Docket No. TP-220513 - Vol. III

WUTC v. Puget Sound Pilots

March 30, 2023



206.287.9066 | 800.846.6989

COURT REPORTING AND LEGAL VIDEO

1325 Fourth Avenue, Suite 1840, Seattle, Washington 98101 <u>www.buellrealtime.com</u> email: <u>info@buellrealtime.com</u>



Docket No. TP-220513 - Vol. III - 3/30/2023

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	BEFORE THE WASHINGTON	1 LACEY, WASHINGTON; MARCH 30, 2023
	UTILITIES AND TRANSPORTATION COMMISSION	2 1:30 P.M.
	WASHINGTON UTILITIES AND) TRANSPORTATION COMMISSION,)	3 *****
)	4
	Complainant,))	5 PROCEEDINGS
) vs.) DOCKET TP-220513	6 7 CHAIR DANNER: Good afternoon, everyone. Today
))	8 is March 30th, 2023, and this is a public comment
) PUGET SOUND PILOTS,)	 9 hearing of Utilities and Transportation Commission in
) Respondent.	10 which we are going to hear comments on Puget Sound
		11 Pilots' current rate case.
)	12 I'm Dave Danner. I'm Chair of the Commission.
	VIRTUAL PUBLIC COMMENT HEARING - VOLUME III Pages 67-90	13 I'm joined by my colleagues, Commissioner Ann Rendahl
	rayes 07-90	14 and Commissioner Milt Doumit.
	March 30, 2023	15The state legislature gave the Commission16authority to regulate the rates charged by the Puget
	1:30 P.M.	17 Sound ship pilots in 2018. The pilots filed their first
	Washington Utilities and Transportation Commission 621 Woodland Square Loop Southeast	18 tariff to increase rates with the Commission in 2019.
	Lacey, Washington 98503	19 The pilots have now filed another tariff to increase
	Reported By: Jacqueline Stopyak, CCR 23001263	20 rates.
	Buell Realtime Reporting, LLC	21 In this filing, the Pilots are proposing
	1325 Fourth Avenue, Suite 1840 Seattle, Washington 98101	22 increases that they say are needed to cover operating
	(206) 287-9066 Seattle	23 costs including fuel. And also proposing some automatic
	(360) 534-9066 Olympia (800) 846-6989 National	 adjustment mechanisms that would adjust tariff rates when certain conditions are met without need for a
	www.buellrealtime.com	²⁵ when certain conditions are met without need for a
	Page 68	Page 70
1	Page 68	
2	A P P E A R A N C E S Commissioners:	
2 3 4	A P P E A R A N C E S Commissioners: DAVE DANNER, Chair ANN RENDAHL, Commissioner	1 litigated rate case. Post-tariff adjusters would cover
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	A P P E A R A N C E S Commissioners: DAVE DANNER, Chair ANN RENDAHL, Commissioner MILT DOUMIT, Commissioner Speakers: JAY UBELHART CATHERINE COLLINS SAVANNAH SMITH TORY GERING SCOTT SEVALL KIERSTIN LACHTMAN MONIQUE WEBBER	1litigated rate case. Post-tariff adjusters would cover2situations such as the change in number of licensed3pilots, changes in the number of ship movements, and4simply a cost of living adjustment.5This is an adjudicated case, and we will be6having our adjudicative hearing on April 6th.7Today, what we want to do is we want to take8comments from members of the public who are interested9in this case, and their comments will become part of the10record.11I'm now going to turn it over to John Cupp of12our staff who is going to set some ground rules. And13then we'll come back, and I will ask to share or to14swear in all those who wish to comment this afternoon.15And then we will begin taking the public comment. So16John, over to you.17MR. CUPP: Thank you, Chair Danner.18Good afternoon. My name is John Cupp. I'm a19Public Involvement Representative with the Utilities and20Transportation Commission.21You'll have an opportunity today to provide22your comments related to the Puget Sound Pilots' rate23case directly to the Commissioners. The Commissioners

1 (Pages 67 to 70)

	Page 71		Page 73
1	said, given today will be included in the formal record	1	And so let's get started. We will start with Jay
2	of the case.	2	Ubelhart from the Inlandboatman's Union of The Pacific.
3	So some ground rules: Please mute your	3	MR. UBELHART: Good afternoon, Commissioners.
4	connection unless you're called upon to speak. If	4	I'm Jay Ubelhart, President of The Inlandboatman's Union
5	you're using Zoom, you can mute by clicking on the	5	of the Pacific, Marine Division of the ILWU. I
6	microphone at the bottom of your screen and a slash will	6	represent workers from San Diego to Alaska and Hawaii on
7	a slash will appear to mute and disappear to unmute.	7	tugs, ferries, and at the Puget Sound Pilots themselves
8	And please remember to re-mute when you're finished	8	as employees.
9	speaking.	9	I am speaking in favor of the proposed tariff
10	So if you called in, star six on your phone	10	increase for the Puget Sound Pilots. Puget Sound Pilots
11	will mute you, and then again when you're finished	11	have the responsibility of ensuring that ship traffic
12	will unmute you, and when you're finished speaking	12	from the Strait of Juan de Fuca, the San Juans, and all
13	please press star six again to mute. Please wait to be called upon to comment and	13	of Puget Sound is safely and efficiently moved to and
14 15	-	14	from our Washington ports. It's the pilots' intricate
16	don't interrupt other speakers. If you have technical	15	knowledge of every waterway that allows maritime trade
17	difficulties, there are two things you can do: One, is	16	to operate and contribute to Washington's economy.
18	use the chat feature in Zoom; the other is to call Ryan Smith at 360.664.1165. That's 360.664.1165. The chat	17 18	Pilots are the most highly qualified mariners
10	feature should only be used to report technical	1	in the Puget Sound. It's the skills that the pilots
20	difficulties. We won't be accepting comments that are	19 20	themselves bring to the job that allow maritime trade to
20	submitted through the chat feature.		flourish, and they deserve to be fairly compensated for
22	So I don't know how many people plan to speak.	21 22	their expertise. They endured varied work schedules in
23	If there are a whole lot, we may have to time you, but	22	all weather, day or night. They have done this day in
24	at this point, I don't believe that'll be necessary.	23	and day out for years with an excellent safety record.
25	So I have given the Chair a list of people who	24	Puget Sound Pilots employee IBU mariners in
23		25	good family-wage jobs on the pilot-boats in Port Angeles
	Page 72		Page 74
1	have signed in to speak. If you haven't signed in, you	1	and dispatchers in Seattle that schedule pilots when
2	can use the "raise your hand" feature, and we will get	2	requested. The Pilots recently added a fourth
3	you signed in so we know who's on the line and who wants	3	dispatcher just to keep up with the demands for pilots
4	to speak. If you're calling in on the phone, you can	4	on the Sound.
5	raise your hand by pressing star nine. So I think	5	Currently, the Puget Sound Pilots' wages are
6	that's all I have. Chair Danner?	6	not up to industry standards compared to other U.S.
7	CHAIR DANNER: Thank you. I want to I just	7	geographic areas. There is a nationwide shortage of
8	want to clarify an expectation before we begin. That if	8	qualified mariners in the United States which even MARAD
9	individuals are directly affiliated or employed by	9	is trying to, you know, rectify. And in order to
10	either the Puget Sound Pilots or by PMSA or by another	10	attract and keep mariners with the knowledge and U.S.
11	party, then normally this is not a public comment that	11	Coast Guard credentials to be pilots, the tariff
12	you should be engaged in as you are affiliated with an	12	increase request should be approved.
13	organization that is represented by counsel and a party	13	Thank you for your time. That's all I have.
14	to this case. So looking at the sign-in sheet so far I	14	CHAIR DANNER: All right. Thank you very much.
15	don't see that that has been a problem, but if I do see	15	Appreciate your comments.
16	that, I may ask some questions and ask you to limit your	16	Let's now move to Gordon Baxter. Are you on
17	participation.	17	the line, Gordon Baxter?
18	So with that, why don't we get started? Let me	18	All right. We will skip Gordon Baxter for now.
19	ask anyone who wishes to comment today, if you could	19	Catherine Collins?
20	turn your video on, please, and raise your right hand,	20	MS. COLLINS: Thank you.
21	and I can swear you in.	21	CHAIR DANNER: Good afternoon.
22	(Jay Ubelhart, Catherine Collins, Savannah	22	MS. COLLINS: Good afternoon. There we go.
23	Smith, Tory Gering, Scott Sevall, Kierstin	23	All right. My name is Catherine Collins. I'm the
24	Lachtman, and Monique Webber sworn in.)	24	Executive Director of the nonprofit, Sound Experience,
25	CHAIR DANNER: All right. Thank you very much.	25	which owns and operates as Schooner Adventuress. We are
		1	

2 (Pages 71 to 74)

	Page 75		Page 77
-			
1 2	Puget Sound's environmental tall ship, and we engage in	1 2	programming. And the other side of our company is doing
3	environmental education and youth workforce development	3	more consulting work with the industry itself to promote representation over assimilation.
3 4	on the water. We In recent years, Puget Sound Pilots have been a	4	I'm here today to speak to PSP's commitment to
5		5	mentorship, workforce development, and DI efforts within
6	board of volunteer educators and mentors on our youth programs. They help inspire young people such as teens	6	the industry and in community. Sea Potential is a young
7	from our Everett Casino Road neighborhood to learn about	7	organization, but very early on in our formation we
8	our waterways. Their youth interactions connect in a	8	began building a relationship with PSP. The pilots
9	really personal way the importance of our marine	9	reached out to us to set up an informational call and
10	environment and how they work to ensure that ships stay	10	were very interested in finding out how they could
11	safe as they travel the waterways. They also inspire	11	support our work and find ways to collaborate with us.
12	teens and young adults from Puget Sounds' diverse	12	We've worked with PSP for our Get Into It
13	communities, both men and woman, to consider possible	13	Maritime program which is a hands-on maritime career
14	maritime careers and pathways to careers on the water	14	exploration program for BIPOC youth ages 12 to 15
15	that includes gender and nonbinary people. They bring	15	many of whom never heard of maritime before and are
16	the cool factor to this work with their experience and	16	unaware of the opportunities in the industry. We've had
17	navigation much more so than than our own educators	17	a pilot, Trevor, join our group to share about his
18	because they're doing this work.	18	career journey and answer questions that our youth had.
19	Finally, we are excited about our future	19	And he also helped arrange a hands-on interactive field
20	engagement with the pilots. We focus on partnership	20	trip experience for our youth at MITAGS-West, which is
21	going forward through exploration for youth and their	21	their training center. The youth rated this field trip
22	families and engaging the public with what happens on	22	as their favorite during the whole program, and Trevor
23	Puget Sound. The pilots are really a critical link to	23	was also their favorite guest speaker.
24	understanding our waterways and being able to get a	24	We've worked closely with PSP through the
25	sense of place for young people. And most of the young	25	Maritime High School mentorship program as well. And
	Page 76		Page 78
1		1	
2	people who have come aboard have never even been to the Sound, even though they live within miles.	2	also have plans to create field trip opportunities for Sea Potential youth to visit the pilot's station.
3	So these pilots are a critical link to	3	So these are just some of the things that we
4	understanding our waterways. We can't wait to have them	4	have done or plan to do together, and we look forward to
5	onboard again with our youth, and they're really a	5	seeing how our partnership with the pilots can grow.
6	critical educational resource in our community.	6	And we're excited about the ways that a stronger tariff
7	MR. CUPP: All right. Thank you. Appreciate	7	would support the fact in doing more community outreach
8	your comments.	8	and engagement.
9			
	Savannah Smith, are you on the line?	9	So thank you for your time.
10	Savannah Smith, are you on the line? MS. SMITH: Yes, I am. Hello.	9 10	
	•		So thank you for your time. CHAIR DANNER: All right. Thank you for yours. I appreciate your comments this afternoon.
10	MS. SMITH: Yes, I am. Hello.	10	CHAIR DANNER: All right. Thank you for yours.
10 11	MS. SMITH: Yes, I am. Hello. MR. CUPP: Hi, good afternoon.	10 11	CHAIR DANNER: All right. Thank you for yours. I appreciate your comments this afternoon.
10 11 12	MS. SMITH: Yes, I am. Hello. MR. CUPP: Hi, good afternoon. MS. SMITH: Good afternoon.	10 11 12	CHAIR DANNER: All right. Thank you for yours. I appreciate your comments this afternoon. Tory Gering, are you there?
10 11 12 13	MS. SMITH: Yes, I am. Hello. MR. CUPP: Hi, good afternoon. MS. SMITH: Good afternoon. Hi, everyone. My name is Savannah Smith, and I	10 11 12 13	CHAIR DANNER: All right. Thank you for yours. I appreciate your comments this afternoon. Tory Gering, are you there? MS. GERING: Hi. Yes, I am.
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3 (Pages 75 to 78)

	Page 79		Page 81
1	this curriculum. And we are starting a ship-based	1	one could break down the compensation to an hourly wage.
2	program that we are hoping the pilots are going to be	2	So, for example, the Mississippi Bar Pilots may
3	able to support and keep helping our instructors learn	3	have made more than PSP on gross, but they also worked
4	more about navigation and Merchant Marine pathways.	4	roughly 890 bridge hours in 2021, compared to the
5	Katherine had mentioned they bring the cool	5	roughly 720 bridge hours that the Puget Sound Pilots
6	factor, and they really do. Navigation that term is	6	reportedly worked. So an adjustment would need to be
7	something that typically scares our high school welding	7	done to that gross wage in order to make it comparable,
8	instructors. But when the pilots come in and explain	8	in my opinion. So it isn't truly a comparable salary
9	what they do and show visuals of their work and the	9	survey when you can't break it down to the hour because
10	different career pathways they take to get there, it	10	you do not know everything that's going into that gross
11	really opens the eyes of our instructors and our	11	number.
12	students. And I hope to continue working with them for,	12	But I do believe, on the whole, that a salary
13	like, shipboard experiences and as we develop the	13	survey, if done properly I do believe a salary
14	Merchant Marines curriculum for public schools.	14	survey, if done properly, could be used to make a
15	Again, thank you for your time.	15	comparable hourly wage which could then be used to make
16	Dave, you're on mute.	16	an appropriate DNI, if the Commission decided to. So,
17	CHAIR DANNER: I'm sorry. All right. I was	17	in this case, I would say that the data set is
18	going to next call on Scott Sevall.	18	incomplete, and that it's missing stuff. And I don't
19	Scott, are you there?	19	believe that a fair rate could be calculated using such
20	MR. SEVALL: I am and I'm unmuted.	20	a salary survey.
21	CHAIR DANNER: Good afternoon.	21	I saw that callbacks were in this, and I would
22	MR. SEVALL: I am unmuted now, I believe.	22	hope, given the Commission's stance in the previous
23	CHAIR DANNER: Yes, you are. So am I.	23	order, that callbacks would be rejected as double
24	MR. SEVALL: So a few weeks ago I filed a	24	recovery, yet again. And then in rate design my
25	written comment with John Cupps. So I was just going to	25	previous rate design I know I had testified to having
	Page 80		
	1490 00		Page 82
1	kind of summarize that here, but this is you said	1	Page 82 the DNI be divided into bridge hours so that you could
1 2		1 2	
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2	kind of summarize that here, but this is you said this is all going in the record; so I assume any written	2	the DNI be divided into bridge hours so that you could trace the tariff rate directly to how much work was
2 3	kind of summarize that here, but this is you said this is all going in the record; so I assume any written comments are going into the record also?	2 3	the DNI be divided into bridge hours so that you could trace the tariff rate directly to how much work was done, and thus it would the tariff would collect the
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	Page 83		Page 85
1	light, I would encourage this Commission to enforce its	1	in the water of the United States. It is on that basis
2	WAC's a little bit more strict in regards to the filing	2	we oppose the proposal.
3	standards. This case did not meet the WAC requirements,	3	Commissioners, I would like to draw your
4	in my opinion, when it was filed. And it should have	4	attention to the written comments submitted by LSC on
5	been rejected. I find it a little disheartening when a	5	Tuesday, 28th March, 2023. Our comments provide
6	party, who was part of the creation of those WAC's,	6	information on the layers of oversight of ships flagged
7	can't follow them in their following filings. So that's	7	for open registers that trade safely all over the world.
8	all l've got.	8	To summarize the conclusion of our written
9	CHAIR DANNER: All right. Thank you very much.	9	comments, foreign-flag vessels and their operations are
10	And this is a summary of the comments that you filed in	10	heavily regulated across many jurisdictions including
11	writing to us; is that right?	11	both international, by way of the flag state, and
12	MR. SEVALL: Correct. Yes. Yes.	12	national, by way of the port and the coastal states
13	CHAIR DANNER: All right. So	13	concerned and any foreign vessel entering a U.S. port is
14	MR. SEVALL: John Cupp should have a copy of	14	subject to this robust regulatory framework.
15	those.	15	These multiple layers of regulation and
16	CHAIR DANNER: Okay. And that has the citation	16	oversight have been implemented over decades and greatly
17	to the study that you were referring to?	17	reduce the safety and environmental risks associated
18	MR. SEVALL: Correct.	18	with shipping no matter where in the world the ship is
19	CHAIR DANNER: Okay. Thank you very much.	19	trading.
20	Appreciate it.	20	So I've provided these comments to you in
21	So let's now hear from hang on a second.	21	writing. You should have them as of Tuesday, and those
22	Bear with me for just a moment.	22	comments will summarize the public comments I made
23	Kierstin Lachtman from the Liberian Shipowners'	23	today. And I'm more than happy to answer any questions
24	Council, are you there?	24	you may have. Thank you for your time.
25	MS. LACHTMAN: Yes, Commissioner. Thank you.	25	CHAIR DANNER: Thank you very much. And we
	Page 84		Page 86
1	Page 84 Good afternoon, commissioners. Thank you very much for	1	Page 86 in our public comment hearings, we do not generally take
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	Page 87		Page 89
1	party but representative of who I've known Jay	1	well.
2	Jennings for years 30 years, probably. And we have	2	No comment? All right. Thank you very much.
3	not spoken about the case whatsoever and I don't intend	3	All right. If there is no one else on the line
4	to. And I've conferred with counsel, Mr. Callahan, in	4	wishing to comment, that is the end of our hearing today
5	the meantime that just I would just raise that for	5	then.
6	the record today. So if there is anything more that I	6	And so I want to thank the court reporter and
7	need to do, I'm happy to do. Well, I just wanted to	7	everyone else who was in attendance today, and this
8	note that for the record. Thank you.	8	hearing is adjourned. Again, we will do we will
9	CHAIR DANNER: Thank you very much. Well, it's	9	start our adjudication on April 6th. So until then,
10	a small world and we do know people and run into people.	10	thank you everybody for your participation and have a
11	Mr. Jennings did sign in this morning but not wishing to	11	good day.
12	testify. So I thank you for your statement.	12	(Adjourned at 2:00 P.M.)
13	Commissioner Rendahl, is there anything you	13	
14	wanted to add?	14	
15	COMMISSIONER RENDAHL: No, I have nothing to	15	
16	add. I noticed that Monique Webber just came on camera.	16	
17	I wasn't sure if she wished to make comments.	17	
18	CHAIR DANNER: Yes. I just saw her do so.	18	
19	Monique Webber, are you there? Do you wish to	19	
20	speak to us this afternoon?	20	
21	MS. WEBBER: I would.	21	
22	CHAIR DANNER: Thank you. Go ahead.	22 23	
23	MS. WEBBER: I apologize. I've been in and	23	
24	out. It was a little hard to get some free time.	24	
25	I am Pacific Yacht Management. I have chosen	25	
	Page 88		Page 90
1	not to be an intervener in this case as we do not have	1	CERTIFICATE
2	the monetary or time resources to be a full participant	2	GERTITICATE
3	in this case as it takes many, many months and many	3	
4	hours. We understand and recognize the job that the	4	STATE OF CALIFORNIA
5	Puget Sound Pilots do, and the importance of it, but we	5	COUNTY OF SAN BERNARDINO
6	would also like to state for the record that the	6	
7	recreational industry took a beating in the last rate	7	I, Jacqueline Stopyak, a Certified Shorthand
8	case.	8	Reporter for the State of Washington, do hereby certify
9	Our rates went up more than 100 percent over	9	that the foregoing transcript is true and accurate to
10	what they were before the last UTC hearing. So we are	10	the best of my knowledge, skill, and ability.
11	very happy to see that the pilots have presented a case		
12	that puts a lower rate for lower risk recreational	12 13	
13	boats, but the current rates are driving business away	14	
14	from this state, and they are hurting the economy of the		Jacqueline Stopyak
15	recreational industry. And we would very much like to	15	CCR 23001263
16	see a separate rate related to the risk the much	16	
17	lower risk for recreational vessels.	17	
18	CHAIR DANNER: All right. Does that conclude	18	
19	your comments?	19	
20	MS. WEBBER: Yes, sir.	20	
21	CHAIR DANNER: All right. Thank you very much.	21	
22	All right. Let me ask again if there is anyone	22	
23	on the line who has not spoken who wishes to make a	23	
24 25	statement today? Jay Jennings, I see that your camera is on as	24 25	
20	Jay Jernings, i see that your callera is on as		

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