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**TOTE MARITIME ALASKA, LLC'S RESPONSES TO
PSP'S DATA REQUESTS NOS. 4-15**

Responses prepared on February 28, 2023.

Responses prepared by TOTE Maritime Alaska, LLC's attorney Steven W. Block; and Phillip Morrell.

Phillip Morrell is knowledgeable about and can respond to questions concerning these responses.

Attorney Block may be reached at (206) 223-7718 and blocks@lanepowell.com.

DATA REQUESTS: GENERAL INSTRUCTIONS

Pursuant to the Washington Utilities and Transportation Commission's (UTC's) Orders in this matter (TP-220513), and WAC 480-07-405, Respondent Puget Sound Pilots ("PSP") propounds the following data requests to intervenor TOTE Maritime Alaska, LLC ("TOTE").

1. These data requests call for all information, including but not limited to information contained in documents or any other tangible or material thing that is known or available to TOTE and including all information in the possession, custody, or control of you or your agents, employees, contractors, attorneys, accountants, auditors, or other persons who are under your, or your attorney's employment, direction and/or control.
2. Please send all electronic documents and data in native format. For any documents that cannot be transmitted via email, please provide the documents via online fileshare; we can provide a secure site for uploading them if that would be helpful.
3. Please review all Excel documents and work papers for hidden cells. Hidden cells include hidden worksheets, columns, rows, and ranges. Please ensure that all items provided pursuant to these requests do not contain any hidden cells or formulas.
4. For purposes of these requests, the term "documents" or "documentation" includes, but is not limited to, letters, emails, correspondence of any kind (including all attachments and/or enclosures), messages, facsimiles, computer files and/or other electronically stored information, spreadsheets, presentations, reports, analyses, notes, minutes, memoranda, work papers, schedules, calendars, invoices, purchase orders, inventories, photographs, graphs, charts, drawings, diagrams, and all other taped, recorded, printed, written, typed, and/or electronic information.

TESTIMONY OF PHILIP MORRELL

PSP DATA REQUEST NO. 4: Please state in gallons the fuel capacity of the M/V Midnight Sun and M/V North Star (collectively, the "ORCA Class Ships").

RESPONSE: 664,294 gallons.

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PSP DATA REQUEST NO. 5: Please admit that most of the main deck and second deck of the ORCA Class Ships are excluded their gross registered tonnage (“GRT”) based on the inclusion of tonnage openings in the ships’ design.

RESPONSE: Deny.

PSP DATA REQUEST NO. 6: Please admit that more than 93% of the main deck volume and more than 95% of the second deck volume of the ORCA Class Ships that are exempt from GRT as “open space” are used for carrying cargo. If denied, please explain the basis for your denial.

RESPONSE: OBJECTION: Calls for information not immediately in TOTE’s possession; and equally and more conveniently available to PSP from third-party sources, namely General Dynamics NASSCO. Without waiving said objection, TOTE is attempting to obtain responsive information from General Dynamics NASSCO, and will supplement its response to this data request if and when such information is obtained.

PSP DATA REQUEST NO. 7: Please admit that the ORCA Class Ships’ design includes tonnage openings at the main deck and second deck for the purpose of excluding these spaces from the ships’ GRT. If denied, please explain the reason for the tonnage openings’ inclusion in the ships’ design.

RESPONSE: OBJECTION: Calls for information not immediately in TOTE’s possession; and equally and more conveniently available to PSP from third-party sources, namely General Dynamics NASSCO. Without waiving said objection, deny. There are no tonnage openings in the ship’s design. The sideports on the second and main decks were included for ship operations such as cargo loading/discharging, ventilation, and mooring. TOTE is attempting to obtain additional responsive information from General Dynamics NASSCO, and will supplement its response to this data request if and when such information is obtained.

PSP DATA REQUEST NO. 8: Please admit that the inclusion of tonnage openings at the ORCA Class Ships’ main and second decks accounts for substantially all of the difference between the ships’ GRT and their gross tonnage as measured pursuant to the International Convention on Tonnage Measurement of Ships, 1969 (“GT ITC”). If denied, please explain what you claim accounts for the difference between the ORCA Class Ships’ GRT and GT ITC.

RESPONSE: OBJECTION: Calls for information not immediately in TOTE’s possession; and equally and more conveniently available to PSP from third-party sources, namely General Dynamics NASSCO. Without waiving said objection, deny. There are no tonnage openings in the ship’s design, the sideports on the 2nd and main deck were included for ship operations such as cargo loading/discharging, ventilation, and mooring. TOTE is attempting to obtain additional responsive information from General Dynamics NASSCO, and will supplement its response to this data request if and when such information is obtained.

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PSP DATA REQUEST NO. 9: Please admit that the ORCA Class Ships' GT ITC is a more accurate measure of their volumetric size than these ships' GRT. If denied, please explain the basis for your denial.

RESPONSE: Deny.

PSP DATA REQUEST NO. 10: Please admit that a ship's volumetric size is a significant factor in the degree of difficulty and risk associated with piloting that ship, particularly in a constricted waterway such as the Blair Waterway at the Port of Tacoma. If denied, please explain the basis for your denial.

RESPONSE: OBJECTION: Calls for expert testimony as to generic scientific concepts that would be impacted by numerous other considerations not specified in the data request. Without waiving said objection, TOTE believes that a vessel's volumetric size, when it reaches certain levels, might be a factor (among many others) in the degree of difficulty and risk associated with piloting the vessel, but only when certain volumetric size metrics are reached that are irrelevant to the issues at hand. Within that limited context, admitted.

PSP DATA REQUEST NO. 11: Please admit that because GT ITC provides a more accurate measure of the ORCA Class Ships' volumetric size than GRT, GT ITC is more relevant to evaluating the degree of difficulty and risk associated with piloting these ships than GRT. If denied, please explain the basis for your denial.

RESPONSE: OBJECTION: Assumes the fact that "because GT ITC provides a more accurate measure of the ORCA Class Ships' volumetric size than GRT," which TOTE disputes. Without waiving said objection, deny. See testimony of Eric Lofffield and Michael Moore.

PSP DATA REQUEST NO. 12: Please admit that the fact that the ORCA Class Ships are engaged exclusively in coastwise commerce (as opposed to international trade) is not a relevant factor in evaluating the relative difficulty and risk of piloting these ships on Puget Sound. If denied, please explain the basis for your denial.

RESPONSE: Deny. The ORCA Class Ships engage exclusively in trade between Tacoma, WA and Anchorage, AK on a weekly basis. This allows all masters and watch officers to operate their vessels approximately 50 times through Puget Sound. Such high transit frequency creates highly reliable ship handling by crews which support pilots.

PSP DATA REQUEST NO. 13: Please admit that the surface area of a ship's hull above the water line, which is sometimes referred to as the sail area, is a relevant factor in evaluating the relative risk and difficulty of piloting ships on Puget Sound. If denied, please explain the basis for your denial.

RESPONSE: OBJECTION: Calls for expert testimony as to generic scientific concepts that would be impacted by numerous other considerations not specified in the data request. Without waiving

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said objection, TOTE believes that a vessel's sail area, when it reaches certain levels, might be a factor (among many others) in the degree of difficulty and risk associated with piloting the vessel, but only when certain sail area metrics are reached that are irrelevant to the issues at hand. Within that limited context, admitted.

PSP DATA REQUEST NO. 14: Please provide the profile in square meters of TOTE's ORCA Class Ships above the waterline.

RESPONSE: OBJECTION: Calls for information not immediately in TOTE's possession; and equally and more conveniently available to PSP from third-party sources, namely General Dynamics NASSCO. Without waiving said objection, TOTE is attempting to obtain responsive information from General Dynamics NASSCO, and will supplement its response to this data request if and when such information is obtained.

PSP DATA REQUEST NO. 15: Please provide copies of all invoices received from the Pacific Pilotage Authority for pilotage services rendered to TOTE's ORCA Class Ships during the period of January 1, 2020 through December 31, 2022 related to transits to and from a shipyard in Victoria, British Columbia.

RESPONSE: OBJECTION: Calls for production of documentation inherently already in PSP's possession. Without waiving said objection, TOTE is gathering the requested documentation and will produce it as soon as reasonably possible.

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