

**BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND PILOTS,

Respondent.

DOCKET TP-220513

ORDER 02

GRANTING EXTENSION OF TIME
FOR MOTION FOR LEAVE TO FILE
REPLY

BACKGROUND

- 1 On June 29, 2022, Puget Sound Pilots (PSP) filed with the Washington Utilities and Transportation Commission (Commission) revisions to its currently effective Tariff No. 1. PSP characterizes its filing as a general rate case.
- 2 That same day, on June 29, 2022, PSP also filed a Petition for Interim Rate Relief and Request for Expedited Consideration (Petition). PSP submits that the tariff currently funds 52 full-time pilots but that the Board of Pilotage Commissioners (BPC) recently licensed an additional pilot. PSP anticipates that the BPC will license two additional pilots in July 2022, and one additional pilot during the pendency of the general rate case. This would bring the total number of full-time pilots to 56. PSP notes that because the current tariff funds only 52 pilots the cost of additional pilots would be borne entirely by current pilot members.
- 3 PSP submits that it meets the standards for interim rate relief set forth in *WUTC v. Pacific Northwest Bell Telephone Co.*, Cause No. U-72-30, Second Supplemental Order Denying Petition for Emergency Rate Relief (October 1972) (*PNW Bell Telephone*). PSP therefore requests that the Commission approve an automatic tariff adjuster increasing the existing tariff rate by 1.4% for each new licensee above the currently funded level of 52 licensees and reduce the tariff by 1.4% for each retirement of a licensee provided the number of PSP licensees drops below 52.
- 4 On July 19, 2022, Pacific Merchant Shipping Association (PMSA) filed an Opposition to PSP's Petition for Interim Rate Increase and Expedited Consideration. PMSA argues that

PSP has not proven the existence of an emergency or other extraordinary circumstances and that PSP does not meet the requirements of *PNW Bell Telephone*. Among other points, PMSA explains that PSP argued against adjusting vessel projections in light of the COVID-19 pandemic. This undermines PSP's claims that the Commission "expressly refused to factor the effects of the pandemic into PSP's tariff" and that this was a "clear mistake" causing hardship to PSP pilots. PMSA also argues that PSP has not brought forward any evidence discussing PSP's financing of pilot's income or how the change in the number of licensed pilots affects PSP's demands for financing in the short-term.

5 That same day, July 19, 2022, Staff filed a Response to Puget Sound Pilot's Petition for Interim Rate Relief. Citing the same six factors that the Commission discussed in *PNW Bell Telephone*, Staff admits that some modification of the Commission's standards may be appropriate in the context of pilotage. Staff notes that PSP, an association of pilots unlike other regulated companies before the Commission, is not a capital-intensive organization. Staff also argues that the Commission should decline to consider PSP's arguments regarding pandemic-era declines in vessel traffic and the increased profitability of foreign shipping industry profits. Staff submits that these arguments are generally contrary to the Commission's findings in Final Order 09.

6 On July 26, 2022, PSP filed a Request for Extension of Time to File Request for Leave to File Reply (Motion). PSP notes that pursuant to WAC 480-07-370(5)(b) its reply would be due on that same day. PSP argues, however, that there is good cause for granting an extension of this deadline. PSP notes that the deadline overlaps with pre-planned vacation for two of PSP's attorneys. PSP submits that this relatively short extension will not prejudice other parties to the case.

DISCUSSION AND DECISION

7 Pursuant to WAC 480-07-385(2)(a), the Commission may grant a motion for a continuance if the moving party demonstrates good cause, and the continuance will not prejudice any party or the Commission.

8 Because PSP's reply deadline conflicts with the pre-planned vacation of its attorneys, the Commission finds that PSP has demonstrated good cause for its Motion in this case. The Commission is not persuaded that PSP's Motion will prejudice any party or the Commission. The Commission therefore allows PSP until 5 p.m. on Tuesday, August 2, 2022, to file its motion for leave to file a reply to the Petition.

ORDER

THE COMMISSION ORDERS THAT Puget Sound Pilot's Motion is GRANTED.

DATED at Lacey, Washington, and effective August 2, 2022.

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION

/s/ Michael S. Howard

MICHAEL HOWARD

Administrative Law Judge