

TP-180402 Marine Pilotage Ratesetting Rulemaking
 Stakeholder Comment Summary for CR-101 Proposed Rules

Company	WAC Section	Comment	Staff Response
<u>Puget Sound Pilots</u>	<u>WAC 480-07-505(4)</u>	<p>Inlcude two additional exceptions in general rate caes filing exceptions.</p> <ol style="list-style-type: none"> 1. (f) Filings seeking to recover increases or reflect decreases in state, local or federal taxes or fees applicable to pilotage services. 2. (g) Filings seeking to revise previously approved revenue requirements to adjust the number of approved pilots. 	<p>Staff is continuing to gather and evaluate information and has not yet taken a position on this issue but looks forward to discussing it at the October 19 workshop.</p>
	<u>WAC 48007-525 (1),</u>	<p>Suggest section (1) be revised to read as follows:</p> <p>(1) Testimony and exhibits. <u>If the commission enters a suspension order for a proposed tariff, in accordance with a scheduling order entered by the Commission, t</u>The petitioner must file with the commission one paper and one electronic copy of all testimony and exhibits that the petitioner intends to present as its direct case in the format identified in WAC 480-07-140(6). if the filing is suspended and a hearing held. Upon request by the Commission for a paper copy of any electronically filed testimony or exhibit, one paper copy of the direct case or original filing shall be provided within three (3) business days.</p>	<p>Staff disagrees. The rules governing rate cases for other companies require five hard copies of testimony and exhibits, and there is no reason to treat this industry differently.</p>
	<u>WAC 480-07-525(4)</u>	<p>Suggest section (4) “Work papers” be revised as follows:</p> <p>(4) Work Papers. One paper and one electronic copy of all supporting work papers for the test period, which is the most recent twelve-month period for which financial data are available not to exceed nine months prior to the filing date. The electronic copy must be submitted in the format</p>	<p>Regarding the elimination of the language “not to exceed nine months prior to the filing date, staff is continuing to evaluate information and has not yet taken a position on this issue but looks forward to discussing it at the October 19 workshop.</p>

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		identified in WAC 480-07-140(6). <u>If paper copies are requested by the Commission, they will be provided within three (3) business days. Work papers must include:</u>	
	<u>WAC 480-07-525(4)(a)</u>	Suggest deleting the reference to “rate base” regarding “Scheduling of assests”.	Staff is continuing to gather and evaluate information and has not yet taken a position on this issue but looks forward to discussing it at the October 19 workshop.
	<u>WAC 480-07-525(4)(c)</u>	Suggest deleting the requirements that an income statement and balance sheet be prepared by a certified public accountant.	Staff is continuing to gather and evaluate information and has not yet taken a position on this issue but looks forward to discussing it at the October 19 workshop.
	<u>WAC 480-07-525(4)</u>	As there is no “non-regulated revenue” derived from pilotage services, PSP recommends deleting subparagraphs (g) and (h) in their entirety.	Staff recommends retaining this language to capture any future changes in industry practice that may result in non-regulated revenue. If there is currently no non-regulated revenue, the inclusion of this language will have no impact on the rate-making process.
	<u>WAC 480-07-525(4)(j)</u>	The referenced section is confusing and an apparent duplicaiotn of the requirments in proposed WAC 480-07-525(1) . If the Commission retains this paragraph, we suggest clarifying it in the last line that omitted matierals must be requested <u>by the Commission</u> .	Staff appreciates the suggestion and is evaluating the inclusion of the language “by the Commission.”
	<u>WAC 480-07-525(4)(m)</u>	PSP does not have possession of data on vessel <i>traffic</i> . PSP does have data on “vessel assignments”. PSP has no objection to documenting, for the test period “rates and charges assessed vessel operators. Proposed completely replacing the draft language in this subsection with the following:	Staff is evaluating the recommendation but believes available data trends on vessel traffic is a reasonable metric to request from a petitioner. Staff has not taken a position on this issue but looks forward to discussing it at the October 19 workshop.

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		(m) <u>Projected changes in vessel assignments and a detailed portrayal of vessel assignments for the previous twelve months along with the associated tariff and fees charged to vessel operators for pilotage services and any other information deemed relevant by the petitioner.</u>	
	<u>WAC 480-07-525(4)(o)</u>	We believe projected increased in state, local or federal fess and/or taxes should be supplied so long as they are known and measurable at the time a pilotage services rate case is filed unless the new exceptions in the proposed change in WAC 480-07-505 are applicable.	Staff appreciates your suggestion and looks forward to discussing it at the October 19 workshop
	<u>WAC 480-07-525(4)(p)</u>	PSP believes this is basically a pro forma adjustment requirement and, as such is not concerned with providing extraordinary expense items if that is what is intended by the language.	Staff appreciates your comment.
	<u>WAC 480-07-525(4)(q)</u>	This appears to be an amalgamation and possible duplication of subparagraphs (m) and (n) in this section and is subject to the same objection by PSP as on “vessel traffic” as opposed to “vessel assignments” noted above.	Staff is evaluating the recommendation but believes available data trends in these areas are important metrics to request from a petitioner. Staff has not taken a position on this issue but looks forward to discussing it at the October 19 workshop.
	<u>WAC 480-07-525(4)(r)</u>	PSP assumes that because subparagraph (r) is duplicated in WAC 480-07-505 (4)(b) , the reiteration in this subpart of the draft rule is to ensure that general rate case fillings likely headed to formal adjudication include provisions for stipends set by the Board of Pilotage Commissioners, as required for the pilot training program and pilot trainees.	<u>Staff appreciates your comment.</u>

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	<u>WAC 480-07-525(4)(s)</u>	PSP believes this is a well-considered addition to the general rate case work paper requirements that would put all stakeholders on notice when a petitioner intends a different methodology that past Commission orders have recognized.	<u>Staff appreciates your comment.</u>
	<u>WAC 480-160</u>	General Comments PSP believes that it would be more appropriate and provide the Commission with greater flexibility in the future if certain terms were defined only within the proposed tariff or defined only after the first general rate case. The specific definitions are identified in greater detail in Appendix A of our comments.	Staff appreciates your suggestion and agrees that definitions not contained in statute or necessary under the Commission’s procedural rules should be moved into the tariff.
	<u>WAC 480-160-006</u>	Application Suggest section be modified as follows: Except for the vessels exempted under RCW 88.16.070, all every vessel that operates in the waters of the Puget Sound <u>pilotage district</u> or Grays Harbor pilotage districts that must shall employ a marine pilot <u>licensed under the provisions of RCW 88.16.090 and shall be</u> are liable and <u>pay for pilotage rates or and charges in accordance with the applicable tariff and subject to compulsory pilotage.</u>	<u>Staff is evaluating the suggested changes and has not yet taken a position on this issue.</u>
	<u>WAC 480-160-011</u>	Resolving disputes about the meaning of these rules Suggest section be modified as follows: If the interpretation of any rule in this chapter is questioned by a petitioner, a customer, or an	<u>Staff is evaluating the suggested changes and has not yet taken a position on this issue.</u>

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		<p>applicant, a petition for declaratory ruling under 34.05.240 or request for clarification may be filed with the commission.</p>	
	<p><u>WAC 480-160-011</u></p>	<p>General Comment</p> <p>The term “file with the commission” is defined in proposed WAC 480-160-016(10). That definition, if adopted, means “filed with the commission’s executive secretary... at the time a person with a substantial interest files its general rate case”. This definition would appear to limit a “request for clarification” to one being filed with a general rate case. However, general rate case adjudications are typically initiated on the suspension of a filed tariff. If the “request for clarification” language is not eliminated from this proposed rule, we recommend revisions to the definition of “file with the commission” in proposed WAC 480-160-016(10).</p>	<p><u>Staff is evaluating the suggested changes and has not yet taken a position on this issue.</u></p>
	<p><u>WAC 480-160-016</u></p>	<p>Definitions</p> <p>PSP believes that until a general rate proceeding has been fully adjudicated by the Commission, only certain terms need at least be defined in the rules. Other terms may be defined in the tariff or, if necessary, after a final order is issued in the first general rate proceeding. Therefore, we suggest that only the following definitions be included in the proposed WAC 480-160-016:</p> <ul style="list-style-type: none"> (6) “Board” (9) “Commission” (10) “File with the commission” (11) “Grays Harbor pilotage district” 	<p><u>Staff appreciates your suggestion and agrees that definitions not contained in statute or necessary under the Commission’s procedural rules should be moved into the tariff.</u></p>

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		<p>[new] “Grays Harbor pilots” (18) “Person with a substantial interest” [new] “Pilotage service provider” (20) “Puget Sound pilotage district” (21) “Puget Sound Pilots” (22) “Rates” and “charges” (23) “Rate design and rate structure” (26) “Serve” or “provide”</p>	
	<p><u>WAC 480-160-016(20)</u></p>	<p>Proposed the definition for Puget sound pilot district be slightly modified as follows:</p> <p>(20) "Puget Sound pilotage district" shall have the same meaning as found in RCW 88.16.050(1) to include all the waters of the state of Washington inside the international boundary line between the state of Washington and the province of British Columbia and east of one hundred twenty-three degrees twenty-four minutes (123° degrees 24' minutes) west longitude</p>	<p><u>Staff is evaluating the suggested changes and has not yet taken a position on this issue.</u></p>
	<p><u>WAC 480-160-016</u></p>	<p>There are a number of places in the proposed pilotage rules in which the term “pilotage district” is used. However, a pilotage district, as defined in RCW 88.16.050, is a geographic area rather than a service entity. Thus, PSP proposes the following new term, “pilotage service provider,” be included in the definitions set forth in proposed WAC 480-160-016 and the term replace “pilotage district” where used in a number of proposed rules to reference the Port of Grays Harbor pilots and the Puget Sound Pilots who provide the pilotage services in district waters:</p>	<p><u>Staff agrees with the comment and will replace all relevant references to “pilotage district” with “pilotage service provider” or “service provider”.</u></p>

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		<p><u>“Pilotage service provider” means the Puget Sound Pilots or Grays Harbor Pilots.</u></p>	
	<p><u>WAC 480-160-016</u></p>	<p>The proposed rules include a definition of “Puget Sound Pilots” but lack a definition of Grays Harbor Pilots. Because the proposed definition of “Pilotage service provider” necessarily references the Grays Harbor Pilots, PSP proposes the following definition of that term:</p> <p><u>“Grays Harbor pilots” refers to Port of Grays Harbor employees licensed by the state to provide compulsory pilotage service in Grays Harbor pilotage district waters.</u></p>	<p><u>Staff agrees with the comment and will include a definition of Grays Harbor Pilots where it is deemed necessary.</u></p>
	<p><u>WAC 480-160-031</u></p>	<p>Records Retention</p> <p>PSP thus recommends revising the rule to acknowledge that the person with the obligation to retain records is the service provider rather than the pilotage district.</p> <p>The proposed record keeping requirement that customer service records be “kept in alphabetical, service address, or service route order” in WAC 480-160-016(2)(b) is not compatible with the electronic record keeping system utilized by PSP. Thus, we recommend adding an option to maintain records in searchable electronic format as shown our below.</p>	<p><u>Staff agrees with the comment and is evaluating the suggested changes.</u></p>
	<p><u>WAC 480-160-031</u></p>	<p>Records Retention</p> <p>The terms “services” and “extra services” are not defined, but appear to reference the language in</p>	<p><u>Staff is evaluating the suggested changes and has not yet taken a position on this issue.</u></p>

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		<p>RCW 81.116.020. The statute should therefore be referenced in the rule in the following proposed revision:</p> <p>(1) General provisions. A <u>pilotage district service provider</u> must keep all business records and reports for at least three years following the date those documents were created unless specified in these rules or unless a longer retention period is required by another governmental body.</p> <p>(2) Customer service records. A <u>pilotage district service provider</u> must maintain complete and accurate customer service records for all customers served.</p> <p>(a) Customer service records must be kept on file in the general office of the petitioner for at least three years.</p> <p>(b) Customer service records must be kept <u>either in searchable electronic format</u>, or in alphabetical, service address, or service route order.</p> <p>(c) Customer service records must show at least the following information:</p> <p>(i) The name and service address of the customer;</p> <p>(ii) The billing address of the customer, if different than the service address;</p> <p>(iii) Categories and quantity of <u>pilotage</u> service provided, including extra services <u>authorized by RCW 81.116.020(4)</u>, as they are provided;</p> <p>(iv) Information required to provide, on customer request, a detailed description of the amount billed the customer;</p> <p>(v) Amounts billed;</p>	

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		<p>(vi) Amounts collected; and (vii) Balance due.</p>	
	<p><u>WAC 480-160-036</u></p>	<p>Reporting Requirements</p> <p>PSP recommends minor revisions to again reflect that a pilotage district is merely a geographic area rather than the service provider. The revisions are reflected as follows:</p> <p>(1) Annual reports. An annual report is an end-of-the-year summary of financial activity that each pilotage district <u>service provider</u> is required to file with the commission.</p> <p>(a) Each year the commission will make available on the commission website an annual report form and instructions to each district.</p> <p>(b) A pilotage district <u>service provider</u> must file a complete, accurate annual report showing all requested information by May 1 of the succeeding year. Information provided on the annual report must be consistent with source documents maintained at district pilotage service provider offices.</p> <p>(c) The commission may grant an extension of <u>time allowing a pilotage district service provider</u> to file its annual report after the May 1 due date if the commission receives a request for extension before April 15.</p> <p>(d) The commission may issue penalty assessments if a district <u>pilotage service provider</u> fails to file its required annual report by May 1.</p> <p>(2) Other reports. The commission may require a pilotage service provider to file periodic or other special reports.</p>	<p>Staff agrees with this comment and will replace all references from “pilotage district” to “service provider”.</p>

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	<p><u>WAC 480-160-062(4)</u></p>	<p>Tarriffs and rates, general Proposed WAC 480-160-062 sets forth general rules regarding the use of tariffs by marine pilots within their respective pilotage districts. Thus, the provision in WAC 480-160-062(4) recognizing the right of a party with a substantive interest to petition to change a tariff appears to be misplaced. This provision is also duplicative of the more comprehensive tariff-changing procedure set forth in proposed WAC 480-160-070. PSP recommends that this subsection (4) be deleted.</p>	<p><u>Staff is evaluating the suggested changes and has not yet taken a position on this issue.</u></p>
	<p><u>WAC 480-160-062(5)</u></p>	<p>Tarriffs and rates, general PSP recommends the following revision to this section: (1) A tariff is a publication containing the rates and charges for pilotage services, including rules that govern how rates and charges are assessed. (2) The commission publishes the tariffs that marine pilots serving the Puget Sound and Grays Harbors pilotage districts must use. (3) All jurisdictional marine pilots are required to follow the terms, conditions, rates and all other requirements imposed by the respective commission-published tariff. (4) Any party with substantive interest may petition the commission to update or modify the published allowed rate and charges or the rules and regulation contained within the appropriate pilotage tariff. (5) Any proposed changes must be provided using <u>a format substantially similar to the commission-provided electronic template.</u></p>	<p><u>Staff is evaluating the suggested changes and has not yet taken a position on this issue.</u></p>

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	<p><u>WAC 480-160-041</u></p>	<p>Commission compliance policy</p> <p>PSP recommends the New Section be modified as follows:</p> <p>(1) The commission encourages voluntary compliance with statutes, rules, and commission orders.</p> <p>(2) The commission will enforce statutes, rules, and commission orders through:</p> <p>(a) A program emphasizing education and technical assistance.</p> <p>(b) A compliance program including:</p> <p>(i) Investigation and resolution of complaints;</p> <p>(ii) Economic compliance audits including, but not limited to, rates, charges, and billing practices;</p> <p>(iii) Cooperative agreements with other agencies to enable effective enforcement and appropriate use of resources.</p> <p>(3) Where necessary to ensure compliance with statutes, rules, and commission orders, the commission will pursue administrative actions with the intent of ensuring future compliance by the violating pilotage district <u>service provider</u>, including, but not limited to, warnings, sanctions, or penalty assessments under the provisions of chapter 81.04 RCW.</p> <p>(4) <u>When pilots provide pilotage service in relation to a voluntary association or other service entity, compliance with WAC 480-160-031 (records retention), 48-160-036 (reporting requirements) and 480-160-101 (complaints) shall be the obligation of the association or service entity rather than the individual pilots.</u></p>	<p><u>Staff is evaluating the suggested changes and has not yet taken a position on this issue.</u></p>

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	<p><u>WAC 480-160-070</u></p>	<p>Changing commission-published tariff-Puget Sound pilotage district</p> <p>PSP recommends the following revisions to this section:</p> <p>(1) A person with a substantial interest may petition for changes to the commission’s pilotage tariff, in addition, the commission may, on its own motion, propose tariff changes.</p> <p>(2) Parties may file electronically their proposed changes using the commission's records portal.</p> <p>(3) Proposed changes must:</p> <p>(a) Be on the appropriate page(s) from the commission’s tariff template <u>or a form substantially similar thereto.</u></p> <p>(b) Identify the tariff item to be changed.</p> <p>(c) Fully describe the proposed change.</p> <p>(d) State clearly the reason(s) for the proposed change.</p> <p>(e) Include any information or documents that justify the proposed change.</p> <p>(f) Provide name, title, address, telephone number, email address of the proposer.</p> <p>(4) <u>Upon its stated effective date if not suspended by the commission, or if the commission suspends the tariff upon the stated date of the commission-ordered revised tariff</u> once the commission issues an order revising the Puget Sound pilotage district tariff, it will state the date on which the rates become effective. The commission will provide a copy of the commission’s updated tariff in electronic format to the Puget Sound pilotage district service provider.</p>	<p><u>Staff is evaluating the suggested changes and has not yet taken a position on this issue.</u></p>

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	<p><u>WAC 480-160-101(1)</u></p>	<p>Complaints – Rates and Charges</p> <p>PSP recommends the section be modified as follows:</p> <p>(1) Pilotage district service provider responsibility.</p> <p>(a) Complaints from customers. When a pilotage district service provider receives a complaint from a customer or an applicant concerning rates or charges, it must:</p> <ul style="list-style-type: none"> (i) Acknowledge the complaint; (ii) Investigate the matter promptly; (iii) Report the results of the investigation to the complainant; (iv) Take corrective action, if warranted, as soon as appropriate under the circumstances; (v) Inform the complainant that the decision may be appealed to a higher-level representative of the pilotage district service provider, if any; (vi) Inform the complainant, if still dissatisfied after speaking with the higher-level representative, of the commission's availability for review of the complaint; <p>and</p> <ul style="list-style-type: none"> (vii) Provide the complainant with the commission's mailing and email addresses and toll-free telephone number. <p>(b) Complaint referred by commission. When commission consumer protection staff refer an informal complaint regarding rates or charges to the pilotage district service</p>	<p><u>Staff is evaluating the suggested changes and has not yet taken a position on this issue.</u></p>

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		<p><u>provider</u>, the pilotage district <u>service provider</u> must:</p> <p>(i) Investigate and report the results to the commission consumer protection staff within two business days (the commission consumer protection staff may grant an extension of time for responding to the complaint if requested and warranted);</p> <p>(ii) Keep the commission consumer protection staff informed of progress toward the solution; and</p> <p>(iii) Inform the commission consumer protection staff of the final result.</p> <p>(c) Complaint record. A pilotage district <u>service provider</u> must keep a record of all complaints concerning rates or charges for at least one year. The record of complaints and rates must be made readily available for commission review. The record must contain:</p> <p>(i) The complainant's name and address;</p> <p>(ii) Date and nature of the complaint;</p> <p>(iii) Action taken; and</p> <p>(iv) Final results.</p>	
	<p><u>WAC 480-160-101(2)</u></p>	<p>Complaints to commission</p> <p>PS recommend modification to the subsection as follows:</p> <p>(2) Complaints to commission. Applicants, customers, or their representatives may files with the commission either:</p>	<p><u>Staff is evaluating the suggested changes and has not yet taken a position on this issue.</u></p>

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		<p>(a) An informal complaint against the pilotage district service provider under provisions of WAC <u>480-07-910</u>; or</p> <p>(b) A formal complaint against the pilotage district service provider under provisions of WAC <u>480-07-370</u>.</p>	
	<u>General Comments</u>	<p>PSP believes that a number of the proposed definitional rules should be defined only in tariff or after the first general rate proceeding is completed. Nonetheless, some of the proposed definitional rules would benefit from additional clarification and revision. Thus, PSP offers comments on those proposed definitions merely to provide input on the terminology without suggestion that the definitions should be adopted as rule at this time. Comments can be found in Appendix of the PSP comment letter submitted September 14th, 2018.</p>	<u>Staff is evaluating the suggested changes and has not yet taken a position on this issue.</u>
<u>Holland America Group</u>	<u>General Comment</u>	<p>We are optimistic that UTC processes based on evidence and objective analysis will be of great assistance in achieving the requirement to establish tariffs that are fair, just, and reasonable and sufficient for the provision of marine pilotage. Please continue to send us further information on these rulemakings so we can revise or submit additional comments or more formally comment as the rulemaking proceeds.</p>	<u>Staff appreciates the comment.</u>
<u>Pacific Merchant Shipping Association</u>	<u>General Comment</u>	<p>This comment letter is submitted by PMSA to support this proposed rulemaking process generally.</p>	

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	<u>General Comment</u>	PMSA supports the CR-101 draft discussion document. We support the integration of pilotage into the UTC’s rules (Title 480 WAC).	<u>Staff appreciates the comment.</u>
	<u>General Comment</u>	PMSA suggests that the CR-101 draft discussion document be revised to limit the use of this term to describe the geographical limitations of licensing areas of pilots subject to a UTC tariff. Since there is no “pilotage district” entity which charges vessels for pilotage services, it should be made clear that when an individual pilot licensee or a company of pilot licensees conduct their business, or petition the commission for rates, that they do so with respect to services provided in a “pilotage district,” but they are not doing so as a “pilotage district.”	<u>Staff agrees with the comment and is evaluating the suggested changes.</u>
	<u>General Comment</u>	PMSA suggests that the CR-101 draft discussion document be revised to clearly communicate the Legislature’s bifurcation of the roles of the UTC and BPC and the assignment of responsibilities between the two bodies. The UTC and BPC should embrace a comity of respect for the decisions of one another, abide by a principle of a presumption of correctness for the actions of the other, and generally direct petitioners and the public to address their issues to the correct forum for their resolution.	<u>Staff agrees with the comment and is evaluating the suggested changes.</u>
	<u>General Comment</u>	With respect to the inclusion of numerous substantive definitions in Chapter 480-160 WAC (Proposed) which are otherwise not utilized in the RCW or WAC, PMSA respectfully requests that these terms be stricken as surplusage.	<u>Staff appreciates your suggestion and agrees that definitions not contained in statute or necessary under the Commission’s procedural rules should be removed from the rule.</u>

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	<u>General Comment</u>	PMSA wishes to continue to receive further information on this rulemaking, requests addition to the appropriate service list if not already included, and reserves the right for further response, revision, and expansion of comments on this draft discussion document, future components of this rulemaking, and to respond to other public comments submitted.	<u>Staff appreciates the comment.</u>
	<u>WAC 480-07-500(5)</u>	PMSA suggests the subsection be revised as follows; (5) Less than statutory notice. The commission may grant requests to alter tariffs on less than statutory notice for good cause shown, in accordance with RCW 80.28.060 or 81.28.050. A company for pilotage service district that seeks to implement general rate proceeding tariff changes on less than statutory notice must include with its filing a complete explanation of the reasons that support such treatment.	<u>Staff is evaluating the suggested changes and has not yet taken a position on this issue</u>
	<u>WAC 480-07-505(4)(c)</u>	Request the subsection be revised as follows; (c) Filings to reflect any automatic periodic or annual adjustment to pilotage rates previously established and approved by the commission in a general rate proceeding.	<u>Staff is evaluating the suggested changes and has not yet taken a position on this issue</u>
	<u>WAC 480-07-505(5)</u>	Suggest modifying the subsection as follows; (5) Commission discretion. The commission retains discretion to determine whether to initiate a general rate proceeding in response to any filing described in this section or to convert	Staff is evaluating the suggested changes and has not yet taken a position on this issue

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		<p>any rate proceeding to a general rate proceeding, following notice and an opportunity to comment, if the commission finds that such action is consistent with the public interest. The commission may require that any filing or proposal by a public service company for pilotage service district to change rates for any customer class, or to restructure rates, be subject to the procedures and protections in subpart B of these rules.</p>	
	<p><u>WAC 480-07-505(6)</u></p>	<p>Suggest revising the subsection as follows;</p> <p>(6) Suspension of tariffs. The commission may take action at a regularly scheduled open public meeting to suspend the tariff sheets included in any filing that seeks to change rates. A company may waive its right to commission consideration of the filing at an open meeting and request immediate suspension of the tariffs, either in the cover letter accompanying the filing or in a subsequent document. If commission staff confirms that the filing is complete and complies with the applicable rules in subpart B of these rules, the commission may enter a complaint and order suspending the tariffs without further process. The company [, pilotage service district,] and statutory parties may engage in discovery pursuant to WAC 480-07-400 through 415 after the commission issues a notice of prehearing conference prior to the commission entering a prehearing conference order.</p>	<p><u>Staff is evaluating the suggested changes and has not yet taken a position on this issue</u></p>

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	<u>WAC 480-07-525(1)</u>	Suggest revising the subsection as follows; (1) Testimony and exhibits. The petitioner must file with the commission one paper and one electronic copy of all testimony and exhibits that the petitioner intends to present as its direct case if the filing is suspended and a hearing held. [The electronic copy of all filed material must be in the format identified in WAC 480-07-140(6).]	Staff disagrees. The rules governing rate cases for other companies require five hard copies of testimony and exhibits, and there is no reason to treat this industry differently
	<u>WAC 480-07-525(2)</u>	Suggest revising the subsection as follows; (2) Proposed tariff. The p Proposed tariff sheets must be filed in electronic form supplemented by one paper copy. The proposed tariff sheets should be in legislative format (i.e., with strike-through to indicate the material to be deleted or replaced and underlining to indicate the material to be inserted) consistent with the requirements in WAC 480-160-066 through WAC 480-160-081, as well as copies of any tariff sheets that are referenced in the new or amended tariff sheets. The electronic copy must be submitted in the format identified in WAC 480-07-140(6).	<u>Staff is evaluating the suggested changes and has not yet taken a position on this issue</u>
	<u>WAC 480-07-525(3)</u>	Suggest revising the subsection as follows; (3) Transmittal letter. A transmittal letter prepared in compliance with the provisions of WAC 480-160- 191 in electronic form supplemented by one paper copy.	<u>Staff is evaluating the suggested changes and has not yet taken a position on this issue</u>

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Company	WAC Section	Comment	Staff Response
	<u>WAC 480-07-525(4)</u>	Suggest making numerous changes to subsection four as detailed in the PMSA comment letter submitted on September 14 th , 2018.	<u>Staff is evaluating the suggested changes and has not yet taken a position on this issue</u>
	<u>WAC 480-07-525</u>	<p>Include new subsection (5) as follows;</p> <p><u>(5) [Work papers filing. At the time the petitioner makes its general rate case filing, the petitioner must provide to Commission staff one paper and one electronic copy of all supporting work papers of each witness in a format as described in this section. If the testimony, exhibits, or work papers refer to a document, including, but not limited to, a report, study, analysis, survey, article or decision, that document must be included as a work paper unless it is a reported court or agency decision, in which case the reporter citation must be provided in the testimony. If a referenced document is voluminous, it need not be provided, but the petitioner must identify clearly the materials that are omitted and their content. Omitted materials must be provided or made available if requested.]</u></p>	<u>Staff is evaluating the suggested changes and has not yet taken a position on this issue</u>
	<u>WAC 480-07-525</u>	<p>Include a new subsection (6) as follows;</p> <p><u>(6) Work papers organization. Work papers must be plainly identified and well organized, and must include an index and tabs. All work papers must be cross referenced and include a description of the cross referencing methodology.</u></p>	<u>Staff is evaluating the suggested changes and has not yet taken a position on this issue</u>
	<u>WAC 480-07-525</u>	Include a new subsection (7) as follows;	<u>Staff is evaluating the suggested changes and has not yet taken a position on this issue</u>

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		<p><u>(7) Witnesses' electronic documents. Parties must provide all electronic files supporting their witnesses' work papers. The electronic files must be fully functional and include all formulas and linked spreadsheet files. Electronic files that support the exhibits and work papers must be provided using logical file paths, as necessary, by witness, and using identifying file names.</u></p>	
	<p><u>WAC 480-07-525</u></p>	<p>Include new subsection (8) as follows;</p> <p><u>(8) Electronic copy filing. The electronic copy of all materials required by this section to be filed must be in the format identified in WAC 480-07-140(6).]</u></p>	<p><u>Staff agrees with the comment and is evaluating the suggested changes.</u></p>
	<p><u>WAC 480-07-700</u></p>	<p>Suggest deleting subsections (2) and (3) and renumbering remaining subsections and subsection references in this section accordingly.</p>	<p><u>Staff is evaluating the suggested changes and has not yet taken a position on this issue</u></p>
	<p><u>WAC 480-07-700</u></p>	<p>Suggest new subsection, numbered (5) in this section to state as follows;</p> <p><u>(5) Pilotage provisions. Any proposed settlement or agreement for pilotage rates must include all of the following:</u></p> <p><u>(a) The necessary tariff surcharge to fund the stipend the board of pilotage commissioners is authorized to pay to pilot trainees and to use in its pilot training program under RCW 88.16.035.</u></p> <p><u>(b) The reasonable fee of the commission for setting rates for marine pilotage services.</u></p>	<p><u>Staff is evaluating the suggested changes and has not yet taken a position on this issue</u></p>

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Company	WAC Section	Comment	Staff Response
	<u>WAC 480-160-016</u>	<p>Definitions</p> <p>Suggesting deleting several definitions, adding several definitions, modifying several definitions, and renumbering the section accordingly, as identified in the PMSA comment letter dated September 14th, 2018.</p>	<p><u>Staff is evaluating the suggested changes and has not yet taken a position on this issue</u></p>
	<u>WAC 480-160</u>	<p>Suggest removing numerous references to “pilotage district” and replacing with “pilot service provider” as identified in the PMSA comment letter submitted on September 14th, 2018.</p>	<p><u>Staff is evaluating the suggested changes and has not yet taken a position on this issue</u></p>
	<u>WAC 480-160-070 (3)</u>	<p>Changing commission-published tariff – Puget Sound pilotage district</p> <p>Suggest modifying this subsection as follows;</p> <p>(3) Proposed changes must <u>[be submitted] {:</u> {a) Be} on the appropriate page(s) from the commission’s tariff template <u>[and include list all of the following:]</u> <u>(a) The name of the petitioner</u> <u>(b) Identify the tariff item to be changed.</u> <u>(c) Fully describe the proposed change[, including the dollar and percentage amounts that revenue will change if the filing is approved by the commission, and the percentage amount that rates will change if approved by the commission].</u> <u>(d) State clearly the reason(s) for the proposed change [including a description of each proposed</u></p>	<p><u>Staff is evaluating the suggested changes and has not yet taken a position on this issue</u></p>

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		<p><u>change and a brief statement of the reason for the change, and a description of why the existing tariffs are not fair, just, reasonable, and sufficient].</u> (e) Include any information or documents that justify the proposed change. (f) Provide [a contact person’s] name, title, address, telephone number, email address.</p>	
	<p><u>WAC 480-160-075</u></p>	<p>Changing commission-published tariff –Grays Harbor pilotage district.</p> <p>Suggest modifying this section as follows; (1) [With respect to a] petition to modify the Grays Harbor pilotage district tariff, the person with substantial interest must submit all of the following: (i) The name of the petitioner; (ii) A description of why the existing tariffs are not fair, just, reasonable, and sufficient; (iii) A description of each proposed change and a brief statement of the reason for the change; (iv) The dollar and percentage amounts that revenue will change if the filing is approved by the commission; (v) The percentage amount that rates will change if approved by the commission; (vi) A contact person’s name, mailing address, telephone number, and email address. (b) An electronic copy of the proposed tariff.]</p>	<p><u>Staff is evaluating the suggested changes and has not yet taken a position on this issue</u></p>

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Company	WAC Section	Comment	Staff Response
		<p>(2) Any petition for the Grays Harbor pilotage district must include:</p> <p>(a) The port district pilotage budget,</p> <p>(b) The prior year pilotage financial statement, and</p> <p>(c) Official notice of the public hearing held on the proposed tariff.</p> <p>(3) Once the commission issues an order approving the Grays Harbor pilotage district tariff, it will state the date on which the rates become effective. The commission will provide a copy of the commission's updated tariff in electronic format to <u>the [Port of Gray s Harbor and all pilot service providers in the]</u> Grays Harbor pilotage district.</p>	