

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

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND PILOTS,

Respondent.

Docket TP-220513

**RESPONDENT PUGET SOUND  
PILOTS AND INTERVENOR TOTE  
MARITIME ALASKA, LLC'S JOINT  
STIPULATIONS OF FACT**

1. TOTE Maritime Alaska LLC (“TOTE”) is the owner of the M/V Midnight Sun and the M/V North Star.
2. The M/V Midnight Sun and M/V North Star (collectively hereinafter, the ORCA Class Vessels”) are sister ships that are substantially identical in construction and design.
3. The ORCA Class Vessels are roll-on/roll-off cargo ships that are engaged in coastwise commerce between Puget Sound and Alaska.
4. TOTE elects to hire PSP to provide pilotage services for the ORCA Class Vessels during all Puget Sound transits.
5. Each ORCA Class Vessel’s fuel capacity is 664,294 gallons per ship.
6. Each ORCA Class Vessel’s domestic gross registered tonnage or “GRT” is 35,825 tons.
7. Each ORCA Class Vessel’s gross tonnage as determined in accordance with the International Convention on Tonnage Measurement of Ships, 1969, or “GT ITC” is 65,314 tons.

8. PSP's tariff includes a tonnage charge (Item 300) for pilotage that is calculated based on ships' GT ITC, sometimes referred to as International Gross Tonnage. Specifically, the tariff defines tonnage as follows:

**International Gross Tonnage**

The highest stated figure of the overall size of the vessel in Lloyd's Register (also known as "Lloyd's Registry of Ships"), if available, or the certifiably correct figure determined in accordance with the International Convention on Tonnage Measurement of Ships, 1969, if not stated in Lloyd's Register. The International Gross Tonnage for vessels engaged in towing shall be the combined gross tonnage of the towing vessel and the vessel(s) being towed.

- 9. PSP invoices all ships that incur tonnage charges based on the ship's GT ITC, regardless of whether the ship is engaged in coastwise or foreign commerce or is sailing under a U.S. or foreign flag.
- 10. TOTE is the only shipowner to object to paying PSP's tonnage charge based on its ships' GT ITC.
- 11. Before the establishment of PSP's current tariff pursuant to Order 09, PSP calculated the tonnage charge assessed to the ORCA Class Vessels based on their GRT.
- 12. After the tariff became effective on January 25, 2021, PSP has invoiced TOTE based on the ORCA Class Vessels' GT ITC.
- 13. PSP services both international and domestic traffic.

Respectfully submitted this 22nd day of March, 2023.

HAGLUND KELLEY LLP

LANE POWELL PC

s/ Michael E. Haglund

s/Steven Block

Michael E. Haglund, OSB No. 772030  
Julie Weis, WSBA No. 43427  
Eric J. Brickenstein, OSB No. 142852  
HAGLUND KELLEY LLP  
2177 SW Broadway  
Portland, OR 97201

Steven Block  
1420 Fifth Avenue, Suite 4200  
P.O. Box 91302  
Seattle, WA 98111-9402  
Telephone: (206) 223-7718

Telephone: (503) 225-0777  
Facsimile: (503) 225-1257  
Email: [mhaglund@hk-law.com](mailto:mhaglund@hk-law.com)  
[jweis@hk-law.com](mailto:jweis@hk-law.com)  
[ebrickenstein@hk-law.com](mailto:ebrickenstein@hk-law.com)

*Attorney for Intervenor TOTE Maritime  
Alaska, LLC*

*Attorneys for Respondent*