



TP-190976

**Bob Ferguson**  
**ATTORNEY GENERAL OF WASHINGTON**

Utilities and Transportation Division  
PO Box 40128 • Olympia WA 98504-0128 • (360) 664-1183

January 14, 2022

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 Utils. and Transp. Comm'n v. Puget Sound Pilots*  
Docket TP-190976

Dear Ms. Maxwell:

On November 11, 2020, the Washington Utilities and Transportation Commission (Commission) issued Order 07 in Docket TP-190976 (Final Order), resolving all contested issues in the first Puget Sound pilotage general rate case. On December 20, 2021, the Commission issued a Notice Reopening the Record and Notice of Intent to Amend Final Order in Docket TP-190976 (collectively, "Notice").

The Notice described three additional Commission actions regarding Docket TP-190976. First, the Notice reopened the record for the limited purpose of admitting (1) TOTE Maritime Alaska, LLC's (TOTE) Petition for Amendment, Rescission, or Correction of the Final Order (Petition); (2) the responses of Puget Sound Pilots (PSP), Pacific Merchant Shipping Association, and Commission staff (Staff) to TOTE's Petition; (3) TOTE's reply; and (4) PSP's response to Bench Request No. 7, which was issued at the same time as the Notice. Second, the Notice stated that the Commission intends to amend the Final Order to prospectively require PSP to identify and defer the incremental difference between the revenue collected from TOTE under the current tariff rates (based on International Gross Tonnage (IGT)) and the revenue that would have been collected from TOTE if the tonnage charge were based on Gross Register Tonnage (GRT). Third, the Commission directed PSP to discuss whether a vessel's Gross Tonnage should be calculated using GRT or IGT as part of its next general rate case, including for vessels operating exclusively in coastwise trade.

Staff agrees with the three actions described in the Commission's Notice. However, Staff requests that the Commission clarify that the second action, regarding the identification and deferment of revenue collected from TOTE, only applies to the two vessels that were identified in TOTE's Petition (the *Midnight Sun* and the *North Star*). As the Commission observes in its

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Notice, TOTE's Petition specifically concerned "pilotage fees for two TOTE vessels." As presently worded in the Notice, the Commission's second action could be interpreted as applying to all vessels that are operated by TOTE, rather than only the two vessels discussed in TOTE's Petition. Given the limited scope of TOTE's Petition, the Commission should clarify that the second action only applies to the two vessels identified in TOTE's petition. In all other respects, Staff concurs with the actions described in the Notice.

Respectfully submitted,

/s/ Harry Fukano, WSBA No. 52458  
Assistant Attorney General  
Office of the Attorney General  
Utilities and Transportation Division  
P.O. Box 40128  
Olympia, WA 98504-0128  
(360) 664-1225  
[Harry.fukano@utc.wa.gov](mailto:Harry.fukano@utc.wa.gov)

cc: Parties