

**BEFORE THE STATE OF WASHINGTON**  
**UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND PILOTS,

Respondent.

Docket TP-220513

**DECLARATION OF WALTER S.  
TABLER IN SUPPORT OF PUGET  
SOUND PILOTS' EMERGENCY  
MOTION**

I, Walter S. Tabler, being sworn, say:

1. I am currently retired, reside in Seattle and make this declaration based upon my own personal knowledge.
2. I was licensed as a Washington lawyer from 1977 until January 2022. I served as the primary outside legal counsel for the Puget Sound Pilots ("PSP") from 1991 until 2003 when I became PSP's Executive Director and General Counsel, a position I held until my retirement in 2015. Following retirement, I continued to do work as a consultant and lawyer for various West Coast pilot groups advising them on economic, political and legal issues related to pilotage and pilotage regulation.
3. After the Washington Utilities and Transportation Commission issued Order 09 in late November 2020, I was contacted in early 2021 regarding providing legal advice concerning the interpretation of Order 09 and its meaning with respect to specific areas of PSP's operations. An issue of particular concern was the treatment of callbacks in Order 09. At the request of PSP President Captain Ivan Carlson in early 2021, I was asked to prepare a

memorandum that analyzed the UTC's decisions regarding callbacks, PSP's options in light of those decisions and possible next steps. I understand that a copy of my March 2, 2021 memorandum to "Members of Puget Sound Pilots" was given by a member of PSP to the PMSA and is now in the hands of Administrative Law Judge Michael Howard for in camera review.

4. When I prepared the March 2, 2021 memorandum referenced above, I understood at all times that I was providing legal advice to PSP and that all members of PSP would treat the memorandum as strictly confidential and subject to the attorney-client privilege. It was a shock to learn that this memorandum was provided by a PSP member to the PMSA, an act that was clearly against the interests of the Puget Sound Pilots, an unincorporated association consisting of 100% of PSP's members, each of whom is a state-licensed maritime pilot.
5. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated this 30th day of March, 2023.

*/s/ Walter S. Tabler*

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Walter S. Tabler