

PUGET SOUND PILOTS RESPONSES TO DATA REQUEST NOS. 1 - 35 of
PACIFIC MERCHANT SHIPPING ASSOCIATION

DATE PREPARED: February 5, 2020 DOCKET: TP-190976 REQUESTER: PMSA	WITNESS: Ivan Carlson RESPONDER: Puget Sound Pilots
---	--

DATA REQUEST NO. 32: Please provide for 2016 through 2019 for PSP the percentage of (a) first assignments during a duty period that are not vessel departures, and (b) last assignments during a duty period that are not vessel arrivals.

RESPONSE TO DATA REQUEST NO. 32:

Objection. PSP objects to producing information regarding expense or income information that precedes July 1, 2018, the beginning of the test period, as such information is irrelevant to a general rate proceeding. PSP also objects that this request seeks information that is solely related to particular operational issues that are outside the jurisdiction of the Commission and therefore seeks information that is irrelevant to any issue to be adjudicated in this general rate proceeding. PSP further objects that answering this request would put an undue burden on PSP because it does not track information by the category requested. Thus, answering this request would require a person to examine all data for first and last days of duty periods and manually calculate the results. Because this information is of no value in adjudicating this rate proceeding, the burden of answering this request far outweighs any benefit to be derived from the response.

DATE PREPARED: March 3, 2020	WITNESS: Ivan Carlson
DOCKET: TP-190976	RESPONDER: Ivan Carlson
REQUESTER:	Puget Sound Pilots

DATA REQUEST NO. 82: Regarding Exh. IC-1T, p. 2 lines 19-22, provide documentation of watch schedule policies regarding the availability of pilots on duty, off duty and watch schedule management system oversight policies and, with respect to p. 3 lines 6-24 and p. 4 lines 1-2, documentation for 2019 of the actual number of pilots in each watch section.

RESPONSE TO DATA REQUEST NO. 82:

Objection. Nothing about the testimony on the references pages and lines discusses scheduling or watch schedule management systems, which are nonetheless outside of the Commission's jurisdiction. Additionally, the number of pilots in a watch group changes each time a pilot becomes licensed or retires. Thus, there is no single finite answer for the number of actual pilots in each watch group in 2019.

Subject to and without waiving the foregoing objections, PSP responds as follows:

PSP dispatching policies are contained in its Operating Rules, previously produced with file label "PMSA DR 1 PSP Op Rules (Aug 2018).pdf" and bates number commencing on PSP_002235. *See also*, PSP's amended operating rules (Feb. 2020), produced with file label "PMSA DR 83 - OP-RULES Feb 2020.pdf" and bates number commencing on PSP_004234.

The number of pilots on-duty during each watch period during 2019 were as follows:

1/8/19	1/22/19	2/5/19	2/19/19	3/5/19	3/19/05	4/2/19	4/16/19	4/30/19
22	19	22	19	21	21	20	21	20
5/14/19	5/28/19	6/4/19	6/18/19	7/9/19	7/23/19	8/6/19	8/20/19	9/3/19
21	20	23	20	23	18	22	20	21
9/17/19	10/1/19	10/15/19	10/29/19	11/12/19	11/26/19	12/10/19	12/24/19	
23	21	22	20	23	21	21	21	

DATE PREPARED: March 3, 2020	WITNESS: Ivan Carlson
DOCKET: TP-190976	RESPONDER: Ivan Carlson
REQUESTER:	Puget Sound Pilots

DATA REQUEST NO. 84: Regarding Exh. IC-1T, p. 3 line 1, please provide documentation of industry's "historic insistence upon use of off-duty pilots."

RESPONSE TO DATA REQUEST NO. 84:

Objection. Providing a comprehensive response to this request would require a thorough review of numerous historic records, which would consume an even larger amount of time than responding to these voluminous, repetitive and burdensome requests is already consuming. Such a comprehensive review is not justified.

Subject to and without waiving the foregoing objections, PSP responds as follows:

There are a number of sources demonstrating industry's historic reliance on use of off-duty pilots. The following supplies documentation of industry's historic insistence upon use of off-duty pilots:

By letter dated May 4, 1995, a representative of ARCO Marine, Inc. wrote to the following to the Board of Pilotage Commissioners:

The establishment of any format to gauge a pilot level is partially dependent on the association's management having the flexibility to provide service in times of high volume movements. Essentially, this is accomplished by calling back pilots not on assigned duty and compensating them with time off in the future. Comp day accumulation should be seen as, and rewarded as, an efficiency within the pilot organization. It allows the association to operate with an adequate level of pilots while being able to meet the irregular schedule of vessel arrivals. Currently, comp days are carried in the notes to the financial statements as an unfunded liability. We believe that comp days should be fully funded either in the current year or retrospectively in the following year. Individual pilots should be able to receive compensation exclusive of the target net income, or bank the days and the compensation go to a funding account for future use. We understand that this to be an issue to which the pilots should agree internally, and see this as a major item for future discussion. Therefore, we support the current method of banking comp days for future use.

See May 4, 1995 letter, p. 2, with file label 'PMSA DR 84, ARCO letter 1995.pdf,' and commencing on bates number PSP_004261.

DATE PREPARED: March 3, 2020	WITNESS: Ivan Carlson
DOCKET: TP-190976	RESPONDER: Ivan Carlson
REQUESTER:	Puget Sound Pilots

DATA REQUEST NO. 86: Regarding Exh. IC-1T, p. 3 lines 6-24 and p. 4 lines 1-2, please provide, in a searchable spreadsheet format, the actual available number of on-duty pilots each day and the reasons for on-duty pilots not being available for duty each day from 2018 to present.

RESPONSE TO DATA REQUEST NO. 86:

Objection. PSP does not possess a record matching the description of records sought by this request and is not required to create new records pursuant to WAC 480-07-400. Further, providing the reasons for on-duty pilots “not being available for duty each day” would require PSP to identify every single time an on-duty pilot received a mandatory rest break or was on major medical leave. Thus, responding to this request would create an undue burden on PSP. By way of additional objection, information regarding the periods of time during which pilots were on major medical leave is available to the PMSA through monthly reports of the Board of Pilotage Commissioners.

Subject to and without waiving the foregoing objections, PSP is responding to provide the number of active duty pilots during each watch period for the period of 2018-2019.

The following are the number of pilots who entered rotation for each of the 15-day watch periods commencing identified:

1/9/18	1/23/18	2/6/18	2/20/18	3/6/18	3/20/18	4/3/18	4/17/18	5/1/18
21	23	21	23	21	22	22	21	22
5/15/18	5/29/18	6/12/18	6/26/18	7/10/18	7/24/18	8/7/18	8/21/18	9/4/18
21	22	19	22	18	21	21	19	22
9/18/18	10/2/18	10/16/18	10/30/18	11/13/18	11/27/18	12/11/18	12/25/18	1/8/19
19	20	19	20	20	19	20	19	22
1/22/19	2/5/19	2/19/19	3/5/19	3/19/05	4/2/19	4/16/19	4/30/19	5/14/19
19	22	19	21	21	20	21	20	21
5/28/19	6/4/19	6/18/19	7/9/19	7/23/19	8/6/19	8/20/19	9/3/19	9/17/19
20	23	20	23	18	22	20	21	23

DATE PREPARED: March 3, 2020	WITNESS: Ivan Carlson
DOCKET: TP-190976	RESPONDER: Ivan Carlson
REQUESTER:	Puget Sound Pilots

DATA REQUEST NO. 88: Regarding Exh. IC-1T, p. 3 lines 6-24 and p. 4 lines 1-2, please state, in a searchable spreadsheet format, the number of pilots on duty for the first half and second half of transition days from 2015 to present.

RESPONSE TO DATA REQUEST NO. 88:

Objection. There is no apparent connection between the testimony referenced and the subject of this request. This request also appears to require the creation of new records, which is an inappropriate request under WAC 480-07-400. Further, this request seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Specifically, this request seeks information that is relevant only to the litigation of specific operational questions that are outside of the jurisdiction of the Commission and will not assist the Commission adjudicate this rate proceeding.

Further, this request appears to mix concepts in a way that makes it impossible to answer. Please see PSP Operating Rules for an explanation of pilot responsibilities for moving vessels on change days.

Subject to and without waiving the foregoing objections, PSP responds as follows:

PSP does not possess a spreadsheet in the format requested.

DATE PREPARED: March 3, 2020	WITNESS: Ivan Carlson
DOCKET: TP-190976	RESPONDER: Ivan Carlson
REQUESTER:	Puget Sound Pilots

DATA REQUEST NO. 90: Regarding Exh. IC-1T, p. 4 Lines 15-21, please state how many callbacks would be needed if the full duty section were available for assignment each duty cycle.

RESPONSE TO DATA REQUEST NO. 90:

Objection. This request does not appear to bear any relationship to the testimony cited. Further, this request is not properly limited to any relevant time period. This request makes a misleading implication that pilots whose watch groups are in rotation refuse assignments and appears to be argumentative.

Without more particular parameters, there is no way to provide an answer as to “how many callbacks would be needed.” Does this seek the number of callbacks that would be needed in a day? Is it intended to ask about the number in a year? Is this intended to inquire about how many callbacks are created as a result of pilots burning callback days prior to retirement? Is the requested intended to ask about the connection between callback days and the number of pilots on major medical?

Setting aside those fundamental flaws in the request, PSP does not have the resources to answer this burdensome request, because under any properly articulated formulation of the request, PSP would be required to undergo a new and complex analysis of data to determine the impacts of changes to pilot availability on overall historic callback levels.

DATE PREPARED: March 3, 2020 DOCKET: TP-190976 REQUESTER:	WITNESS: Ivan Carlson RESPONDER: Ivan Carlson Puget Sound Pilots
---	--

DATA REQUEST NO. 93: Please state from 2015 to present the number and percentage of times a pilot's first assignment during a duty cycle was not a departure.

RESPONSE TO DATA REQUEST NO. 93:

Objection. PSP does not possess reliably accurate dispatch information for the period of time prior to 2016 and is unable to provide an accurate response for 2015. Further, this request seeks information that does not appear to be relevant to a general rate proceeding, or any issue to be adjudicated by the Commission, nor does it appear to be reasonably calculated to lead to the discovery of evidence admissible on any relevant topic. Specifically, this request appears to be calculated to lead to evidence only relevant to litigation of operating policies, despite that such issues are not within the jurisdiction of the Commission.

DATE PREPARED: March 3, 2020 DOCKET: TP-190976 REQUESTER:	WITNESS: Ivan Carlson RESPONDER: Ivan Carlson Puget Sound Pilots
---	--

DATA REQUEST NO. 96: Please state the average number of pilots on duty on “change day” who did not perform a ship movement pilotage assignment from 2015 to present.

RESPONSE TO DATA REQUEST NO. 96:

Objection. PSP does not possess reliably accurate dispatch data for 2015. This request seeks information that does not appear to be relevant to a general rate proceeding, or any issue to be adjudicated by the Commission, nor does it appear to be reasonably calculated to lead to the discovery of evidence admissible on any relevant topic. Specifically, this request appears to be calculated to lead to evidence only relevant to litigation of operating policies, despite that such issues are not within the jurisdiction of the Commission.

PSP does not track the information in a way that would permit it to readily sort or filter the information to provide the information requested. Responding to this request would thus require PSP to compare the full roster of pilots to its dispatch records for each of the approximately 26 change days in each year in order to identify those who were not dispatched to a vessel. PSP does not employ sufficient staff available to perform the analysis necessary and thus any minimal probative value that the answer would provide is far outweighed by the burden on PSP of answering this request.

DATE PREPARED: March 3, 2020	WITNESS: Ivan Carlson
DOCKET: TP-190976	RESPONDER: Ivan Carlson
REQUESTER:	Puget Sound Pilots

DATA REQUEST NO. 102: Regarding Exh. IC-1T, p. 6 lines 23-24 and p. 7 lines 1-2, please state how many days each year 2017 through 2019 there was not a rested pilot available for an assignment with an order made according to ordering procedures when all pilots in the duty section were on duty and available for assignment other than complying with rest rules.

RESPONSE TO DATA REQUEST NO. 102:

Objection. This relatively incomprehensible request appears to inquire about the number of days from 2017-2019 on which each of the following conditions were met:

- (1) There was not a rested pilot available;
- (2) At the job time requested by an agent whose order was timely;
- (3) All pilots on-watch are fit and able for duty; and
- (4) No pilot on-watch took a callback day.

Assuming the above is what was requested, and considering the volume of requests for detailed analyses about various combinations of data, this request appears to be nothing more than an attempt to harass PSP. PSP has minimal office staff available to assist with answering data requests, and this request would require multiple hours of time to sort, analyze and tally the days on which each condition was met. Additionally, the fields of data required to answer this request are not all preserved in the same way, which means responding would require cross checking a number of data sources for every day in the time period requested.

Subject to and without waiving the foregoing objections, PSP responds as follows:

Pilots that are scheduled to be on duty, are on duty. In order to be removed from duty they must be “unfit for duty” as determined by the BPC or they must be using one of their previously earned callback days. In 2016, there were 999 callback assignments. In 2017, there were 904 callback assignments. In 2018, there were 1,389 callback assignments. In 2019 there were 1,380 callback assignments. These resulted because PSP lacked an adequate number of rested pilots on duty.

DATE PREPARED: March 3, 2020	WITNESS: Ivan Carlson
DOCKET: TP-190976	RESPONDER: Ivan Carlson
REQUESTER:	Puget Sound Pilots

DATA REQUEST NO. 111: Please provide copies of the management policies that set the minimum number of on-duty pilots available for dispatch

RESPONSE TO DATA REQUEST NO. 111:

Objection. This request is worded in such a way as to imply that such a management policy is necessary or does in fact exist, which is misleading. Additionally, this request is not properly limited to a relevant time period.

Subject to and without waiving the foregoing objections, PSP responds as follows:

The Board of Pilotage Commissioners is responsible for setting the number of authorized pilots and pursuant to WAC 363-116-065, considers the following factors in doing so:

WAC 363-116-065

Number of pilots.

(1) The board will, from time to time, set the number of pilots to be licensed in each pilotage district of the state that is best calculated to optimize the operation of a safe, fully regulated, efficient, and competent pilotage service. This determination will be made by the board at meetings for which the agenda lists this issue as a topic for resolution. In addition, the board shall plan ahead to ensure, to the extent possible, that pilot trainees enter the training program set forth in WAC 363-116-078 so that they complete the training program in a timely manner.

(2) In setting the number of pilots and making decisions as to when to hold an examination and admit applicants to the training program, the board may consider factors which include, but are not limited to, the following:

- (a) Policy of the state to ensure safety of persons, vessels, property and the environment by providing competent, efficient and regulated pilotage for vessels;
- (b) The importance of the maritime industry to the state balanced by the potential hazards presented by the navigation of vessels requiring pilots;
- (c) The lead time necessary to select and train new pilots;
- (d) Regional maritime economic outlook, including without limitation: Current economic trends in the industry, fluctuations in the number of calls, the types of assignments, the size of vessels, the cyclical nature of the traffic and whether traffic is increasing or decreasing and the need to minimize shipping delays;
- (e) Workload, assignment preparation and rest needs of pilots;
- (f) Trends in size of piloted vessels;
- (g) Time lost to injury and illness;

DATE PREPARED: March 3, 2020 DOCKET: TP-190976 REQUESTER:	WITNESS: Ivan Carlson RESPONDER: Ivan Carlson Puget Sound Pilots
---	--

DATA REQUEST NO. 115: Regarding Exh. IC-1T, p. 10 lines 1-16, please state (1) the number and percentage of comp days pilots used to take a single duty day off during the midst of their career, and (2) the number and percentage of comp days pilots use consecutively over multiple days immediately prior to retirement from 2010 to present.

RESPONSE TO DATA REQUEST NO. 115:

Objection. This request appears to seek information for an arbitrary period of time. Further, because PSP does not track the use of callback days in a way that permits an easy calculation of the percentage, PSP will be required to review multiple records and compile data in order to provide a response. Considering the voluminous number of time-consuming requests made by PMSA, responding to this request for the entire period of time requested imposes an undue burden on PSP, which has minimal staff available to assist with answering requests.

Subject to and without waiving the foregoing objections, PSP responds as follows as to the period of time from 2015 to 2019:

Year	Number of Callbacks Taken	Number of Callbacks Burned Prior to Retirement
2016	636	0
2017	836	69
2018	786	94
2019	891	172

DATE PREPARED: March 3, 2020 DOCKET: TP-190976 REQUESTER:	WITNESS: Ivan Carlson RESPONDER: Ivan Carlson Puget Sound Pilots
---	--

DATA REQUEST NO. 124: Please specify the additional distribution a pilot receives when taking duty days off by burning comp days in the year earned from 2015 to present.

RESPONSE TO DATA REQUEST NO. 124:

Taking a Callback Day entitles a pilot to a day off (with no assignments) on a duty-day, and thus the pilot is entitled to the corresponding distribution for the duty day it represents.