

**BEFORE THE WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,  
Complainant,  
v.  
PUGET SOUND PILOTS,  
Respondent.

Docket TP-190976  
DECLARATION OF CAPT. STEPHAN  
MORENO

I, Capt. Stephan Moreno, declare as follows:

1. My name is Stephan Moreno and I offer this declaration in support of Puget Sound Pilots’ Response to TOTE Maritime Alaska, LLC’s Petition to Amend Order. This declaration is based upon my personal knowledge.
2. TOTE Maritime Alaska, LLC is proposing to include a new provision in Item 300 of the pilotage tariff that would apply tonnage charges to vessels engaged exclusively in domestic trade based upon Gross Register Tonnage (“GRT”) rather than their International Gross Tonnage (“IGT”). This change would apparently apply to other U.S.-flagged vessels operating in the Puget Sound as well. Although it is possible that some U.S.-flagged vessels operating in the United States have not been measured under the Convention System (IGT), I am not aware of any U.S.-flagged pilotage customers on the Puget Sound that do not have a known measure of their IGT.
3. It would also be inappropriate to apply tonnage charges to a vessel based upon its GRT if its IGT is available. As I testified during the rate proceeding, risk is an element associated with the size of a vessel, and there are a number of factors related to ship size that require greater skills. IGT is an international standard that measures a ship’s internal volume, and thus serves as an accurate measurement of its overall size. GRT, however, does not measure all of a ship’s internal spaces and can result in a numerical figure creating the appearance that a ship is much smaller than it actually is. Thus, when relying

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upon tonnage to charge a ship based upon relative risk and requisite skill, GRT is a less appropriate metric than IGT. When both measures are available, tonnage charges should thus be applied based upon a vessel's IGT.

4. Coast Guard safety regulations use a similar standard regarding size and risk. Subpart D (Dual Regulatory Measurement System), 46 CFR § 69.153(a) provides, "If a vessel is assigned two gross register tonnages..., the higher gross register tonnage is the tonnage used when applying inspection, manning and load line laws and regulations to the vessel." (Emphasis added). This recognizes that the largest stated size of a ship is the one most significant to the hazards it presents.
5. The Board of Pilotage Commissioners' ("BPC") rules on limited licenses set forth in WAC 363-116-082 also relies upon IGT for these reasons. There, license limits are established based upon gross tonnages measured in accordance with the 1969 International Convention on Tonnage Measurement of Ships. The Convention System measures ships' internal volumes and expresses that measurement in International Gross Tonnage. In other words, the BPC determines which ships a newly licensed pilot can move based upon their IGT, not their GRT. The BPC license level limits recognize the risk and skillset at each upgrade level.
6. Based upon the BPC's license limitations, only a pilot with a level 3 or higher license may move TOTE's two vessels, the Midnight Sun and North Star because their IGT measures 65,314. This means a pilot must have at least 3 years of experience and training before they are qualified to pilot such a vessel. If GRT, by TOTE'S standard, was used, a newly licensed pilot, on their first assignment would be allowed to pilot such a vessel. This would be irresponsible because these vessels carry a sail area of almost 70,000 square feet making them extremely susceptible to the external forces caused by wind.

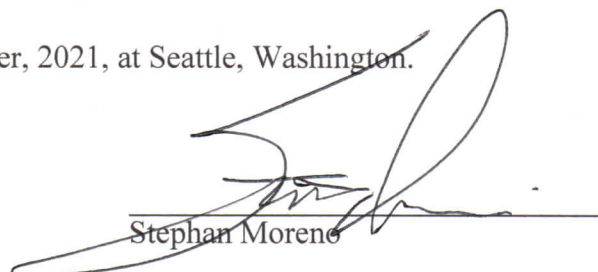
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7. The IGT standard appropriately reflects the skill required to move these two vessels. The Midnight Sun and North Star exhibit similar risk factors of other vessels with similar IGT measurements. Thus, in my opinion, the GRT of TOTE's vessels is not an appropriate metric by which to assess tonnage charges.
8. Lloyd's Register is widely respected as the most comprehensive registry of ships in the world. A true and correct copy of selected pages from the 2008-2009 edition of Lloyd's Register is being filed as **Exh. SM-2**. These pages explain how to read registry entries and provide the entries for the Midnight Sun and North Star. Both the entries for both the Midnight Sun and North Star provide their tonnage in IGT, which is stated to be 65,314.
9. A true and correct copy of the final order in *Application of J. William Cofer on Behalf of Himself & All Other Licensed Branch Pilots in the Commonwealth of Virginia Who Are Members of the Virginia Pilot Ass'n*, PUE-2006-00046, (Va. S.C.C. Sept. 11, 2006) is being filed as **Exh. SM-3**.
10. A true and correct copy of a 2009 publication of the United States Coast Guard, "Tonnage Guide 1 - Simplified Measurement System," is being filed as **Exh. SM-4**.

THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE  
UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF  
WASHINGTON.

SIGNED this 15 th day of October, 2021, at Seattle, Washington.

  
Stephan Moreno

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