

BEFORE THE STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND PILOTS,

Respondent.

Docket TP-220513

**PETITIONER PUGET SOUND
PILOTS' MOTION FOR LEAVE TO
FILE REPLY IN SUPPORT OF
PETITION FOR INTERIM RATE
RELIEF**

MOTION

1. Pursuant to WAC 480-07-370(5)(b), Petitioner Puget Sound Pilots ("PSP") moves for leave to file the Reply in Support of Petition for Interim Rate Relief that is attached hereto as Exhibit A. In support of this motion, PSP relies on the record previously filed herein and the following points and authorities.

MEMORANDUM

I. BACKGROUND.

2. On June 29, Puget Sound Pilots ("PSP") filed its second General Rate Case supported by more than 500 pages of testimony from 22 witnesses and more than 120 exhibits. That record demonstrates that PSP is underfunded to the point that it ranks dead last in pilot income among the representative sample of 14 U.S. pilot groups for which data is publicly available.¹

¹ Lough, DL-01T at 10-11.

3. Contemporaneous with the filing of its General Rate Case, PSP filed a Petition for Interim Rate Relief (“Petition”) to implement an automatic adjuster and offset the cost of BPC-authorized licensees who have or will become active during the pendency of PSP’s General Rate Case and while the current tariff remains in effect.
4. On July 19, 2022, proposed intervenor Pacific Merchant Shipping Association (“PMSA”) and Commission Staff (“Staff”) filed briefs in opposition to the Petition raising new legal arguments, including among other things that PSP’s proposed interim rate relief would violate the cost causation principle and is not in the public interest.
5. On July 26, 2022, PSP filed a letter motion requesting a brief, five business day extension of time to move for leave to file a reply in support of the Petition. No party has opposed PSP’s requested extension to file this motion.
6. On August 2, 2022, the Commission granted PSP’s requested extension and allowed PSP until 5:00 p.m. on August 2 to file this motion.

II. ARGUMENT.

7. WAC 480-07-370(5)(b) grants the Commission discretion to allow a reply in support of a petition where a reply is necessary to address new facts or legal argument raised in a response. In this case, both PMSA’s and Staff’s oppositions raise a number of legal arguments to which PSP should in fairness be permitted an opportunity to respond. PMSA and/or Staff contend among other things that PSP’s proposed interim relief is inconsistent with the Commission’s final order in the prior rate case (Order 09), that the requested relief would, if granted, violate the principle of cost causation, and that the threat to PSP’s

reputation and recruitment efforts created by a further significant reduction in pilot income is not an emergency that warrants interim relief.²

8. As set out in PSP’s proposed reply that is Exhibit A to this motion, PSP strongly disagrees with PMSA and Staff’s position. In particular, the requested interim relief is consistent with Order 09 and the ratemaking principles underlying that order. Moreover, the current underfunding of the pilotage system does in fact present an immediate crisis. Interim relief will help alleviate that problem while the current rate case is pending and will advance the public interest without (as explained in PSP’s proposed reply) implicating any potential adverse concerns.
9. PSP’s Petition presents an issue of significant importance to the organizational health of PSP, the financial health of individual pilots and their families and the public’s compelling interest in a pilotage system that is staffed and funded to provide the “best achievable protection” of Puget Sound. The Commission should consider these important issues based on a full record that includes PSP’s proposed reply.

III. CONCLUSION.

10. PSP’s motion should be granted and the proposed reply should be entered in the record.

Respectfully submitted this 2nd day of August, 2022.

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² See generally, Commission Staff’s Response to Puget Sound Pilots’ Petition for Interim Rate Relief, 3-14 ¶¶ 8-28; PMSA’s Opposition to PSP’s Petition for Interim Rate Increase, 7-17 ¶¶ 16-32.

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