



TP-190976

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October 25, 2021

Amanda Maxwell, Executive Director and Secretary  
Washington Utilities and Transportation Commission  
621 Woodland Square Loop SE  
P.O. Box 47250  
Olympia, Washington 98504-7250

RE: *Washington Utilities and Transp. Comm'n v. Puget Sound Pilots*  
Docket TP-190976

Dear Ms. Maxwell:

On August 26, 2021 TOTE Maritime Alaska, LLC (TOTE) filed a Petition for Amendment, Recission, or Correction of Order 09 (Petition) in this docket. On October 15, Commission Staff (Staff), Puget Sound Pilots, and Pacific Merchant Shipping Association filed responses to TOTE's Petition. On October 21, TOTE filed a Motion for Continuance (Motion), requesting additional time to file a reply pursuant to WAC 480-07-825. On October 22, the Commission issued a Notice of Opportunity to Respond to TOTE's Motion.

Staff has two concerns with TOTE's Motion. First, although TOTE filed its Motion with the Commission, Staff was not served with TOTE's Motion. Under WAC 480-07-365(5), the "[s]ubmission of any document with the commission for filing in an adjudicative proceeding is not complete until the party submitting the document has served all other parties to the proceeding pursuant to WAC 480-07-360." Second, TOTE made its Motion pursuant to WAC 480-07-825(2)(d)(iii), which pertains to review of Commission initial orders under the administrative review process. *See*, WAC 480-07-825(2) ("A party may challenge any finding of fact, conclusion of law, remedy, or result in an initial order by petitioning for administrative review. A party may also petition for administrative review to challenge the reasons stated in support of any result reached in an initial order. The commission will accept only one petition for administrative review of an initial order from any party."). TOTE's original Petition, made pursuant to WAC 480-07-875, was not a request for administrative review under WAC 480-07-825, and seeks to modify the Commission's final order, rather than an initial order. Therefore, it does not appear that the procedures outlined in WAC 480-07-825 apply to the current proceeding.

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Notwithstanding the concerns identified above, Staff takes no position on TOTE's Motion.

Respectfully submitted,

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HOF/emd  
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