

Exh. MM-57
Docket TP-220513
Witness: Michael Moore

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

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND PILOTS,

Respondent.

Docket No. TP-220513

**EXHIBIT TO TESTIMONY OF
Captain Michael Moore
ON BEHALF OF
PACIFIC MERCHANT SHIPPING ASSOCIATION**

PSP Responses to PMSA DR No. 130-133

FEBRUARY 10, 2023

PMSA DATA REQUEST NO. 130: Regarding your testimony at Exh. CPC-01T 51:15–17, please describe in detail and include citations with specificity to the extent possible of how a result such that “the pilotage rates for foreign yachts nearly doubled under the new tariff” constituted an “oversight” made by the Commission in the adoption of Order 09.

RESPONSE: PSP does not believe that it was the intent of the parties or, by extension, the Commission, to impose an increase in pilotage rates for foreign yachts that nearly doubled rates under the prior tariff and was much more significant by percentage than the increase on all other vessels.

PMSA DATA REQUEST NO. 131: Regarding your testimony at Exh. CPC-01T 15:17 identifying an “inequity” with respect to pilotage rates for yachts, please: (a) define your use of the word “inequity”; (b) describe the “inequity” regarding yachts under the current tariff; and (c) describe how the PSP proposal will address the “inequity,” including a description of why certain vessel types should pay different types of hourly pilot service fees.

RESPONSE: PSP believes it was inequitable (i.e. unfair) that pleasure yachts, which present a relatively low risk profile of these yachts compared to large oceangoing cargo vessels, were assessed a significantly higher rate increase on a percentage basis. PSP believes its proposal will address this inequity by reducing rates assessed to this unique vessel class to better correspond with their comparatively low risk profile.

PMSA DATA REQUEST NO. 132: Regarding your testimony at Exh. CPC-01T 51:18–20 and 52:9–16 describing the “relatively low risk profile of these yachts compared to large oceangoing cargo vessels” and the “much lower risk profile for this less than 2000 gross tons category of foreign yachts,” please provide the data which quantifies the relativity of risk profiles amongst and between vessels, as alleged, or admit that no such data exists.

RESPONSE: Deny. It is generally accepted and well documented that a ship’s size is an appropriate proxy for risk profile. *See, e.g.*, TP-190976, Final Order 09 ¶ 361; WAC 363-116-082 (limiting licenses of new pilots) As any licensed pilot will attest – and as PMSA surely knows – the risk profile of a less than 2,000 gross tons is dramatically less than that of a large ocean-going cargo ship that may be more fifty times as large and carry millions of gallons of fuel.

PMSA DATA REQUEST NO. 133: Your testimony, including at Exh. CPC-01T 51:12, describes in multiple respects an agreement you labeled “E. Jointly Proposed Reduction in Rates for Foreign Yachts,” Exh. CPC-01T 4:15–21, which describes “an agreement with [Pacific Yacht Management and the Northwest Marine Trade Association] to address their pilotage rate disparity in this rate proceeding,” and Exh. CPC-01T 9:3–5 which describes “correspondence that culminated in an agreement between PSP and two stakeholders (Pacific Yacht Management and Northwest Marine Trade Association).” Please: (a) provide true and correct copies of any and all written “agreement” or agreements or “joint” proposal or proposals referenced; (b) provide true and correct copies of all correspondence that culminated in an agreement between PSP, PYM and NMTA; and (c) to the extent that PSP agreed to the proposed reduction in rates for yachts in exchange for PYM and NMTA agreement to support the PSP retirement proposal, so admit.

RESPONSE: While there is no written agreement between PSP, Pacific Yacht Management and Northwest Marine Trade Association, representatives of PYM and NMTA have agreed to present oral testimony supporting the transition of the PSP pension plan from an unfunded pay-as-you-go plan to a fully funded defined-benefit pension plan. Documents related to the agreement between PSP, PYM and NMTA have been previously provided in response to PMSA DR No. 64. PSP denies that it agreed to the proposed reduction in rates for yachts in exchange for the agreement by PYM and NMTA to support the PSP retirement proposal.