



STATE OF WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

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March 15, 2022

**NOTICE OF OPPORTUNITY TO FILE WRITTEN RESPONSES  
TO PETITION FOR RECONSIDERATION**

**(Due by Tuesday, March 29, 2022, at 5 p.m.)**

RE: *Washington Utilities and Transportation Commission v. Puget Sound Pilots*,  
Docket TP-190976

TO ALL PARTIES:

On November 25, 2020, the Washington Utilities and Transportation Commission (Commission) entered Order 09, Final Order Rejecting Tariff Sheets; Authorizing and Requiring Compliance Filing (Order 09) in Docket TP-190976, the first general rate case Puget Sound Pilots (PSP) filed with the Commission.

On August 26, 2021, TOTE Maritime Alaska, LLC, (TOTE) filed a Petition for Amendment, Recission, or Correction of Order 09.

On October 15, 2021, the Commission received written responses from PSP, Pacific Merchant Shipping Association (PMSA), and Commission staff (Staff).

On November 11, 2021, TOTE filed a Motion for Leave to File Reply in Support of Petition, attaching its proposed Reply. The Commission subsequently granted this motion and accepted TOTE's Reply on November 15, 2021.

On December 20, 2021, the Commission issued a Notice Reopening the Record and Notice of Intent to Amend Final Order 09.

On January 14, 2022, PSP filed a Response to the Commission's Notice of Intent to Amend its Final Order.

That same day, January 14, both TOTE and Staff filed responses to the Commission's Notice Reopening the Record and Notice of Intent to Amend Final Order 09.

On February 2, 2022, the Commission issued Order 12, Granting Petition and Amending Final Order 09 (Order 12). The Commission required PSP to present for Commission consideration whether gross tonnage should be calculated using Gross Register Tonnage (GRT) or International Gross Tonnage (IGT) in its next general rate case. The Commission also required PSP to defer, from the date Final Order 09 was amended forward, the incremental difference between the revenues collected from TOTE for its vessels Midnight Sun and North Star under PSP's current tariff and the amount PSP would have collected from TOTE had those two vessels' tonnage charges been assessed based on GRT.

On February 11, 2022, TOTE filed a Motion for Clarification or Reconsideration of Order 12 (Motion). TOTE requested that the Commission reconsider its decision not to order a refund and clarify its instructions to PSP for deferring revenue.

On February 24, 2022, the Commission issued Order 13, Granting in Part and Denying in Part Petition for Reconsideration (Order 13). The Commission construed TOTE's Motion as a Petition for Reconsideration and granted it in part. The Commission again amended Final Order 09 to require PSP to defer the incremental difference in revenue for TOTE's two vessels from the date of TOTE's August 26, 2021, Petition for Amendment, Recission, or Correction of Order 09, forward.

On March 7, 2022, PSP filed a Petition for Reconsideration of Order 13 (Petition). PSP argued that the Commission granted TOTE's Motion without providing PSP notice or an opportunity to respond as required by WAC 480-07-875 and WAC 480-07-850. PSP requested that the Commission reconsider its decision to amend Final Order 09, arguing that this was an inequitable result.

By this notice, the Commission allows the parties until 5 p.m. on Tuesday, March 29, 2022, to file any written response to PSP's March 7, 2022, Petition. The Commission believes that PSP has had ample opportunity to respond to the issues raised by TOTE's August 26, 2021, Petition for Amendment, Recission, or Correction of Order 09, and that PSP was not deprived of due process of law when the Commission issued Order 13. The Commission nevertheless provides further process for the parties to ensure compliance with Commission rules and to allow for thorough consideration of PSP's Petition.

**THE COMMISSION GIVES NOTICE The parties may file any written response to PSP's Petition no later than 5 p.m. on Tuesday, March 29, 2022.**

*/s/ Michael Howard*  
MICHAEL HOWARD  
Administrative Law Judge