

Exh. MM-68
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 CROSS-ANSWERING TESTIMONY OF
Captain Michael Moore
ON BEHALF OF
PACIFIC MERCHANT SHIPPING ASSOCIATION**

PSP Data Requests 4-15 to TOTE

MARCH 3, 2023

Docket TP-220513
PSP Data Request Nos. 4 – 15 to TOTE Maritime Alaska, LLC
February 17, 2023
Page 1

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:

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:

Docket TP-220513
PSP Data Request Nos. 4 – 15 to TOTE Maritime Alaska, LLC
February 17, 2023
Page 2

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:

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:

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:

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:

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:

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.

Docket TP-220513
PSP Data Request Nos. 4 – 15 to TOTE Maritime Alaska, LLC
February 17, 2023
Page 3

RESPONSE:

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:

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:

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

RESPONSE:

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:

Michael E. Haglund, OSB No. 772030
Haglund Kelley LLP
2177 SW Broadway
Portland, OR 97201
(503) 225-0777
mhaglund@hk-law.com

Attorney for Puget Sound Pilots