

**BEFORE THE STATE OF WASHINGTON**  
**UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND PILOTS,

Respondent.

Docket No. TP-220513

PMSA'S OPPOSITION TO PSP'S  
MOTION FOR EXPEDITED  
SCHEDULE

**INTRODUCTION**

1. Pursuant to WAC 480-07-375(4), Intervenor<sup>1</sup> Pacific Merchant Shipping Association (“PMSA”) opposes the motion brought by Puget Sound Pilots (“PSP”) to set an expedited schedule in PSP’s newly filed general rate case. PMSA is concurrently filing a separate motion to dismiss PSP’s petitions without prejudice. Should this case proceed, PMSA opposes PSP’s request to rush these proceedings, including PSP’s similar request for the Commission to issue an interim rate increase within only six weeks of PSP’s petitions. PSP does not prove any exigent circumstances requiring an expedited schedule. Expediting the schedule would unduly burden and prejudice this Commission, its Staff, and the intervenors, particularly given the volume of material PSP has submitted.

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<sup>1</sup> PMSA is concurrently filing with this motion its Petition to Intervene.

## STATEMENT OF FACTS

2. This motion relies on the pleadings and papers in the instant case and in the prior case PSP filed before this Commission (Docket TP-190976).
3. PSP filed its first rate case before this Commission on November 20, 2019.<sup>2</sup> PMSA participated in the case as an intervenor.<sup>3</sup> One year later, the Commission issued its Final Order rejecting PSP's tariff sheets and requiring PSP file revised tariff sheets.<sup>4</sup> New tariffs became effective on January 25, 2021.<sup>5</sup>
4. Less than a year and a half later, PSP has now filed a new general rate case with a motion to expedite the case schedule and, at the same time, a petition for an interim rate increase coupled with an automatic tariff adjuster. PSP's proposed tariff, Appendix B to its cover letter, does not reflect any of the automatic adjuster changes proposed in the PSP testimony (see Carlson, Exh. IC-01T at 30–31).

## ARGUMENT

5. PSP acknowledges a “typical 11-month schedule for a general rate case.” PSP Motion at ¶ 2. The schedule must provide sufficient time for UTC Staff and intervenors to conduct an adequate review (including data requests as needed) and

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<sup>2</sup> *Wash. Utils. & Transp. Comm'n v. Puget Sound Pilots*, Docket TP-190976, Order 09 at 1 (Nov. 25, 2020) [hereinafter Order 09].

<sup>3</sup> *Wash. Utils. & Transp. Comm'n v. Puget Sound Pilots*, Docket TP-190976, Order 02 (Dec. 17, 2019).

<sup>4</sup> Order 09.

<sup>5</sup> *Wash. Utils. & Transp. Comm'n v. Puget Sound Pilots*, Docket TP-190976, Letter from Mark L. Johnson (Jan. 22, 2021).

prepare responses.

6. This is particularly important where the petition includes voluminous evidence, as here, where PSP has submitted “written testimony of 22 witnesses and more than 100 exhibits.” PSP Motion at ¶ 7. PSP’s executive director emphasizes “[t]he sheer magnitude and comprehensive character of PSP’s testimony from 23 witnesses and over 2000 pages of exhibits.”<sup>6</sup>
7. The parties will need time to review, promulgate data requests, review responses, and prepare testimony and exhibits in response. PSP recognizes that its proposed schedule would require “Commission Staff and intervenors to analyze and respond to PSP’s case more quickly.” PSP Motion at ¶ 17. This places an undue burden on Staff and the intervenors in a process that is important to Washington’s economic health.
8. PSP claims it has submitted “an exceptionally robust” and “highly organized evidentiary package” with a “complete road map to that evidence” in an “executive summary” by PSP’s counsel. PSP Motion at ¶¶ 3, 16. But PSP’s motion does not specify where the “executive summary” is, and no “complete road map” appears to be in any of PSP’s filings. As demonstrated in PMSA’s motion to dismiss, the evidence to satisfy even the preliminary requirements for filing the case is missing, which suggests PSP’s self-assessment of its evidentiary package (aside from the

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<sup>6</sup> Costanzo, Exh. CPC-01T at 11:9–11 (the reference to a 23rd witness appears to be in error).

acknowledgment of its voluminous nature) is doubtful.

9. Similarly, PSP incorrectly states it “laid significant groundwork through open and productive communication with stakeholders” before filing its petition. PSP Motion at ¶ 18. PSP provides no evidence of this. PMSA’s motion to dismiss explains that PSP has in fact not complied with the Commission’s requirements for a stakeholder process. That part of the motion to dismiss is incorporated here by reference.
10. PSP also claims to require an expedited schedule based on the very issue that is at the heart of both its request for an interim rate increase and its general rate case, i.e., whether funding under the Commission’s recently enacted tariff is sufficient. This issue would seem to be a constant in all petitioners’ tariff filings before the Commission. PSP has not shown a crisis would result from following the more typical 11-month schedule, which is the schedule that should apply to both PSP’s petitions.
11. PSP is unpersuasive in claiming the addition of future new pilots creates more urgency in raising tariffs. The Commission’s recent tariff increase already considered the effect of “BPC’s decisions related to the number of authorized pilots and the need for additional licensed pilots over a five-year period of time.”<sup>7</sup> Nor are PSP’s stated concerns about attracting candidates a compelling basis for an

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<sup>7</sup> Order 09 at ¶ 98.

extraordinary remedy or expedited hearing. As the Commission found in the last rate case, “there is no shortage of candidates, and many pilots work until the mandatory retirement age. Accordingly, we place little weight on this factor.” This conclusion remains persuasive, especially as the increase in pilots PSP anticipates proves there is no shortage of candidates. PSP Motion at ¶¶ 4–5.

### CONCLUSION

12. None of the grounds PSP claims for rushing this proceeding has merit. With respect to both its petition for an interim rate increase and its motion to expedite its general rate case, PSP’s arguments for special treatment are unpersuasive. Its voluminous evidence, inaccurate assertion of having conducted a stakeholder process allowing it to shortcut the typical timetable for general rate cases, and inaccurate sky-is-falling claims about the sufficiency of the Commission’s recently enacted tariff favor a normal schedule and allowing all parties to participate in a careful and considered evaluation of the evidence and arguments. PSP’s motion to expedite the schedule should be denied, if the case proceeds at this time at all.

Respectfully submitted this 7th day of July, 2022.

### FOX ROTHSCHILD LLP

*s/ Michelle DeLappe*

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