

**BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND PILOTS,

Respondent.

DOCKET TP-190976

ORDER 04

GRANTING MOTION TO EXTEND  
SUSPENSION DATE; MODIFYING  
PROCEDURAL SCHEDULE

**BACKGROUND**

- 1 On November 19, 2019, Puget Sound Pilots (PSP) filed with the Washington Utilities and Transportation Commission (Commission) its initial proposed tariff. On November 21, 2019, the Commission entered Order 01, suspending the tariff filing and setting the matter for adjudication.
- 2 On December 12, 2019, the Commission convened a prehearing conference in this matter, and on December 17, the Commission entered Order 02, Prehearing Conference Order; Notice of Hearing, set for June 29-30, 2020 (Order 02). Order 02, among other things, granted Pacific Merchant Shipping Association's (PMSA) petition to intervene and established a procedural schedule.
- 3 On January 14, 2020, Pacific Yacht Management (PYM) filed with the Commission a late-filed petition to intervene. The Commission granted PYM's petition by Order 03 on January 31, 2020.
- 4 On March 26, 2020, PSP filed with the Commission a Request to Extend the Procedural Schedule set by Order 02 (Motion). In its Motion, PSP explains that the present COVID-19 pandemic has directly impacted the availability of resources, documents, communications, and parties, thereby necessitating modifications to the procedural schedule and an extension of the tariff suspension date from October 23, 2020, until December 4, 2020. PSP indicated that Commission staff (Staff) and PYM agree with its proposal, but that PMSA would file a separate response. PSP proposes extending the deadline for Staff and intervenor response testimony until May 13, 2020, and extending

the deadline for rebuttal and cross-answering testimony to July 8, 2020. The Motion further requests that response times to data requests be shortened to five business days following the deadline for responsive testimony, and proposes that all remaining scheduled deadlines be continued six weeks forward.

- 5 On March 27, 2020, PMSA filed a response proposing that the response testimony deadline be extended by three weeks from the later of (1) the currently scheduled deadline of April 22, 2020, (2) the date on which the Governor lifts the “Stay Safe – Stay Home” Proclamation 20-25, or (3) the date when the administrative law judge issues a ruling on any yet-to-be-filed motion to compel. PMSA explains in its response that the parties are attempting to resolve discovery disputes arising from PSP’s responses to PMSA’s data requests, and that motions practice may be necessary to resolve those disputes.
- 6 On March 30, 2020, the administrative law judge convened a telephonic status conference to discuss modifications to the procedural schedule. No party opposed extending the responsive testimony deadline beyond the requested date of May 13, 2020. PSP expressed a preference for the deadline to be extended no further than May 27, 2020, and PMSA stated that it prefers a June 3, 2020, deadline. In light of the uncertainty of the current circumstances related to the COVID-19 pandemic, however, PMSA stated it may request an additional extension at a later date.
- 7 All parties indicated availability for revised evidentiary hearing dates of August 12-13, 2020.

### DISCUSSION

- 8 We grant PSP’s Motion and modify the procedural schedule as set out in Appendix A to this Order. Order 01 in this docket included a requirement that PSP must not change or alter the tariffs filed during the suspension period unless authorized by the Commission. PSP’s Motion appropriately seeks Commission authorization to modify the original suspension date from October 23, 2020, to December 4, 2020.
- 9 We find that extending the suspension date is in the public interest for the reasons PSP cites in its Motion. Delaying the schedule due to the current public health crisis, the extent and residual impacts of which remain unknown, is appropriate because all parties will benefit from additional time to prepare testimony and exhibits. In turn, the Commission will benefit from additional time to prepare the final order in light of disruptions and delays to its operations that have already occurred, and may continue to

occur. Accordingly, we grant PSP's Motion. We also acknowledge that the procedural schedule may require further revision to respond to the ever-changing circumstances the parties and the Commission may face due to the COVID-19 pandemic.

10 We modify the procedural schedule to extend the deadline for filing responsive testimony until May 27, 2020. This provides the parties with additional time to resolve ongoing discovery disputes and complete responsive testimony that has been delayed by the current public health crisis while ensuring that PSP has adequate time to file rebuttal testimony to address all parties' positions. As such, the deadline for filing rebuttal testimony will be adjusted to July 8, 2020, per PSP's request. Finally, we grant the parties' request to shorten the response time for data requests to five business days following the response testimony deadline of May 27, 2020. All other corresponding modifications to the procedural schedule are reflected in Appendix A to this Order.

**ORDER**

11 **THE COMMISSION ORDERS THAT:**

- 12 (1) Puget Sound Pilots' Request to Extend Suspension Date and Extend the  
Procedural Schedule in Docket TP-190976 is GRANTED.
- 13 (2) The suspension date for the tariffs filed in Docket TP-190976 is extended until  
December 4, 2020.
- 14 (3) The procedural schedule is modified as reflected in Appendix A, which is adopted  
and incorporated by reference into this Order.

Dated at Lacey, Washington, and effective March 31, 2020.

**WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION**

DAVID W. DANNER, Chairman

ANN E. RENDAHL, Commissioner

JAY M. BALASBAS, Commissioner

**APPENDIX A  
MODIFIED PROCEDURAL SCHEDULE**

<b>EVENT</b>	<b>PREVIOUS DATE</b>	<b>NEW DATE</b>
Staff and Intervenor Response Testimony and Exhibits	<b>April 22, 2020</b>	<b>May 27, 2020<sup>1</sup></b>
PSP Rebuttal Testimony and Exhibits; Staff and PMSA Cross-Answering Testimony and Exhibits	<b>May 26, 2020</b>	<b>July 8, 2020</b>
Discovery Deadline – Last Day to Issue Data Requests	<b>June 15, 2020</b>	<b>July 29, 2020</b>
Exhibits List, Cross-Examination Exhibits, Witnesses List, Time Estimates, Exhibits Errata	<b>June 22, 2020</b>	<b>August 5, 2020</b>
Evidentiary Hearing	<b>June 29 and 30, 2020, at 9:30 a.m.</b>	<b>August 12, 2020, at 8:30 a.m., and continuing on August 13, 2020<sup>2</sup></b>
Simultaneous Post-Hearing Briefs	<b>July 20, 2020</b>	<b>September 3, 2020</b>
Simultaneous Reply Briefs	<b>August 3, 2020</b>	<b>September 17, 2020</b>
Suspension Date	<b>October 23, 2020</b>	<b>December 4, 2020</b>

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<sup>1</sup> Response times to data requests will be shortened to five business days after this date.

<sup>2</sup> The hearing will reconvene immediately following the Commission's regularly scheduled open meeting.