

Pilotage Rules
WAC 480-160

NEW SECTION

WAC 480-160-001 **Purpose of Chapter.**

- (1) **Puget Sound Pilotage District** - The legislature has declared that tariffs for pilotage services provided under chapter 88.16 RCW in the Puget Sound pilotage district shall be established by the commission. The purpose of these rules is to administer chapter 81.116 RCW in setting **or amending** pilotage tariff rates or charges for pilotage services.
- (2) **Grays Harbor Pilotage District** - The legislature has declared that in setting rates or charges for pilotage services provided by the Grays Harbor pilotage district under chapter 88.16 RCW, the commission will consider the recommendation of the port district. The purpose of these rules is to administer chapter 81.116 RCW in setting **or amending** pilotage tariff rates or charges for pilotage services.

NEW SECTION

WAC 480-160-006 **Application.**

Except for the vessels exempted under RCW 88.16.070, **all every** vessel that operates in the waters of the Puget Sound **pilotage district** or Grays Harbor pilotage districts **that** must employ a **marine pilot pilotage service provider** **are liable for** licensed under the provisions of RCW 88.16.090 and must pay the **applicable** pilotage rates **or and subject to compulsory pilotage charges in accordance with the applicable tariff.**

NEW SECTION

WAC 480-160-011 **Resolving disputes about the meaning of these rules.**

If the Any person subject to these rules may seek a commission interpretation of a **ny rule by a petitioner, a customer, or an applicant, filing with the commission** a petition for declaratory **ruling under 34.05.240 RCW** order pursuant to WAC 480-07-930 or a **request for clarification may be filed with the commission** petition under WAC 480-07-370 requesting clarification.

NEW SECTION

WAC 480-160-016 **Definitions.**

- (1) **“Assignment”** means a billable event relating to pilotage services. Assignments include ship movements, regardless of duration, and cancellations

- (2) For purposes of work allocation, an assignment is considered to commence when a pilot is assigned a vessel and concludes upon the pilot's arrival at the pilot station on an outbound assignment or upon the completion of travel for an inbound assignment (or upon cancellation).
- (3) "**Average assignment time per ship movement**" means the sum total of time devoted to Assignments during a given period divided by the number of ship movements occurring during the same period.
- (4) Assignment time generally commences when the pilot is assigned to the vessel and concludes upon completion of travel time for inbound assignments or arrival at the pilot station for outbound assignments.
- (5) time includes preparation and travel time plus bridge time.
- (6) "**Average bridge time per assignment**" means the sum total of time a pilot is aboard piloted vessels during a given period divided by the number of assignments occurring during the same period.
- (7) Bridge time generally commences concurrent with order time and concludes upon the pilot's arrival ashore.
- (8) Although pilots normally arrive on the bridge 30 minutes before the order time on outbound assignments, average bridge time per assignment does not include bridge time for cancelled assignments nor time on the bridge before order time of outbound assignments.
- (9) "**Average bridge time per ship movement**" means the sum total of time aboard piloted vessels during a given period divided by the number of ship movements occurring during the same period.
- (10) Bridge time generally commences concurrent with order time and concludes upon the pilot's arrival ashore.
- (11) Although pilots normally arrive on the bridge 30 minutes before the order time on outbound assignments, average bridge time per ship movement does not include time on the bridge for cancelled assignments nor time on the bridge before order time of outbound assignments.
- (12) "**Average time per assignment**" means the sum total of time devoted to assignments during a given period divided by the number of assignments occurring during the same period.
- (13) Assignment time generally commences when the pilot is assigned to the vessel and concludes upon completion of travel time for inbound assignments or arrival at the pilot station for outbound assignments.
- (14) Assignment time includes preparation and travel time plus bridge time.
- (15) "**Board**" means the board of pilotage commissioners.
- (16) **Bridge time**
- (17) "**Cancellation**" means a billable event involving the termination by a carrier, or agent of a pilotage service request after a pilot has been assigned and before an outbound ship is moved or, in the case of an inbound vessel, the vessel is delayed by more than six hours where that delay occurs within 12 hours of the scheduled arrival time.
- (18)(a) A cancellation is deemed to occur if a pilot has been assigned and if the service request is cancelled within 12 hours before the scheduled vessel arrival at Port Angeles or, for outbound transits, four hours from scheduled departure from Seattle, or five hours from any other port.
- (19)(b) A pilot who has not commenced travel to an outbound assignment at the time of cancellation remains available for immediate dispatch. A pilot who has commenced travel is removed from dispatch until rest requirements are met.
- (20)(c) An inbound vessel may be charged a cancellation charge for any delay of more than six hours of an arrival time made less than 12 hours before the scheduled arrival if the cancellation charge is lower than the delayed arrival charge that would otherwise apply.
- (21)

(1) "Commission" means the utilities and transportation commission.

(2) "File with the commission" means filed with the commission's executive secretary pursuant to WAC 480-07-140 at the time a person with a substantial interest files its general rate case.

(3) **Grays Harbor pilots**"-means Port of Grays Harbor employees licensed by the state to provide compulsory pilotage service in the Grays Harbor pilotage district.

(4) "Grays Harbor pilotage district" shall have the same meaning as found in RCW 88.16.050(2) to include all inland waters, channels, waterways, and navigable tributaries within Grays Harbor and Willapa Harbor.

(12) "**Gross pilotage revenue**" means all revenue under the tariff including transportation and trainee surcharges or stipends.

(13) "**Gross pilotage revenue per assignment**" means gross pilotage revenue generated from all assignments during a given period of time divided by the number of assignments during the same period.

(14) "**Net Income of Pilots**" means, for purposes of setting rates for Puget Sound Pilots, the total pilotage fees collected in the port, minus reasonable operating expenses, divided by the number of licensed and active state pilots within the district.

(15) "**Non Revenue Activity**" means a non billable event in which a pilot, other than the president of the Puget Sound Pilots, is assigned to such as a license upgrade trip or pilotage related activity not involving a ship movement.

(16) Non-revenue activities include education, training, simulation sessions, license upgrade trips, voyage planning sessions, meetings with government agencies and officials (e.g., board, commission, U.S. Coast Guard, Department of Ecology, legislature, governor, port districts), testimony, industry events and conferences, marine safety meetings and PSP business and professional meetings.

(17) Non-revenue activities are not assignments and do not accrue towards the fulfillment of the target assignment Level.

(18) "**Number of pilots**" means number of pilots necessary to be licensed in each district of the state to optimize the operation of a safe, fully regulated, efficient, and competent pilotage service in each district, as determined by 88.16.035 RCW.

(19) The Number of Pilots includes:

(20) pilots;

(21) The president of the Puget Sound Pilots and licensed pilots who are inactive due to injury or illness but receiving payments.

(22) Number of Pilots does not include former pilots who are no longer licensed, but are receiving payment in the form of Comp. Days.

(23) "**Order time**" means a vessel's last scheduled departure time for outbound transits or last scheduled arrival time for inbound transits.

(5) "Person with a substantial interest" means:

- a. A pilot or a group or association of pilots licensed under chapter 88.16 RCW;
- b. A vessel operator or other person using utilizing the services of a licensed pilot and paying pilotage fees and charges for such services or an organization representing vessel operators or persons; or

- c. Any other person or business **entity** that can show that **a the** requested tariff change would be likely to have a substantial economic impact on its operations.

(6) **"Pilotage service provider"** means a person licensed by the state to provide marine pilotage services in the Grays Harbor pilotage district or Puget Sound pilotage district.

(7) **"Pro forma adjustments"** mean a mechanism which gives effect for the test period to all known and measurable changes that are not offset by other factors.

(8) **"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.**

(9) **"Puget Sound Pilots"** means an organization of independent marine pilots specially trained and licensed to board and guide ships such as oil tankers, cargo vessels, and cruise ships through the Puget Sound pilotage district.

(10) **"Rates" and "charges"** means prices for services that, when multiplied by the number of times a service is performed, determines the amount owed **for the services.**

(11) **"Rate design"** and **"rate structure"** mean arrangement or system of rates and charges that produce revenues necessary to recover the costs of service and support economic and social goals and policies.

~~(24) **"Restating actual adjustments"** adjust the booked operating results for any defects or infirmities in actual recorded results that can distort test period earnings. Restating actual adjustments are also used to adjust from an as-recorded basis to a basis that is acceptable for ratemaking. Examples of restating actual adjustments are adjustments to remove prior period amounts, to eliminate below-the-line items that were recorded as operating expenses in error, to adjust from book estimates to actual amounts, or to eliminate or to normalize extraordinary items recorded during the test period.~~

~~(25) **"Revenue per assignment"** means gross revenue, excluding transportation charges and trainee surcharges or stipends, generated from all assignments during a given period of time divided by the number of assignments during the same period.~~

(12) **"Serve"** or **"provide"** means to deliver to **the** commission staff and parties in **a the** proceeding, documents **filed with submitted to** the commission **for the filing** or documents that are not **filed with submitted to** the commission **for the filing** but that are formally exchanged between parties.

~~(27) **"Ship movement"** means an assignment resulting in a transit or a reposition of a vessel. A ship movement involving multiple pilots, other than training or upgrading pilots, is counted as multiple ship movements, one for each pilot.~~

~~(28) **"Target assignment level"** means a numerical benchmark set by the board calculated by dividing the annual number of assignments by the number of pilots. It is used by the board in making workload decisions, including the setting of the number of pilot licenses to be issued. The president of Puget Sound Pilots is not included in the calculation for the Target Assignment Level.~~

NEW SECTION

WAC 480-160-021 **Change of address, telephone number, or email.**

A pilotage **district service provider** must notify the commission in writing of any change in physical business address, business mailing address, business telephone number, or business email. This notice must be filed at least 10 days before the effective date of the change **by US mail or email**.

NEW SECTION

WAC 480-160-026 **Exemptions from rules in chapter 480-160 WAC.**

The commission may grant an exemption from the provisions of any rule in this chapter in the same manner, **and** consistent with the standards, and according to the procedures set forth in WAC **480-07-110 (Exceptions from and modifications to the rules in this chapter; special rules)**.

NEW SECTION

WAC 480-160-031 **Records retention.**

- (1) **General provisions.** A pilotage **district service provider** must keep all business records and reports for at least three years following the date those documents are created unless otherwise specified in these rules or unless a longer retention period is required by another governmental **entity body**.
- (2) **A pilotage service provider is deemed in compliance with the requirements of WAC 480-160-031 (records retention), 480-160-036 (reporting requirements), and 480-160-101 (complaints) if the information required is provided by the Puget Sound Pilots or the Port of Grays Harbor.**
- (3) **Customer service records.** A pilotage **district service provider** must maintain complete and accurate customer service records for all customers **the provider** serves.
 - (a) **A pilotage service provider must keep** customer service records **must be kept** on file in the **provider's** general office **of the petitioner** for at least three years.
 - (b) Customer service records must be **retained kept either in a searchable electronic format, or in** alphabetical, service address, or service route order.
 - (c) Customer service records must show at least the following information:
 - (i) The name and service address of the customer;
 - (ii) The billing address of the customer, if different than the service address;
 - (iii) Categories and quantity of **pilotage or other** services provided, including extra services provided;
 - (iv) Information required to provide, on customer request, a detailed description of the amount billed the customer;
 - (v) Amounts billed;
 - (vi) Amounts collected; and
 - (vii) **Any** balance due.

NEW SECTION

WAC 480-160-036 **Reporting requirements.**

- (1) **Annual reports.** An annual report is an end-of-the-year summary of financial activity that each pilotage **district service provider** is required to file with the commission.
 - (a) Each year the commission will make available on the commission website an annual report form and instructions to each **provider district**.
 - (b) A pilotage **district service provider** 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 **the provider's district** offices.
 - (c) The commission may grant an extension of time **to allow**ing a pilotage **district service provider** to file its annual report after the May 1 due date if the commission receives a request for extension before April 15.
 - (d) The commission may issue penalty assessments if a **provider district** fails to file its required annual report by May 1 **or any extended due date the commission has established**.
- (2) **Other reports.** The commission may require a **pilotage service provider district** to file periodic or other special reports.

NEW SECTION

WAC 480-160-041 **Commission compliance policy.**

- (1) The commission encourages voluntary compliance with statutes, rules, and commission orders.
- (2) The commission will enforce statutes, rules, and commission orders through:
 - (a) A program emphasizing education and technical assistance.
 - (b) A compliance program including:
 - (i) Investigation and resolution of complaints;
 - (ii) Economic compliance audits including, but not limited to, rates, charges, and billing practices; **and**
 - (iii) Cooperative agreements with other agencies to enable effective enforcement and appropriate use of resources.
- (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 service provider including, but not limited to, warnings, sanctions, or penalty assessments under the provisions of chapter **81.04** RCW;

NEW SECTION

WAC 480-160-046 **Rate setting fees Fees.**

The commission will assess a rate setting fees is an assessment of to recover the reasonable costs the commission incur red by the commission as part of to establish or amend setting the tariff rates of Grays

Harbor pilotage district and or Puget Sound pilotage district marine pilotage services tariff, respectively. The rate-setting fees may must be included in the respective marine pilotage tariff tariffs and shall be appropriated from the pilotage account established in RCW 88.16.061.

NEW SECTION

WAC 480-160-060 Tariffs, all Pilots must charge only approved rates comply with the provisions of approved tariffs.

No pilotage service provider shall charge, collect, or receive, and no person, firm, corporation, or association shall pay for pilotage or other services performed that is any greater, less, or different amount, directly or indirectly, than the rates or charges approved by the commission.

NEW SECTION

WAC 480-160-062 Tariffs and rates, general.

(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 establishes and amends publishes the tariffs that marine pilots pilotage service providers serving the Puget Sound pilotage district and Grays Harbors pilotage district must use.

(3) All jurisdictional marine pilots-regulated pilotage service providers must comply with the terms, conditions, rates, rates, terms, or conditions and all other requirements in the applicable tariff.

(4) Any person party with a substantial interest may petition the commission to update or modify the published allowed rates, terms, or conditions contained in the applicable appropriate marine pilotage district tariff.

(5) Any proposed changes to the tariff must be provided using the commission provided electronic template the commission provides.

NEW SECTION

WAC 480-160-066 Tariffs, changes must be identified.

Each change in rates, charges, or rules in a tariff must be clearly identified by using one of the following methods: including the appropriate code symbol immediately to the left of the material being changed. Symbols to indicate the type of changes are:

Code Symbol	Used to indicate:
(R)	reductions in rates or charges
(I)	increases in rates or charges
(C)	changes resulting in neither increases nor decreases
(N)	new rate, service rates, services or rules rates, terms, or conditions

(W)	wording changes
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NEW SECTION

WAC 480-160-070 **Changing commission-published tariff - Puget Sound pilotage district**

- (1) A person with a substantial interest may petition the commission to modify the marine pilotage services tariff, Puget Sound pilotage district tariff and the commission may on its own motion, propose tariff changes on its own initiative.
- (2) Parties may file electronically Persons must file their proposed changes electronically using the commission's records portal.
- (3) Proposed changes must:
 - (a) Be made on the appropriate page(s) of the existing tariff using the commission's tariff template.
 - (b) Identify the tariff item to be changed.
 - (c) Fully describe the proposed change.
 - (d) State clearly the reason(s) for the proposed change.
 - (e) Include any information or documents that justify the proposed change.
 - (f) Provide name, title, address, telephone number, and email address of the person or entity proposing the changes.
- (4) Once If the commission modifies issues an order revising the Puget Sound pilotage district tariff, the commission will enter an appropriate order. The order and the modified tariff will state the date on which the revised rates, terms, or conditions become effective. The commission will serve provide a copy of the modified tariff in electronic format on the Puget Sound pilotage district service providers.

NEW SECTION

WAC 480-160-075 **Changing commission-published tariffs - Grays Harbor pilotage service provider.**

- (1) When the Grays Harbor Port District files a notice of its recommended pilotage service tariff with the commission, it must include Any petition for the Grays Harbor pilotage service provider must include:
 - (a) The port district pilotage budget;
 - (b) The prior year pilotage financial statement; and
 - (c) Official notice of the public hearing held on the proposed tariff.
- (2) If a person with a substantial interest To petitions To petition the commission to modify the Grays Harbor pilotage service provider district tariff, a person with a substantial interest the person must submit all of the following:
 - (a) The name of the petitioner;
 - (b) A description of why the existing tariffs are not fair, just, reasonable, and sufficient;
 - (c) A description of each proposed change and a brief statement of the reason for the change;
 - (d) The dollar and percentage amounts that revenue generated under the tariff will change if the commission approves the filing;

- (e) The percentage amount that rates will change if approved by the commission;
 - (f) A contact person's name, mailing address, telephone number, and email address; **and**
 - (g) An electronic copy of the proposed tariff; **and**
 - (h) **Information demonstrating the petition was submitted to and subsequently rejected by the Port of Grays Harbor.**
- (3) If the commission modifies the Grays Harbor marine pilotage **services district** tariff, the commission will enter an appropriate order. The order and the modified tariff will state the date on which the revised rates, terms, or conditions become effective. The commission will serve a copy of the modified tariff electronically on the Grays Harbor pilotage service providers.

NEW SECTION

WAC 480-160-081 Tariffs, approval.

The commission's receipt of a filing to modify tariff rates, terms, or conditions does not mean that the proposed modifications are immediately effective or that the commission approves those revisions. Petitioners may not implement any proposed tariff modifications until the commission approves them or until the modified tariff becomes effective by operation of law.

NEW SECTION

WAC 480-160-086 Tariffs, suspension by the commission.

- (1) Upon receiving a complaint or protest concerning rates or charges, or on its own initiative, the commission may suspend tariff **rates, terms, or conditions** as provided in RCW 81.04.130.
- (2) The commission will not take action to suspend a tariff, or any part of a tariff, based on a complaint or protest concerning rates or charges unless the complaint or protest is filed in compliance with the commission's rules of practice and procedure in chapter 480-07 WAC.

NEW SECTION

WAC 480-160-101 Complaints – Rates and Charges.

(1) Pilotage service provider responsibility.

- (a) **Complaints from customers.** When a pilotage service provider receives a complaint from a customer or an applicant concerning rates or charges, it must:
 - (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 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; and
 - (vii) Provide the complainant with the commission's mailing and email addresses and **tollfree toll free** telephone number.
- (b) **Complaint referred by commission.** When commission consumer protection staff refer an informal complaint regarding rates or charges to the pilotage service provider, the pilotage service provider must:
- (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);
 - (ii) Keep the commission consumer protection staff informed of progress toward the solution; and
 - (iii) Inform the commission consumer protection staff of the final result.
- (c) **Complaint record.** A pilotage service provider 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:
- (i) The complainant's name and address;
 - (ii) Date and nature of the complaint;
 - (iii) Action taken; and
 - (iv) Final result.
- (2) **Complaints to commission.** Applicants, customers, or their representatives may file with the commission either:
- (a) An informal complaint against the pilotage service provider under the provisions of WAC [480-07-910](#); or
 - (b) A formal complaint against the pilotage service provider under the provisions of WAC [480-07-370](#).