

BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND PILOTS,

Respondent.

**DOCKET TP-190976**

**CROSS-EXHIBIT FOR**

**Ivan Carlson**

**PSP Response to UTC DRs 17, 24, 28, 31, and  
PSP Response to PMSA DRs 42, 79, 84, 85, 97, 98, 107, 110, 112, 116, 122, 179,  
188, 220, 224, 229, 231, 242, 310, 318, 420, 472, 475, 476, 479, 481, 491, 496, 497,  
498, 499, 502, 506, 507, 513, 525, 537**

***August 7, 2019***

DATE PREPARED: February 3, 2020	WITNESS: Captain Ivan Carlson
DOCKET: TP-190976	RESPONDER: Captain Ivan Carlson
REQUESTER: Scott Sevall	Puget Sound Pilots

**UTC STAFF DATA REQUEST NO. 17:****Referring to Exhibit IC-1T, Captain Ivan Carlson**

At page 1, lines 14-15 of Exh. IC-1T, you state “The role of VP is a huge responsibility for PSP that over time has evolved into a full-time job.” Please provide a breakdown of how many hours you spend providing “VP responsibilities” and how many hours you spend providing maritime pilotage.

**RESPONSE TO DATA REQUEST NO. 17:**

PSP does not track my hours spent in the office or otherwise worked as Vice President, but the following is a breakdown by days worked:

In 2019, I was on-duty a total of 184 duty days. However, I performed administrative duties for PSP on a total of 226 days. In addition to those 226 days serving administratively as Vice President, I was assigned 32 times to move ships, 11 of which were during my respite period.

Although hours spent administratively as V.P. are not tracked, my time spent in 2019 moving vessels, not including repositioning or time at the pilot station awaiting an assignment, was 329 hours.

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**UTC STAFF DATA REQUEST NO. 24:  
Referring to Exhibit IC-02, Captain Ivan Carlson**

In your testimony you provide exhibit IC-02 labeled “Pilots Burning Callback Days 2019” showing the use of callback days during 2019.

- (a) Please explain the purpose for calculating column 6, labeled “2 distribution days (CD+ Respite Day) per comp day for funding purposes”
- (b) If the number in that column is used to calculate any portion of the revenue requirement please identify the location of the calculation and specific expense line on the income statement that is being adjusted.

**RESPONSE TO DATA REQUEST NO. 24:**

Response to (a): In calculating the value of a Callback Day for purposes of pilot distribution, each Callback Day amounts to two days on distribution. This is because each day a pilot is a member of PSP, the pilot is entitled to one day’s worth of distribution, and because each day on-duty earns a day off-duty. When a pilot uses a Callback Day, he or she does not work one day on-duty, but the corresponding day off-duty remains on the duty schedule. Thus, in calculating the days on distribution that a Callback Day is worth, we must consider both the day on-duty that a Callback Day represents, and the day off-duty that comes with it.

Response to (b): The number in column 6, referenced in the question, was not used to adjust the revenue requirement. The revenue requirement was, however, adjusted based upon the projection of the minimum number of pilots who will be burning Callback Days in 2020, included on page 2 of Exhibit IC-3. An amount equal to the minimum number of pilots who will burn Callback Days in 2020 (2.95) times the DNI per pilot (\$500,000) was added to the revenue requirement in order to fund those pilots burning Callback Days as an expense.

This amount was not treated as a line item of expense in the statement of operations/pro-forma because the cost to PSP’s active working pilots of funding pilots burning Callback Days has not been historically accounted for as an expense. Therefore, there was no stated expense in PSP’s statement of operations to adjust. Nonetheless, in order to account for future costs to PSP of funding distribution to pilots burning Callback Days, the total distributive income was adjusted upward to include this additional cost.

DATE PREPARED: February 21, 2020	WITNESS: Ivan Carlson
DOCKET: TP-190976	RESPONDER: Ivan Carlson
REQUESTER: UTC Staff	Puget Sound Pilots

**UTC STAFF DATA REQUEST NO. 28:**

Please explain why there have been an “insufficient” number of active pilots since 2018. Please also list the “variety of circumstances” and provide support. See page 7, lines 16-18, IC-1T.

**RESPONSE TO DATA REQUEST NO. 28:**

Objection. PSP objects to the extent this request seeks a full and complete response to the explanation of why there have been insufficient pilots, as there are a large number of factors that contribute to whether there are sufficient numbers of active pilots.

Subject to and without waiving the foregoing objections, PSP responds as follows:

The specific testimony to which this request refers relates to the number of pilots needed to move ships without delays, and my answer will be limited to explaining how many pilots are needed to be sufficient to move ships on time without delays.

Without getting into numerical detail, the number of pilots needed to move ships without delays is simply the number needed so that on days or times with surges in demand there are enough rested pilots to move all of the ships that request a pilot. For example, if there are 35 or 40 assignments on a given day (counting multiple harbor shifts that can be performed by a single pilots as only one assignment), it will take 35 or 40 active pilots who are rested and available for duty to move those ships on time. However, when PSP has only 50 pilots, due to the traditional watch schedule pilots follow, there are likely less than 25 who are on-duty on a given day. Pilots also have commitments other than moving ships (e.g., BPC and BPC Committee Meetings, training, upgrade trips) that reduce the number of active pilots available to move ships at particular times of day and days of the week. Thus, the number of pilots actually required to move those ships include on-duty pilots and off-duty pilots.

Since 2018, there has been a steady increase in the number of orders for pilots that cannot be met on time due to the lack of a rested and available pilot for the time a pilot is ordered. Thus, by that standard, there are insufficient active pilots.

Again, the reasons there have been an insufficient number of active pilots are numerous, and I may not be able to address all of them, but I will attempt to address those of which I am aware.

One of the major reasons PSP was unable to move all ships on time in 2018 was the lengthening of the rest period between assignments that first occurred in 2015. At that time, PSP acted on fatigue management recommendations to increase rest between assignments from the six hours

required by statute to 8 hours. At the same time PSP also implemented a restriction on the number of consecutive night shifts, limiting them to three. Although those changes decreased the availability of individual pilots to move ships (obviously each pilot is unavailable during their rest period), the BPC did not increase the number of pilots at that time.

In October of 2018, by the issuance of a policy statement, the BPC further lengthened the mandatory rest period between assignments from 8 hours to 10, and placed a 13-hour limit on the number of hours a pilot may spend performing multiple harbor shifts. *See* the Board of Pilotage Commissioner's October 18, 2018 Statement of Policy, produced with file label DR 28 – BPC Fatigue Management Policy.pdf, with bates number PSP\_003174.

Each of the rest policies approved by the BPC was later adopted by the legislature as an amendment to the mandatory fatigue management rules set forth in RCW 88.16.103 in 2019. *See* House Bill 1647 (2019), produced with file label DR 28 - House Bill 1647 (2019).pdf and bates number PSP\_003175.

Although PSP fully supported these rest rule changes to reduce the risk of a fatigue-related marine incident, the result of the change in rest rules was a reduction in the total amount of time each pilot is available to move ships.

Another factor that I believe caused the insufficiency of the number of active pilots starting in 2018 was the number of retirements and pilots who were unfit for duty due to major medical issues. Although the Board of Pilotage Commissioners had, until July 2019, authorized there to be 52 licensed pilots (in July 2019 that number was increased to 56), during 2018, PSP frequently had fewer than 50 pilots and averaged even fewer pilots who were fit for duty. Even though the BPC's Training and Evaluation Committee has been working diligently to train new pilots for licensing by the BPC, the rate at which new pilots have been licensed has been inadequate to keep up with retirements. That means there are fewer total pilots available to move ships.

Although I cannot quantify the effect on the number of necessary pilots, yet another factor that could contribute to the insufficiency of the number of active pilots is that some pilots choose not to work as many callback days as others. As I mentioned, during times of peak demand, PSP currently must rely heavily on off-duty pilots to accept callbacks in order to move ships on time. However, pilots are not required to work on their time off. In fact, our dispatchers frequently have to call a number of off-duty pilots to find one willing to take a callback job because those jobs can be so disruptive to a pilot's family life (among other reasons I addressed in my testimony). For that reason, we strongly believe that it is necessary to increase the number of licensed pilots and reduce the historic and heavy reliance on off-duty pilots to move ships. In the interim, however, when fewer off-duty pilots are willing to work callback jobs, it contributes to the insufficiency of the number of licensed pilots.

Another reason why there have been insufficient pilots is that requests to increase the number of pilots have always been a contentious at the Board of Pilotage Commissioners. Since I first

became a Puget Sound Pilot in 2006, PMSA has consistently argued against increasing the number of pilots.

By way of further answer, I am including some specific examples of circumstances where ships were delayed awaiting pilots that were included in PSP's submission to the BPC when the BPC last set the number of authorized pilots in 2019:

Below, are four examples of situations in which PSP had insufficient pilots to meet the demand, quoted from PSP's 2019 submission to the BPC as part of its request to increase the number of licensed pilots:

### Example 1 – July 7, 2018

Watch*	Pilot Delays	Customer Delays	Cancel	Vessel Assign.	Repos	CTJ/Pilots*	CDT*	Meetings/ Training	MM*	DNC*
21	1	4	0	25	4	10/8	4	0	2	8
*Watch = Pilots scheduled to be on-watch, including pilots on major medical; CTJ/Pilots = Callback jobs/pilots working Callback jobs; CDT=Callback Days taken; MM = pilots on major medical; DNC = pilots off-duty and unavailable for Callbacks										

On July 7, 2018, a vessel was delayed three hours due to the lack of an available rested pilot. A pilot was requested (“ordered”) for an assignment with an order time of 04:30, but no pilot was available to move the vessel until 07:30.

In this instance, there were 25 vessel assignments that day, with 21 pilots who were scheduled for duty. In addition to the above-average demand for pilotage service, there were also four delays by customers of between of 8-12 hours each, that tied up available pilots. The scheduled pilots were further reduced with two pilots unavailable on major medical leave (one on-duty and one off-duty), eight pilots off-duty who were not available for Callbacks, four on-duty pilots who took Callback Days (i.e., used earned Callback Days to take a day of respite), and 4 repos. Making up for the shortfall in available on-duty pilots were eight off-duty pilots working 10 Callback jobs and three on PPW. However, Callbacks were unable to provide complete relief for the high demand that day because of even higher demand the day before. On July 6 there were 34 assignments that lead to 20 pilots taking mandatory rest beyond the call time for the 04:30 assignment on July 7. As a result, PSP had no choice but to delay that vessel assignment on July 7 until 07:30.

### Example 2 – July 20, 2018

Watch	Pilot Delays	Customer Delays	Cancel	Vessel Assign.	Repos	CTJ/Pilots	CDT	Meetings/ Training	MM	DNC
22	2	3	0	24	8	11/6	4	0	2	8

Another example of vessels delayed awaiting pilots occurred on July 20, 2018. On that date, two vessels were delayed: one was delayed from 14:30 to 17:00, and another was delayed from 17:00 to 18:30.

On July 20, there were 22 on-duty pilots scheduled to perform 24 vessel assignments and eight repos. However, pilot availability was reduced by three customer delays between four to seven hours each, four pilots taking Callback Days, two pilots out on major medical, and eight pilots who were unavailable for Callbacks. Six pilots did perform Callbacks, for a total of 11 jobs.

As with the delay on July 7, the shortage of available pilots was exacerbated by high demand the preceding day: there were 27 assignments on July 19. Of those 27 assignments, 17 pilots had check-in times that required rest well into July 20, leaving an inadequate number of rested pilots to avoid a delay.

### Example 3 – August 6, 2018

Watch	Pilot Delays	Customer Delays	Cancel	Vessel Assign.	Repos	CTJ/Pilots	CDT	Meetings/ Training	MM	DNC
21	1	1	1	13	6	2/2	6	2	2	2

On August 6, 2018, a single vessel was delayed awaiting a pilot. That vessel ordered a pilot for 15:30, but no rested pilot was available until 12:00 on August 7, a delay of 20.5 hours. Before delaying the vessel the lack of available pilots was discussed with the vessel's agent, who was accepting of the delay due to the nature of the assignment.

Although 21 pilots were scheduled to be on-watch, on August 6, the available pilots were reduced by one customer delay of 1-2 hours, one cancellation, two pilots on major medical, six on-duty pilots taking Callback Days and two pilots attending meetings. Despite that this delay occurred on a day with relatively low demand (only 13 assignments) it nonetheless resulted from insufficient rested pilots available to take an assignment.

On this occasion, the principal driver of the extreme pilot shortage was the need for pilots to obtain rest in advance of Train the Trainer meetings scheduled by the Board<sup>1</sup> for 08:00 August 7, which PSP had recommended be scheduled at a slower time of year. Six pilots attended the meeting (two on-duty, three off-duty, and one on major medical), and in order to ensure compliance with rest rules, none were available to take an assignment with a late check-in time on August 6. PSP also had a regularly scheduled Board Meeting at 09:00 on August 7, attended by two on-watch pilots and four off-watch pilots, which further reduced pilot availability on the afternoon of August 6. Combined with a number of assignments commencing late on August 5 and early on August 6, there were simply no rested and available pilots to take the assignment until August 7 at 12:00.

<sup>1</sup> The "Board" as used here referred to the BPC.

**Example 4 – August 24, 2018**

Watch	Pilot Delays	Customer Delays	Cancel	Vessel Assign.	Repos	CJ/Pilots	CDT	Meetings/ Training	MM	DNC
21	4	2	0	24	2	6/6	3	1	2	12

Four vessels were delayed awaiting pilots on August 24, 2018: (1) a bulk ship was delayed starting at 22:00 on August 23 until 0:300 on August 24; (2) a container ship was delayed from 03:00 to 07:00; (3) a tanker was delayed from 08:00 to 09:00; and (4) one ATB was delayed from 16:00 until 19:00.

This was yet another high-demand day, with 24 assignments and two repos, completed when only 21 pilots were scheduled for duty. However, the available pilot pool was reduced by two on-watch pilots on major medical, three pilots taking Callback Days, two customer delays of 2-4 hours each, one upgrade trip performed by an off-duty pilot, and 12 pilots unavailable for repositioning.

Despite the fact that six pilots accepted a total of six Callback jobs, again, each of these delays was the result of the lack of available rested pilots following a day with high demand. In this instance, there were 28 assignments on August 23, and the check-in times for those assignments resulted in pilots taking mandatory rest on August 24. Those rest intervals ended between 02:00 and 17:30 on August 24, leaving an insufficient number of rested on-duty pilots to provide board-on-arrival service without delay.



DATE PREPARED: February 21, 2020	WITNESS: Ivan Carlson
DOCKET: TP-190976	RESPONDER: Ivan Carlson
REQUESTER: UTC Staff	Puget Sound Pilots

**UTC STAFF DATA REQUEST NO. 31:**

Is the cost of a pilot different when the pilot is called back?

**RESPONSE TO DATA REQUEST NO. 31:**

I assume this request refers to invoice cost to a ship for a vessel assignment and will answer accordingly. The invoiced charge to a ship does not vary based on whether the pilot is on-duty or off-duty performing a callback.

DATE PREPARED: February 18, 2020	WITNESS: ERIC VONBRANDENFELS
DOCKET: TP-190976	RESPONDER: ERIC VONBRANDENFELS
REQUESTER: PMSA	PUGET SOUND PILOTS

**PMSA DATA REQUEST NO. 42:** Regarding Exh. EVB-1T p. 17, lines 7-14 (referencing various “functions” performed in the office), please provide documentation of any Board of Pilotage Commissioners decision requiring a licensed pilot to perform such office functions.

**RESPONSE TO DATA REQUEST NO. 42:**

PSP objects to the form of this request as being argumentative in nature, assumes the BPC controls the affairs of PSP, and is not a good-faith request for relevant information.

Subject to and without waiving the foregoing objection, PSP responds as follows:

There are no documents known to be responsive to this request.

DATE PREPARED: March 3, 2020	WITNESS: Ivan Carlson
DOCKET: TP-190976	RESPONDER: Ivan Carlson
REQUESTER:	Puget Sound Pilots

**DATA REQUEST NO. 79:** Please state how many assignments were missed by the PSP Vice President since 2015 and how many callbacks were generated by the Vice President missing an assignment.

**RESPONSE TO DATA REQUEST NO. 79:**

Objection. This request is misleading because it improperly assumes that an assignment is “missed” when the PSP Vice President is fulfilling administrative duties. That is incorrect, and time spent on administrative duties for PSP is expressly considered by the Board of Pilotage Commissioners in assessing the appropriate number of pilots pursuant to WAC 363-116-065. Accordingly, for purposes of dispatch practices and fatigue mitigation, when the Vice President spends time fulfilling administrative duties to PSP, PSP correctly considers it an “assignment.”

Setting aside administrative duties and assuming the Vice President simply “missed an assignment” during the time period stated, PSP is nonetheless unable to provide a response to any data request seeking information about the cause of an individual callback job. While the general cause of callbacks is always the unavailability of rested on-duty pilots, there are frequently multiple reasons there are insufficient rested pilots at the time each callback job occurs, including but not limited to cancellations, order changes, and delays. Thus, answering any question that implicates the “cause” of a callback requires complex analysis of multiple factors, and a lengthy explanation as to each callback. As a result, if PSP were to attempt responding to this data request under the incorrect assumptions made by PMSA, it would place an undue burden on PSP.

Subject to and without waiving the foregoing objections, and further limited to the period of time after January 1, 2016 (the period during which reliable dispatch information is available) PSP responds as follows:

Response to (1):

The PSP Vice President has not missed any vessel assignments for which he was dispatched.

Response to (2):

N/A

DATE PREPARED: March 3, 2020	WITNESS: Ivan Carlson
DOCKET: TP-190976	RESPONDER: Ivan Carlson
REQUESTER:	Puget Sound Pilots

**DATA REQUEST NO. 84:** Regarding Exh. IC-1T, p. 3 line 1, please provide documentation of industry's "historic insistence upon use of off-duty pilots."

**RESPONSE TO DATA REQUEST NO. 84:**

Objection. Providing a comprehensive response to this request would require a thorough review of numerous historic records, which would consume an even larger amount of time than responding to these voluminous, repetitive and burdensome requests is already consuming. Such a comprehensive review is not justified.

Subject to and without waiving the foregoing objections, PSP responds as follows:

There are a number of sources demonstrating industry's historic reliance on use of off-duty pilots. The following supplies documentation of industry's historic insistence upon use of off-duty pilots:

By letter dated May 4, 1995, a representative of ARCO Marine, Inc. wrote to the following to the Board of Pilotage Commissioners:

**The establishment of any format to gauge a pilot level is partially dependent on the association's management having the flexibility to provide service in times of high volume movements. Essentially, this is accomplished by calling back pilots not on assigned duty and compensating them with time off in the future. Comp day accumulation should be seen as, and rewarded as, an efficiency within the pilot organization. It allows the association to operate with an adequate level of pilots while being able to meet the irregular schedule of vessel arrivals. Currently, comp days are carried in the notes to the financial statements as an unfunded liability. We believe that comp days should be fully funded either in the current year or retrospectively in the following year. Individual pilots should be able to receive compensation exclusive of the target net income, or bank the days and the compensation go to a funding account for future use. We understand that this to be an issue to which the pilots should agree internally, and see this as a major item for future discussion. Therefore, we support the current method of banking comp days for future use.**

See May 4, 1995 letter, p. 2, with file label 'PMSA DR 84, ARCO letter 1995.pdf,' and commencing on bates number PSP\_004261.

Based upon the agreement of industry representatives like ARCO and the Puget Sound Steamship Operators Association, PSP has long been staffed below the level of pilots needed to minimize use of callbacks in order to increase efficiency during off-peak season. However, even when increased rest periods and other factors have resulted in decreased pilot availability, PMSA has consistently resisted any increase in the number of pilots, while obviously understanding the result would be continued reliance on the callback system.

As an example of that acknowledgement, in its 2006 tariff submission to the BPC, PMSA called the use of callbacks a win/win and later in the same document advocated for funding 1.2 pilots burning callback days in rates:

**Comp Day Relationship to Pilot Staffing**

The use of comp days provides an opportunity to staff below peak demand if done reasonably. It makes good sense and provides a “win/win” situation. When looking at the dollars involved, we believe that comp day incentives are already substantial. However, we are looking at ways that the comp day system could be restructured to potentially move the incentives from the distant future to the immediate present. At the same time, we anticipate that the Commission will be looking more deeply into workload and comp days when determining methodologies for setting pilot levels.

- This proposal is designed to fund 52 pilots plus a president plus 1.2 pilots worth of comp time. We chose the number 53 based on information presented by the TEC in past Board meetings as the most likely number of PSP pilots working during the tariff year. Now that the MOU has expired and the Board is setting the

See PMSA's Tariff Submission, p. 16 and produced with file label “DR 84 - PMSA Response to BOPC 2006 Tariff.pdf” and bates numbers commencing on PSP\_004294.

PMSA also suggested that callbacks be made mandatory to avoid a need for additional pilots in response to new fatigue management policies considered by the Board of Pilotage Commissioners in 2018. In a letter dated August 15, 2018, Mike Moore of PMSA wrote the following, arguing that pilots should be required to accept callback assignments:

- The two watch system is not a good fit for assignments that are seasonal and that fluctuate from day to day without some level of mandatory call backs per pilot. Lifestyle pilots refusing to take call backs diminishes the call back relief valve which in part serves to address the inefficiencies of a rigid two watch system particularly when considering the seasonality issues. Again, shouldn't the BOPC insert some policy on this regard since the Pilotage Act calls for efficiency?

See PMSA letter dated August 15, 2018, p. 2, produced with file label “PMSA DR 84 PMSA Fatigue Management Comment Memo 081518.pdf” and commencing on bates number PSP\_004291.

Finally, when PSP sought to increase the number of pilots in 2019, PMSA representative Mike Moore argued in PMSA's submission to the BPC that certain pilots who preferred not to work as many callbacks as other pilots (who were unfortunately referred to as "lifestyle pilots") should be expected to take more callback assignments rather than increase the number of pilots:

**"Lifestyle Pilots" – No Call Backs?**

In the past year a new term has emerged: a "lifestyle pilot." Apparently, a "lifestyle pilot" doesn't want to or chooses not to take call backs. The inefficiencies of the PSP two-watch system does not require everyone on duty to be available for dispatch. This new dynamic is a troublesome issue. It is imperative that the BPC addresses the "lifestyle pilots" phenomenon within the context of setting of the number of pilot licenses.

See letter dated May 6, 2019 to the Board of Pilotage Commissioners, produced with file label "PMSA DR 84 - PMSA Submission 2019.pdf" and bates numbers commencing on PSP\_004266.

Mr. Moore's arguments to the BPC regarding the number of pilots similarly focused on how troubled he was that certain pilots would not work as many callbacks, which he suggested meant that pilots would not be able to work the Target Assignment Level of 145 assignments per pilot. Obviously this suggested that pilots working as many assignments as 145 had long been working callback assignments as a component of their target level. Mr. Moore went on to suggest that there should be a minimum mandatory number of callbacks each pilot should be required to work. Specifically, Mr. Moore argued the following (roughly transcribed):

We don't know the comp day reality of how many, I never even heard that term lifestyle pilot if that has all of a sudden grown to 20 pilots not gonna take a comp day that means by definition there are going to be less than 145 and everyone else is gonna be more than 145 cause were not doing any callbacks we don't have that data and part of the process here that's problematic is that you have all the data and we get a lot of data these spreadsheets are great, but you still have all the data. So if have questions like how many lifestyle pilots refuse all callbacks. We don't have that you have that. That's, that's in a process and you have your attorney here but in a process where we don't have a means by discovery to say here's some questions you gotta provide this data and have somebody adjudicate whether or not that's a relevant piece of information. We don't have it, you know, if you don't provide it we don't have it and is that a problem, should, should there be a mandatory number of callbacks for all pilots or should some pilots do 60 callback and other pilots do 7 or whatever you high was 120, 120 um 120 versus 9 is what I think I was told. That's a pretty big variance.

See the file produced with file label PMSA DR 84 –Audio 2-21-19 part 2 of 4.WMA, and bates number PSP\_004265.

DATE PREPARED: March 3, 2020	WITNESS: Ivan Carlson
DOCKET: TP-190976	RESPONDER: Ivan Carlson
REQUESTER:	Puget Sound Pilots

**DATA REQUEST NO. 85:** Regarding Exh. IC-1T, p. 3 lines 6-24 and p. 4 lines 1-2, please provide the instructions and policies in effect in 2019 that PSP provided to dispatchers who manage orders for pilotage services and all ordering policies and instructions provided to pilotage customers.

**RESPONSE TO DATA REQUEST NO. 85:**

Objection. This request is unreasonably duplicative and cumulative of multiple other data requests. Based upon the number and repetitiveness of the data requests served, these requests appear to be designed to harass rather than seek new substantive information.

Subject to and without waiving the foregoing objection, PSP responds as follows:

**Response to Subpart (1), requesting “the instructions and policies in effect in 2019 that PSP provided to dispatchers who manage orders for pilotage services”:**

See PSP’s Operating Rules, Rules 1, 2, 3, 4, 5, 7, 8 and 10, previously produced with file label “PMSA DR 1 PSP Op Rules (Aug 2018).pdf” and bates number commencing on PSP\_002235. See also, PSP’s amended operating rules (Feb. 2020), produced with file label “PMSA DR 83 - OP-RULES Feb 2020.pdf” and bates number commencing on PSP\_004234.

**Response to Subpart (2), requesting “all ordering policies and instructions provided to pilotage customers.”:**

See Pilot Ordering Information, which document consists of pages published in “Puget Sound Pilots Tides & Currents.” Those pertinent pages are being produced with file label PMSA DR 80 - Ordering a pilot Puget Sound.pdf and bates number commencing on PSP\_004227.

DATE PREPARED: March 3, 2020	WITNESS: Ivan Carlson
DOCKET: TP-190976	RESPONDER: Ivan Carlson
REQUESTER:	Puget Sound Pilots

**DATA REQUEST NO. 97:** Regarding Exh. IC-1T, p. 5 lines 16-25, please provide documentation of whether PSP implemented an eight-hour rest period following an assignment of seven or more hours and, if so, please state the date it was implemented.

**RESPONSE TO DATA REQUEST NO. 97:**

*See* The documents produced with file label "PMSA DR 97 - Official Results Ballot 1-15 Rest Rules.pdf" and commencing on the page with bates number PSP\_004339.

The rest rule was implemented by PSP in September 2015.



DATE PREPARED: March 3, 2020	WITNESS: Ivan Carlson
DOCKET: TP-190976	RESPONDER: Ivan Carlson
REQUESTER:	Puget Sound Pilots

**DATA REQUEST NO. 98:** Regarding Exh. IC-1T, p. 5 lines 16-25, please state the number and percentage of assignments impacted by increasing the rest period from eight hours to ten hours.

**RESPONSE TO DATA REQUEST NO. 98:**

Objection. This request does not appear to be related to the testimony provided on the cited page. Further, this request does not include any appropriate time constraints. Further, fully responding to this request would require an intensive analysis of data, and to the extent the answer is not already supplied in the Puget Sound Pilot Fatigue Study produced by NASA and the San Jose State University Research Foundation, PSP would be required to undergo an undue burden in providing a response.

Subject to and without waiving the foregoing objection, PSP responds as follows:

All round-trip cruise assignments were impacted by the increase in rest period from eight to ten hours, because recent cruise ship schedules have not permitted pilots the full 10 hours' rest mandated between vessel movements to and from the berth in Seattle, and the cabin historically offered to pilots aboard cruise ships was not suitable for obtaining 8 hours' sleep.

Further analysis of the impacts caused by the expanded rest period were addressed in the referenced Puget Sound Pilot Fatigue Study Report, which is being produced with file label "PMSA DR 98 - Puget Sound Pilot Fatigue Study Report (NASA 2019).pdf" and commencing on bates number PSP\_004348.

DATE PREPARED: March 3, 2020	WITNESS: Ivan Carlson
DOCKET: TP-190976	RESPONDER: Ivan Carlson
REQUESTER:	Puget Sound Pilots

**DATA REQUEST NO. 107:** Regarding Exh. IC-1T, p. 8 lines 10-15, please state the number of delays and total delay time for each year from 2010 to present.

**RESPONSE TO DATA REQUEST NO. 107:**

Objection. PMSA's repetitive data requests are unreasonably cumulative and duplicative. PMSA asked for the number of delays in data request 104. Further, PSP lacks reliably accurate dispatch information for the period prior to 2016 and will therefore answer only for 2016 to the present. Further, the request does not specify whether it seeks delays by ships, or delays awaiting pilots. Because the testimony cited refers to delays awaiting pilots, PSP will respond with respect to delays awaiting pilots due to the lack of a rested pilot at the time requested by the ship.

Subject to and without waiving the foregoing objection, PSP responds as follows:

Year	Number of Delays	Hours of Delay
2016	9	9
2017	3	8
2018	70	257
2019	104	285

DATE PREPARED: March 3, 2020 DOCKET: TP-190976 REQUESTER:	WITNESS: Ivan Carlson RESPONDER: Ivan Carlson Puget Sound Pilots
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**DATA REQUEST NO. 110:** Regarding Exh. IC-1T, p. 8 lines 10-15, please state how many delays were due to pilots refusing to take an assignment, including callbacks in 2018 and 2019.

**RESPONSE TO DATA REQUEST NO. 110:**

None of the delays referenced in the cited testimony were the result of an on-duty pilot refusing to take an assignment. PSP does not maintain records from which it could answer how many delays resulted from pilots refusing to take a callback. Pilots on respite or ETO are not required to take callbacks, and may be unavailable for a callback for a variety of reasons. Because PSP does not track reasons pilots are unavailable to accept a callback or whether a pilot declined any particular callback, it cannot fully respond to this request.

DATE PREPARED: March 3, 2020 DOCKET: TP-190976 REQUESTER:	WITNESS: Ivan Carlson RESPONDER: Ivan Carlson Puget Sound Pilots
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**DATA REQUEST NO. 112:** Regarding Exh. IC-1T, p. 8 lines 21-24, please state the number of pilots that met the target assignment level set by BPC without completing callbacks from 2015 to present.

**RESPONSE TO DATA REQUEST NO. 112:**

Objection. There is no apparent connection between the information requested, and the testimony cited, which merely discussed whether pilots are required to work during their respite period. PSP further objects to the time parameters of this request as being overly broad and inclusive of information that is stale or otherwise unhelpful to this rate case.

Subject to and without waiving the foregoing objections, PSP responds as follows:

Year	Number of pilots who performed 145 non-callback assignments
2016	9
2017	2
2018	4
2019	0

DATE PREPARED: March 3, 2020	WITNESS: Ivan Carlson
DOCKET: TP-190976	RESPONDER: Ivan Carlson
REQUESTER:	Puget Sound Pilots

**DATA REQUEST NO. 116:** Please state how many callbacks each year are caused by a pilot taking a comp day from 2015 to present.

**RESPONSE TO DATA REQUEST NO. 116:**

Objection. PSP does not possess reliably accurate dispatch information prior to 2016 and cannot accurately answer questions requiring analysis of dispatch data such as this one for the year 2015. Further, there are almost always multiple factors that contribute to the need to callback a pilot from respite (e.g., ship delays, order time changes, a surge in vessel traffic, mandatory rest periods). Therefore, it is nearly impossible to identify the number of times a callback job was directly and solely caused by a pilot using a callback day. Although it may be literally possible to identify those times a pilot using a callback day contributed to the need for a callback job, doing so would require a review of each of thousands of callback jobs from 2016 to present to determine whether the use of a callback day contributed to each. Thus, providing a response to this request would require an enormous amount of work not justified by the probative value of any response.

DATE PREPARED: March 3, 2020 DOCKET: TP-190976 REQUESTER:	WITNESS: Ivan Carlson RESPONDER: Ivan Carlson Puget Sound Pilots
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**DATA REQUEST NO. 122:** Please state how much additional revenue distribution a pilot receives for a callback assignment in the year it was performed from 2015 to present.

**RESPONSE TO DATA REQUEST NO. 122:**

Each pilot's distribution is based upon the duty days during a given month, not based upon the number of assignments worked by an individual pilot. Thus, no pilot receives income tied directly to the performance of a callback job.

DATE PREPARED: March 6, 2020	WITNESS: Walt Tabler
DOCKET: TP-190976	RESPONDER: Walt Tabler
REQUESTER: PMSA	Puget Sound Pilots

**Data Request No. 179:** Please provide documentation of the exact methods used by PSP to achieve callbacks whereby it “will attempt to find an off-duty pilot who will take the assignment” as referenced at Exh. WT-1T, p. 19, lines 12-13.

**Response to Data Request No. 179:**

Objection. By its wording, this request seeks a full, comprehensive and detailed response which is ill-suited to a data request.

Subject to and without waiving the foregoing objection, PSP responds as follows:

Dispatchers call off-duty pilots who have not been placed on the “do not call” list and request that they accept an assignment and be called back from their respite. The dispatchers continue to call every pilot on the list until one who will accept the callback has been located.

DATE PREPARED: March 6, 2020	WITNESS: Walt Tabler
DOCKET: TP-190976	RESPONDER: Walt Tabler
REQUESTER: PMSA	Puget Sound Pilots

**Data Request No. 188:** Regarding Exh. WT-1T, p. 20, lines 16-23, please provide (1) the calculations which provide the basis for the statement that current levels of pilot fatigue expose industry to “the risk of an accident” and disruption which would “cost millions of dollars,” (2) the documentation underlying and supporting the calculations, (3) an estimation or calculation of the total dollar value associated with the risk of current pilot fatigue which has yet to be reduced, and (4) the calculations which demonstrate that these costs of “millions of dollars” can be “in turn reduce[d]” by “[r]educing pilot fatigue.”

**Response to Data Request No. 188:**

Objection. This request mischaracterizes the testimony of Mr. Tabler, which stated as follows:

Yes. The use of the callback system has historically permitted pilots to be comfortable refusing an assignment if they felt fatigued. Because of the callback system, pilots who are on duty but fatigued, can take a day off without financial penalty. Because callback jobs are voluntary, only those off-duty pilots who feel that they are properly rested take jobs. Reducing pilot fatigue in turn reduces the risk of an accident that would disrupt industry and cost millions of dollars, if not more, and risk significant property and environmental damage. An environmental catastrophe would obviously be very damaging to the long-term prospects of the shipping industry in this state.

Not all such risks are quantifiable, yet they clearly exist. Does PMSA by this request contend that grounding a loaded petroleum tanker would not result in a catastrophic loss costing millions of dollars in business interruption, vessel repair and environmental cleanup costs?

Subject to and without waiving the foregoing objection, Mr. Tabler responds as follows:

There are no specific calculations I relied upon in offering the referenced testimony. Nonetheless, the following documents which support my testimony are being produced:

- 25 Marine Incident Costs.pdf, with bates number PSP\_006872.



DATE PREPARED: March 18, 2020	WITNESS: Dr. Sami Khawaja, PhD
DOCKET: TP-190976	RESPONDER: Dr. Sami Khawaja, PhD
REQUESTER: PMSA	Puget Sound Pilots

**PMSA DATA REQUEST NO. 220:** Please provide a copy of “the data set cleaned by NASA” which was the “primary basis of [the] analysis” as referenced at Exh. SK-1T, p. 6, lines 10-11.

**RESPONSE TO DATA REQUEST NO. 220:**

That information is included in the spreadsheet produced with file “PMSA DR 208-232 PilotAnalysis-110419\_datarequest.xlsx”, bates number PSP\_007271. See tab “workload and recalls.”

DATE PREPARED: March 18, 2020	WITNESS: Dr. Sami Khawaja, PhD
DOCKET: TP-190976	RESPONDER: Dr. Sami Khawaja, PhD
REQUESTER: PMSA	Puget Sound Pilots

**PMSA DATA REQUEST NO. 224:** Regarding Exh. SK-1T, p. 6, lines 21-24, please (1) identify the individual pilots “who did a relatively low number of jobs (<20)”, (2) provide a copy of the datasets used for the simulation both as they existed prior to and as they existed after “those assignments from pilots who did a relatively low number of jobs (<20)” were “converted” “to callbacks to avoid overcounting the number of working pilots,” and (3) demonstrate the number of working pilots prior to the conversion of assignments to call backs.

### **RESPONSE TO DATA REQUEST NO. 224:**

Objection. PSP will not produce information that identifies individual pilots by name as this invades their personal privacy interests.

Subject to and without waiving the foregoing objection, PSP and Dr. Khawaja respond as follows:

The relevant input and documented code files are produced to allow for reproduction of the analyses.

#### **Response to Subpart (1):**

Pilot names were anonymized and not included in the data set. Thus, the individual pilots cannot be identified as requested.

#### **Response to Subpart (2):**

Produced with these responses are relevant input and documented code files to allow for reproduction of the analyses. The file “PSP\_Callback\_Subbing\_Methodology.doc” describes the methodology in detail.

#### **Response to Subpart (3):**

We did not calculate number of working pilots prior to the conversion of assignments to callbacks.

DATE PREPARED: March 18, 2020	WITNESS: Dr. Sami Khawaja, PhD
DOCKET: TP-190976	RESPONDER: Dr. Sami Khawaja, PhD
REQUESTER: PMSA	Puget Sound Pilots

**PMSA DATA REQUEST NO. 229:** Regarding Exh. SK-1T, p. 8, lines 12-20, please provide the calculations and any documentation that establish the basis for the statement that “to add five pilots on watch requires 11 full-time working pilots (5\*2.2),” and please explain the basis for the decision to “add[] NASA study’s estimate of 2 additional pilots required to account for fatigue.”

**RESPONSE TO DATA REQUEST NO. 229:**

Consistent with Data Request No. 26, the 2.2 factor represents the additional 1.2 pilots needed for each on-watch pilot ( $1+1.2=2.2$ ) based on watch schedule. In October 2018, based upon the policy of the Board of Pilotage Commissioners, PSP changed the minimum rest period between assignments from eight hours to 10 hours. The NASA study (p. 41) calculated two additional pilots required to account for these additional rules. Therefore, our analysis also used this to account for fatigue rules in place in 2019.

DATE PREPARED: March 18, 2020	WITNESS: Dr. Sami Khawaja, PhD
DOCKET: TP-190976	RESPONDER: Dr. Sami Khawaja, PhD
REQUESTER: PMSA	Puget Sound Pilots

**PMSA DATA REQUEST NO. 231:** Please provide the basis for the statement at Exh. SK-1T, p. 9, lines 7-9 that “[t]o add administrative pilots . . . we added 2 [pilots].”

**RESPONSE TO DATA REQUEST NO. 231:**

PSP requested that the analysis account for two administrative pilots in the staffing model to account for the president and vice president.

DATE PREPARED: March 18, 2020	WITNESS: Weldon Burton
DOCKET: TP-190976	RESPONDER: Weldon Burton
REQUESTER: PMSA	Puget Sound Pilots

**PMSA DATA REQUEST NO. 242:** Please document how “callback days” and “callback liabilities” are compensated or expensed or are or are not included in the PSP pro forma statements at Exhs. WTB-03, WTB-04, and WTB-05.

**RESPONSE TO DATA REQUEST NO. 242:**

Objection. This question convolutes the previous testimony on this subject and responses to other related data requests.

Subject to and without waiving the foregoing objections, PSP responds as follows:

Callback Days are not expensed. Although they represent a cost to PSP, they are compensated as any other duty day.

DATE PREPARED: April 3, 2020	WITNESS: Jessica Norris
DOCKET: TP-190976	RESPONDER: Jessica Norris
REQUESTER: PMSA	Puget Sound Pilots

**PMSA DATA REQUEST NO. 310:** Regarding the “Comments on 2018 Operations” at Exh. JN-04, p. 22, please provide the factors, methodology, including a definition of “piloting engagements” which specifies all types of situations which are counted as an engagement, and calculations which support the conclusion of line item A.3. that “Piloting engagements” in 2018 equaled 7,325.

**RESPONSE TO DATA REQUEST NO. 310:**

PSP objects to producing documentation of every action taken by the auditor. Cumulatively, such requests are unreasonably burdensome and are unlikely to discover probative evidence. When such requests are not otherwise objectionable, or where PSP will respond despite its objection, a narrative response may be given.

Subject to and without waiving the foregoing objection, PSP and Ms. Norris respond as follows:

Piloting engagements as used in the referenced passage means the provision of pilotage services for which the tariff is applied pursuant to WAC 363-116-300.

The total piloting engagements in 2018 were calculated from the Earned Revenue Reports supplied to the BPC which are available to PMSA.

DATE PREPARED: April 3, 2020	WITNESS: Jessica Norris
DOCKET: TP-190976	RESPONDER: Jessica Norris
REQUESTER: PMSA	Puget Sound Pilots

**PMSA DATA REQUEST NO. 318:** Regarding the “Schedule of Days of Service and Distribution of Pilotage Revenue and Expense” at Exh. JN-04, p. 23-25 and corresponding “Notes to Schedule...” at Exh. JN-04, p. 26, please provide a definition and the factors of calculation for the terms “Days of Service”, “total number of days”, “active pilot” and “pilot roster.”

**RESPONSE TO DATA REQUEST NO. 318:**

PSP objects to producing documentation of every action taken by the auditor. Cumulatively, such requests are unreasonably burdensome and are unlikely to discover probative evidence. When such requests are not otherwise objectionable, or where PSP will respond despite its objection, a narrative response may be given.

Subject to and without waiving the foregoing objection, PSP and Ms. Norris respond as follows:

- 1) Days of Service - Days of service is number of days in the year if a pilot was on distribution the entire year. In 2018, any pilot with less than 365 days of service was a new or retiring pilot.
- 2) Total number of days is the total days of service for each pilot.
- 3) Active pilot – refers to pilots who are eligible for distribution.
- 4) Pilot roster – listing of all pilots eligible for distribution at any given time.

DATE PREPARED: August 3, 2020 DOCKET: TP-190976 REQUESTER: PMSA	WITNESS: Jessica Norris RESPONDER: Puget Sound Pilots
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DATA REQUEST NO. 420: Have you performed a review of the revenue and income levels provided in Capt. Carlson's rebuttal testimony (Exh. IC-4Tr at 42:17-43:16) alleging to represent PSP revenue and income levels for the 12 months ending on June 30, 2020?

RESPONSE TO NO. 420:

No, I have not been asked to do that.



DATE PREPARED: August 5, 2020	WITNESS: Ivan Carlson
DOCKET: TP-190976	RESPONDER: Puget Sound Pilots
REQUESTER: PMSA	

### TESTIMONY OF IVAN CARLSON

DATA REQUEST NO. 472: With respect to your testimony that “the only way to move ships on time is through the use of off-duty pilots” (Exh. IC-4Tr 1:22-23), admit that (a) PSP is the sole entity which determines its own members’ watch and duty schedules, (b) the PSP current watch and duty schedules are not dictated by the State of Washington, and (c) if PSP altered its current watch and duty schedules it could move ships on time without the use of off-duty pilots. If not admitted without qualifications, please describe the basis for denying in whole or in part.

RESPONSE TO NO. 472:

#### **Response to Subpart (a):**

PSP is responsible for establishing its watch schedule and does so consistently with the watch schedules followed by other pilot associations.

#### **Response to Subpart (b):**

The State of Washington has not dictated a work schedule on pilots.

#### **Response to Subpart (c):**

Objection. Subpart (c) to this data request was not properly limited to any particular time period and is thus overbroad. The request further did not provide any particular parameters that would apply to such a watch schedule and thus the question cannot be seriously answered. Does PMSA assume that any watch schedule is possible without any potential ramifications? Under this premise should a 365-day-per-year watch schedule, in which there are no breaks afforded to pilots, be considered? For purposes of responding to this request, PSP will assume it inquired about the results of operations in 2018 and assumed that the watch schedule would provide 181 scheduled work days.

Subject to and without waiving the foregoing objection, PSP responds as follows:

Deny. Considering the significant number of assignments that are worked by off-duty pilots and the erratic nature of vessel arrivals and departures, I cannot conceive of an alternative 181-day watch schedule that could eliminate Callbacks in isolation.

DATE PREPARED: August 5, 2020	WITNESS: Ivan Carlson
DOCKET: TP-190976	RESPONDER: Puget Sound Pilots
REQUESTER: PMSA	

DATA REQUEST NO. 475: Regarding your testimony that “the system is fair because each pilot works the same number of days on watch” (Exh. IC-4Tr 3:1-2), admit that (1) PSP has not demonstrated that any pilot is actually available to work vessels each day that each pilot is on watch, and (2) pilots do not work the same number of assignments during their watch standing periods.

RESPONSE TO NO. 475:

**Response to subpart 1:**

Deny.

**Response to subpart 2:**

Pilots work the number of assignments for which they are dispatched in a rotation system. There are multiple reasons the number of assignments might not be equal, including, among other reasons, pilots being dispatched for multiple harbor shifts and the erratic timing of ship arrivals and departures.

DATE PREPARED: August 5, 2020	WITNESS: Ivan Carlson
DOCKET: TP-190976	RESPONDER: Puget Sound Pilots
REQUESTER: PMSA	

DATA REQUEST NO. 476: Please describe and detail from a financial perspective, including with an evaluation which includes the monetization of the value of the “cost in the form of decreased distribution to the other pilots” referred to in your testimony regarding “whether there is additional distribution to the pilot when a Callback is earned, or there is additional compensation when the Callback Day is used” (Exh. IC-4Tr 5:9-12).

RESPONSE TO NO. 476:

Objection. This compound and incomprehensible data request seeks the creation of a new exhibit in violation of WAC 480-07-400(1)(c)(iii).

Subject to and without waiving the foregoing objection, Capt. Carlson responds as follows:

There is no way to provide a general monetization outside of the time frame of a single month of distribution because each pilot's distribution is calculated and distributed monthly. The formula for distribution is explained in PSP's Bylaws, which PMSA is well aware because Capt. Moore has attempted repeatedly to mis-apply it to pilot's work availability. Based on that formula, if one pilot were credited with an additional day's distribution relative to other pilots, that pilot would receive a greater share of distribution (more dollars) at the cost of the other pilots because the remaining share of the net income pool to be distributed would be reduced. If a pilot takes a day off without having earned a Callback Day to be used, the pilot's share of distribution is reduced under the formula. That would have the opposite effect – the other pilots would earn a larger share. Yet without a revenue requirement calculated in a way that recognizes that the Callback worked represents additional labor, it is the other pilots who essentially pay for the additional labor, and not the ship.

DATE PREPARED: August 5, 2020	WITNESS: Ivan Carlson
DOCKET: TP-190976	RESPONDER: Puget Sound Pilots
REQUESTER: PMSA	

DATA REQUEST NO. 479: Regarding your testimony that “there never was additional revenue representing the additional work performed, nor were rates set in a way that would permit additional compensation in anticipation of pilots’ additional workloads” (Exh. IC-4Tr 7:11-13), please identify any pilotage work performed by PSP for which revenues were not generated by an existing tariff to compensate the pilots for their work. If no such pilotage jobs that did not generate tariff revenues are identified, admit that all pilotage work was paid at the time of service by the vessels receiving service.

RESPONSE TO NO. 479:

Objection. This data request mischaracterizes the difference between current charges for service under a tariff and the methodology by which a revenue requirement is calculated. The distinction renders any attempt to answer this data request unhelpful. Further, the request for PSP to identify jobs for which vessels did not pay is unreasonably cumulative of numerous other requests (see, e.g., PMSA DR 416) and appears designed to harass and annoy rather than serving any legitimate discovery purpose.

DATE PREPARED: August 5, 2020	WITNESS: Ivan Carlson
DOCKET: TP-190976	RESPONDER: Puget Sound Pilots
REQUESTER: PMSA	

DATA REQUEST NO. 481: Regarding your testimony that “[p]ilots would put in more work than was required” and “the limited reward for that work would come in the form of funding when they burned Callback day,” (Exh. IC-4Tr 10:1-2), admit both that in 2018 (a) every vessel worked by a PSP pilot was charged by PSP and paid to PSP the effective tariff in effect at the time the service was provided, and (b) that “the limited reward for that work” in 2018 resulted in a distributed net income per pilot after expenses of \$402,219 (Exh. JN-04 22:11).

RESPONSE TO NO. 481:

**Response to Subpart (a):**

Objection. This request is argumentative and unreasonably cumulative of numerous other requests (see, e.g., PMSA DR 416). This request appears designed to harass and serves no legitimate discovery purpose.

**Response to Subpart (b):**

Deny. Had pilots elected not to work additional days to move ships on time, the same revenue could have been collected and distributed with pilots working only while on-duty and ships would incur the costs of delays rather than pilots.

DATE PREPARED: August 5, 2020	WITNESS: Ivan Carlson
DOCKET: TP-190976	RESPONDER: Puget Sound Pilots
REQUESTER: PMSA	

DATA REQUEST NO. 491: With respect to your testimony recommending that the Commission “fund FTE pilots rather than actual pilots” (Exh. IC-4Tr 13:12-13), admit that PSP is recommending a tariff based on a concept of funding pilots that does not actually exist. To the extent you deny or admit with qualifications, please provide documents showing the existence of such a concept.

RESPONSE TO NO. 491:

Deny. See *In re Columbia River Pilots*, Final Order 10-01, Oregon Board of Maritime Pilots (May 19, 2010). See also *In re Columbia River Bar Pilots*, Final Order 14-01 (Apr. 7, 2014). These documents are produced with the following file and bates labels:

“PMSA DR 491, Order 10-01.pdf”; PSP\_007832-007845.

“PMSA DR 491, Order 14-01.pdf”; PSP\_007846-007854.

DATE PREPARED: August 5, 2020	WITNESS: Ivan Carlson
DOCKET: TP-190976	RESPONDER: Puget Sound Pilots
REQUESTER: PMSA	

DATA REQUEST NO. 496: Regarding your testimony that a “pilot must be available” for dispatch (Exh. IC-4Tr 18:21), please quantify how many pilots were actually made available for piloting assignments per day in 2018. Please note, PMSA does not ask for a quantification of how many pilots were on a watch rotation (which was already provided by PSP in response to earlier data requests), but rather how many pilots are actually made available to pilot while on a watch.

RESPONSE TO NO. 496:

Objection. As PMSA is well aware, because the subject of this data request was previously the subject of a discovery conference addressing PMSA DR 86, this data request is unduly burdensome. Because the information was already requested, and is now requested again (and is requested repeatedly in additional data requests you have served) this request is unreasonably cumulative in clear violation of the discovery rules. The number of times PMSA has asked for the same information despite a previous discovery conference on the topic demonstrates that this is clear discovery abuse and should be subject to sanctions should PSP pursue them. The number of on-duty pilots available at any one time is the number on watch, less those who are resting to comply with mandatory rest rules, and those that are unavailable due to a pre-scheduled meeting, training, drug test, or reposition that prevents contemporaneous dispatch, and less those who have taken a Callback Day or are medically unfit to pilot (“on major medical”). To identify those who are on-duty less those who are unavailable at any one time, PSP would have to review multiple daily records and compile a new spreadsheet in which the number is calculated on a daily basis. Doing so would require no less than a week’s time for a single person to compute, if not more.

While the undue burden of attempting to answer this question has not changed, but the burden of having to repeatedly object to it has grown with each successive iteration of the same request. The discovery rules expressly prohibit this conduct. See WAC 480-07-400(3) “**Parties must not seek discovery that is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive.**”

DATE PREPARED: August 5, 2020	WITNESS: Ivan Carlson
DOCKET: TP-190976	RESPONDER: Puget Sound Pilots
REQUESTER: PMSA	

DATA REQUEST NO. 497: Regarding your testimony that “every single one of our 181 duty days per year is a 24 hour work day” (Exh. IC-4Tr 19:2), admit that 181 “duty days” with 24 hours per work day equals 4,344 “duty” hours.

RESPONSE TO NO. 497:

Objection. There is no legitimate discovery purpose to this request. If that were an appropriate metric, then all mandatory rest periods would need to be calculated to compare.



DATE PREPARED: August 5, 2020	WITNESS: Ivan Carlson
DOCKET: TP-190976	RESPONDER: Puget Sound Pilots
REQUESTER: PMSA	

DATA REQUEST NO. 498: Regarding your testimony that “every single one of our 181 duty days per year is a 24 hour work day” (Exh. IC-4Tr 19:2), please describe each of the following with supporting documentation: (a) what pilots are lawfully allowed to work a 24 hour work day; (b) how the 15-day-on, 13-day-off work schedule results in 181 days of watch per year; (c) how many pilots in 2018 were required to take assignments 181 days in that year; (d) the average pilot workload under rotation compared to 181 days of assignments; and (e) the average pilot workload under rotation plus total callbacks compared to 181 days of assignments.

RESPONSE TO NO. 498:

**Response to Subpart (a):**

Objection. Mischaracterizes the testimony.

Subject to and without waiving the foregoing objection PSP responds as follows:

The only time pilots are not available for dispatch during their watch period is during times of mandatory rest, which periods are also a feature and requirement of the job. So long as rest requirements have been met, pilots must be available to be dispatched for a job at any time of day during their watch period with exceptions for non-revenue activities assigned by PSP. Thus, even time not dispatched is not time during which a pilot is free to do as they choose. In other words, it is not the equivalent of an hourly worker or salaried person's free time between work shifts.

**Response to Subpart (b):**

Objection. This information has been previously supplied to PMSA and is part of the public record documents PMSA received as part of PSP's 2019 presentation to the BPC during the hearing to establish the number of authorized pilots. Thus, this document is available from a more convenient source.

Subject to and without waiving the foregoing objection, PSP responds as follows:

See page 14 of the PSP's rebuttal submission to the BPC which is produced with file label “PMSA DR 498 – PSP 065 Rebuttal Submission.pdf”, and bates number PSP\_007855-007888.

**Response to Subpart (c):**

Pilots are not required to accept a particular number of assignments. Pilots are required by PSP to stand watch during their scheduled work period and accept assignments from dispatch on a rotation system.

**Response to Subpart (d):**

Objection. This information is available from a more convenient source in the exhibits previously filed. See Exh. IC-27.

**Response to Subpart (e):**

Objection. This information is available from a more convenient source in the exhibits previously filed. See Exh. IC-27.

DATE PREPARED: August 5, 2020	WITNESS: Ivan Carlson
DOCKET: TP-190976	RESPONDER: Puget Sound Pilots
REQUESTER: PMSA	

DATA REQUEST NO. 499: Admit that your testimony is that the term “on duty” is “a term that has nothing to do with the days pilots are scheduled to work” and that “none of PSP’s references to a pilot being ‘on-duty’ in prefiled testimony had anything to do with the definition in PSP’s By-laws which is used solely to calculate a pilot’s share of net income” (Exh. IC-4Tr 19:10-16).

RESPONSE TO NO. 499:

Objection. There is no proper discovery purpose for this request, which appears designed to harass or annoy rather than seek discoverable information. This request appears to seek nothing more than busy work by asking to admit what testimony states.

Subject to and without waiving the foregoing objection, PSP responds as follows:

Deny. The term “on duty” used in the testimony of witnesses testifying for PSP relates to the days pilots are scheduled to work. The term “duty day” as used in PSP’s By-laws is not the same term and is not defined in the same way. These are not the same concepts at all. The term “duty day” in the By-laws is part of a distribution formula and nothing more.

DATE PREPARED: August 5, 2020	WITNESS: Ivan Carlson
DOCKET: TP-190976	RESPONDER: Puget Sound Pilots
REQUESTER: PMSA	

DATA REQUEST NO. 502: With respect to your testimony that “[t]he watch schedule is actually quite inflexible” and that “[w]hile on-watch, we work in a strict rotation system, whereby the first rested pilot is dispatched to the next job as it becomes available. With few exceptions, when it is the pilot’s turn to be dispatched, he or she must accept an assignment or face a financial penalty from the association” (Exh. IC-4Tr 20:19-24), please describe and provide documentation of all of the following: (a) all exceptions to accepting an assignment acknowledged by PSP, (b) all actual exceptions to assignment claimed by a PSP pilot in 2018, (c) the actual number of pilots available to be dispatched to the next job after application of exceptions in 2018, (d) the financial penalty imposed on pilots by PSP, (e) all financial penalties imposed on pilots for refusing an assignment in 2018.

RESPONSE TO NO. 502:

**Response to Subpart (a):**

I am not aware of any.

**Response to Subpart (b):**

I am not aware of any.

**Response to Subpart (c):**

Objection. As PMSA is well aware, because the subject of this data request was previously the subject of a discovery conference addressing PMSA DR 86, this data request is unduly burdensome. Because the information was already requested, and is now requested again (and is requested repeatedly in additional data requests you have served) this request is unreasonably cumulative in clear violation of the discovery rules. The number of times PMSA has asked for the same information despite a previous discovery conference on the topic demonstrates that this is clear discovery abuse and should be subject to sanctions should PSP pursue them. The number of on-duty pilots available at any one time is the number on watch, less those who are resting to comply with mandatory rest rules, and those that are unavailable due to a pre-scheduled meeting, training, drug test, or reposition that prevents contemporaneous dispatch, and less those who have taken a Callback Day or are medically unfit to pilot (“on major medical”). To identify those who are on-duty less those who are unavailable at any one time, PSP would have to review multiple daily records and

compile a new spreadsheet in which the number is calculated on a daily basis. Doing so would require no less than a week's time for a single person to compute, if not more.

While the undue burden of attempting to answer this question has not changed, but the burden of having to repeatedly object to it has grown with each successive iteration of the same request. The discovery rules expressly prohibit this conduct. See WAC 480-07-400(3) "**Parties must not seek discovery that is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive.**"

**Response to Subpart (c):**

The financial penalty is addressed in Section 16.4.4.2 of the PSP Bylaws.

**Response to Subpart (d):**

There were no penalties imposed because no pilots refused assignments while scheduled to work.

DATE PREPARED: August 5, 2020	WITNESS: Ivan Carlson
DOCKET: TP-190976	RESPONDER: Puget Sound Pilots
REQUESTER: PMSA	

DATA REQUEST NO. 506: Please list the members at PSP who have the authority to set the meeting schedule for all PSP members.

RESPONSE TO NO. 506:

**Response to Subpart (a):**

Objection. This argumentative request is not a proper discovery request because it serves no legitimate discovery purpose and serves only to harass.

Subject to and without waiving the foregoing objection, PSP responds as follows:

Typically only the President has the authority to determine when on-watch pilots attend meetings, given that PSP does not itself schedule all meetings that pilots are required to attend.

DATE PREPARED: August 5, 2020	WITNESS: Ivan Carlson
DOCKET: TP-190976	RESPONDER: Puget Sound Pilots
REQUESTER: PMSA	

DATA REQUEST NO. 507: Please describe whether or not meeting attendance is a valid reason to refuse to accept an assignment or if a conflict between a pilotage assignment and a meeting is treated as an exception from the strict rotation schedule.

RESPONSE TO NO. 507:

Meetings for which a pilot has been dispatched are considered assignments by PSP as it pertains to the strict rotation system. These non-revenue activities are defined in the BPC Policy Statement of April 16, 2015. See:

<https://nebula.wsimg.com/7c96afd17c848823f5438943eb84810c?AccessKeyId=F86D0A1E7A0091C2061F&disposition=0&alloworigin=1>

DATE PREPARED: August 5, 2020	WITNESS: Ivan Carlson
DOCKET: TP-190976	RESPONDER: Puget Sound Pilots
REQUESTER: PMSA	

DATA REQUEST NO. 513: Please provide all documentation, spreadsheets, and data which supports the Pilot Workload Summary in Exh. IC-14 and the tables at Exh. IC-4Tr 27:1-3 and 11-15.

RESPONSE TO NO. 513:

See document with file label "PMSA DR 513 – PSP workload 2018 and 2019.xlsx" and bates number PSP\_007889.

PSP RESPONSE TO PMSA DATA REQUEST 472-542 - 44

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Cross-Exhibit for Ivan Carlson  
Docket No. TP-190976



DATE PREPARED: August 5, 2020	WITNESS: Ivan Carlson
DOCKET: TP-190976	RESPONDER: Puget Sound Pilots
REQUESTER: PMSA	

DATA REQUEST NO. 525: Please explain whether any of the PSP data sets, logs, or other documents responsive to Data Request No. 523 have been audited or reviewed by a third party. If so, please provide copies of all audited pilot logs or data sets.

RESPONSE TO NO. 525:

No.

DATE PREPARED: August 5, 2020	WITNESS: Ivan Carlson
DOCKET: TP-190976	RESPONDER: Puget Sound Pilots
REQUESTER: PMSA	

DATA REQUEST NO. 537: With respect to your testimony that “Long Beach pilots each handle multiple fairly short assignments (generally between one and two hours) each day that are not terribly different in length than a single harbor shift for a Puget Sound pilot” (Exh. IC-4Tr 46:6-8), please (a) provide documentation of or an estimate based on your assertion of knowledge of Long Beach pilots handling multiple assignments per day and comparing them to the assignments of a Puget Sound pilot for a single harbor shift, and (b) compare the number of vessel embarkations and disembarkations by pilot ladder per day by a Long Beach pilot taking multiple ships to and from sea with the number of pilot ladder embarkations and disembarkations for a Puget Sound pilot handling a single harbor shift.

RESPONSE TO NO. 537:

Objection. This argumentative data request serves no legitimate discovery purpose and appears designed to harass or annoy. Capt. Carlson did not testify that a Long Beach pilot’s job was synonymous with performing harbor shifts; he testified regarding the duration of the assignments. Thus, this request also appears to widely diverge from the scope of Capt. Carlson’s testimony.