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COMMISSION

March 27, 2020

VIA WEB PORTAL & EMAIL

Mr. Mark L. Johnson
Executive Director and Secretary
Washington Utilities and Transportation
Commission
PO Box 47250
Olympia, WA 98504-7250

Attention: Rayne Pearson, Director, Administrative
Law Division

Re: TP-190976
WUTC v. Puget Sound Pilots
Continuance of Proceedings

Dear Mr. Johnson and Judge Pearson:

As counsel for the Pacific Merchant Shipping Association (“PMSA”), I write in response to the letter counsel for Puget Sound Pilots (“PSP”) issued to you yesterday. The simple and unqualified extensions by three weeks of pending testimony filing deadlines is not practical given the uncertainty of the current pandemic crisis’s duration, and would be inequitable to PMSA.

In Washington’s current lockdown environment, PMSA has limited ability to prepare its response, and impacted abilities to communicate effectively with its witnesses. Its counsel are unable to access voluminous file materials and other resources located in their offices and elsewhere. PSP’s proposal presupposes that the lockdown will end within three weeks, and that because PMSA and its counsel would enjoy the benefit of three additional weeks to prepare their testimony, so too should PSP be granted an additional three weeks to prepare its rebuttal testimony after receiving PMSA’s testimony. These premises are inaccurate. We cannot assume that the lockdown will end within three weeks; indeed, all indicators suggest it will not. PMSA is not able to work in earnest on its testimony now, and likely will remain unable to do so throughout the three additional weeks PSP proposes.

FG:53718024.1

March 27, 2020

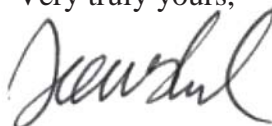
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The parties, through counsel, are sorting through and attempting to resolve discovery disputes arising out of PSP's responses to PMSA's data requests. Counsel have exchanged correspondence and jointly participated in a Go To Meeting conference call in which they exchanged their positions and suggested resolutions. That process is ongoing, and while PMSA is hopeful the parties will resolve their disputes, we cannot be certain a satisfactory resolution is forthcoming. If not, motion practice may prove necessary. In that event, the ALJ's and Commission's circumstances resulting from the prolonged lockdown could conceivably delay issuance of motion rulings for an uncertain period of time.

Accordingly, PMSA proposes the following modified version of PSP's proposed continuance: PMSA's deadline for submitting testimony will be extended by the three weeks PSP proposes, but that three-week continuance period will begin to run not from PMSA's current April 22, 2020 deadline, but from the later of (1) the currently scheduled deadline of April 22, 2020; (2) the date on which Governor Inslee lifts the lockdown order, or (3) the date when the ALJ issues a ruling on any discovery motion. PSP's deadline for submitting rebuttal testimony will be three weeks from the date it receives PMSA's testimony, and all other scheduled dates (including the hearing date) will be adjusted accordingly.

PMSA, through its counsel, is available to attend a status conference call to discuss the parties' respective proposals.

Very truly yours,

A handwritten signature in black ink, appearing to read "Steven W. Block". The signature is written in a cursive, flowing style.

Steven W. Block