLP

12:45 – 2:00 *Luncheon*

2:00 – 2:45 ENVIRONMENTAL RISK
Kathryn Kusske Floyd, *Partner*, MAYER BROWN LLP

FINANCIAL STRUCTURES & CONSIDERATIONS

The Workshop concludes with an examination of the most current tax considerations and innovative financial structures. In addition to exploring alternative financial models it will review the criteria necessary to select the appropriate one (including but not limited to project finance, public private partnerships or concession finance) in light of the attendant risk.

2:45 – 3:30 TAX CONSIDERATIONS
Jay Zukerman, *Principal*, ERNST & YOUNG

3:30 – 3:45 *Refreshment Break*

3:45 – 4:30 FINANCIAL STRUCTURES
Charles Robinson, *Partner*, FRESHFIELDS BRUCKHAUS DERINGER

4:30 - *Adjourn*