

Exh. MM-51
Docket TP-190976
Witness: Capt. Michael Moore

BEFORE THE WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND PILOTS,

Respondent.

DOCKET TP-190976

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

Responses to Data Requests Cited in May 27, 2020 Testimony

July 16, 2020

DATE PREPARED: March 18, 2020	WITNESS: Jessica Norris
DOCKET: TP-190976	RESPONDER: Puget Sound Pilots
REQUESTER: PMSA	

PMSA DATA REQUEST NO. 219: Please (1) provide the calculations and any documentation which establish the basis for the statement at Exh. SK-1T, p. 6, lines 7-8 that callbacks “create a liability on the association books” and (2) provide specific examples of the application of the liability by reference to the 2018 and 2019 PSP audited financials.

RESPONSE TO DATA REQUEST NO. 219:

The liability for callbacks is not recorded, but is included in PSP Audited Financial Statement for 2018, Exhibit JN-04. The audited financial statement for 2019 has not been finalized.

PACIFIC MERCHANT SHIPPING ASSOCIATION
RESPONSES OF 05-12-2020
TO DATA REQUESTS No. 58-85 of PUGET SOUND PILOTS

Requester: Puget Sound Pilots

Responder: Pacific Merchant Shipping Association

Date of Response: May 12, 2020

Witness: Capt. Michael Moore, Vice President, Pacific Merchant Shipping Association

PSP DATA REQUEST NO. 75:

Based on your prior responses to PSP Data Request Nos 1-42, wherein you disclaim any knowledge or access to individual PMSA member's financial information, admit that you cannot establish or otherwise disprove that Puget Sound pilotage rates are "an infinitesimal portion" of overall port costs to any individual shipping company member of PMSA. If your answer is anything other than "yes," provide all documents, data and other bases for your knowledge disputing the premise you are here asked to admit.

PMSA RESPONSE TO PSP DATA REQUEST NO. 75:

Objection: Seeks production of information and records already in possession of and available to PSP; seeks production of information and records equally available to PSP from third-party sources.

Subject to and without waiving said objections, PMSA answers as follows:

PMSA denies the request for admission.

PMSA can demonstrate impacts of higher pilotage rates in Puget Sound by reference to sources other than "individual PMSA member's financial information."

Principal amongst these other sources are the public port authorities of the Puget Sound, which have repeatedly stated for years, including at the rate hearings hosted by the BPC, that Puget Sound pilotage rates are significant variables of cost and can impact port competitiveness. The ports of Puget Sound have also routinely marketed themselves as competitive gateways on the basis of providing lower operating costs than competitor ports to various degrees, with various incentives, and with respect to various fee impositions.

Some of the documents and records in our possession upon which we base these conclusions are:

- Northwest Seaport Alliance letter to BPC, November 4, 2016, "Re: Port Competitiveness and the 2017 Puget Sound Tariff," attached here at Bates numbers PMSA_000666 to PMSA_000667, wherein the NWSA concludes that "[p]ilotage costs, while not the most expensive element of the supply chain, are a significant part of port call costs ..." and that any tariff increases "should always be based on substantiated increases in the actual costs associated with service delivery."
- Comments by Port of Seattle and Port of Tacoma made at BPC Pilot Tariff hearing of December 13, 2013, with selected quotations and original audio file attached here at

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Bates numbers PMSA_000668 to PMSA_000672, wherein Ms. Linda Styrk for the Port of Seattle and Mr. Lou Paulson for the Port of Tacoma, assert that pilotage “cost increases would further impact the competitive position of our region,” that “there’s numerous elements that come into a cost stack when a carrier is making a determination when to come to Puget Sound... So it’s not just one element that matters, all elements matter,” and that the question of pilotage rates is “a particular area of interest for those that are both importing and exporting as well as for the carriers who are paying those fees and then consequently has substantial implications for the ports and the thousands of jobs they support.”

- Ports of Everett, Olympia, Seattle and Tacoma letter to BPC, May 5, 2010, regarding port competitiveness and pilotage tariffs, attached here at Bates number PMSA_000673, wherein the Ports point out that the “ports remain committed to staying competitive,” that ocean carriers in the wake of the recession were “sensitive to cost,” and because of “strong competition from other regions for our Puget Sound cargo volumes” and a “challenging position to maintain cargo volumes through this gateway,” that they supported the Board of Pilotage Commissioners “taking steps to ensure that the Puget Sound remains an affordable and competitive gateway for attracting shippers who have a variety of alternatives for moving their cargo.”
- The Port of Seattle’s “Fee Free” ad campaign from 2009, which included an advertisement in the Journal of Commerce, highlighting the relatively lower cost of doing business in the Puget Sound when compared to ports that implement higher costs of doing business via fee imposition, attached here at Bates number PMSA_000674.

PMSA will supplement its response as appropriate promptly upon submission of its expert testimony and/or final identification of witnesses as set out in WUTC Order 04 (TP-190976, March 31, 2020) or subsequent Order.

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

DATA REQUEST NO. 78: Regarding Exh. IC-1T, p. 1 lines 12-25 and p. 2 lines 1-4, please (1) provide documentation of all changes to officer description for the office of Vice President in PSP bylaws or other organizational documents; (2) list all dates the Vice President filled in for the President because the President was absent due to being ill, out of town, or on authorized leave; and (3) state for each year 2015 to present the number of assignments completed by the pilot then serving as PSP's Vice President.

RESPONSE TO DATA REQUEST NO. 78:

Objection. Sub-requests (1) and (2) are not appropriately limited in time. PSP will limit its response to the period of time after January 1, 2016.

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

Response to (1):

The testimony referenced in the request does not state that there have been any changes to the official role of the Vice President, therefore there is no documentation of changes implicated by the testimony. Nonetheless, there have been no changes to the description of the office of Vice President in PSP bylaws or other organizational documents since subsequent to January 1, 2016.

Response to (2):

The following are all dates PSP's Vice President filled in for the President since January 1, 2016.

2/4/2016	10/25/2016	2/14/2017	1/8/2018	8/27/2018	9/22/2019	12/28/2019
2/5/2016	10/26/2016	2/16/2017	4/20/2018	8/28/2018	10/18/2019	12/29/2019
2/6/2016	11/7/2016	4/13/2017	4/21/2018	9/21/2018	10/19/2019	
2/7/2016	11/8/2016	4/14/2017	4/22/2018	9/22/2018	10/20/2019	
3/5/2016	11/11/2016	4/15/2017	4/23/2018	9/23/2018	10/21/2019	
3/6/2016	11/14/2016	4/16/2017	4/24/2018	1/20/2019	10/22/2019	
3/7/2016	11/15/2016	5/16/2017	4/27/2018	1/21/2019	10/23/2019	
3/8/2016	12/5/2016	5/17/2017	4/28/2018	2/15/2019	10/24/2019	
5/25/2016	12/6/2016	5/18/2017	4/29/2018	2/16/2019	10/25/2019	
5/26/2016	12/7/2016	5/19/2017	4/30/2018	2/17/2019	10/26/2019	
5/27/2016	12/21/2016	5/20/2017	6/29/2018	2/18/2019	10/27/2019	
5/28/2016	12/27/2016	5/21/2017	7/30/2018	4/14/2019	11/15/2019	
5/29/2016	12/28/2016	5/22/2017	7/31/2018	4/18/2019	11/16/2019	
9/9/2016	12/29/2016	8/25/2017	8/1/2018	6/6/2019	11/17/2019	

9/10/2016	12/30/2016	8/26/2017	8/21/2018	6/7/2019	11/18/2019
9/11/2016	12/31/2016	10/11/2017	8/22/2018	6/8/2019	11/19/2019
9/12/2016	1/1/2017	10/12/2017	8/23/2018	7/25/2019	11/20/2019
10/22/2016	1/2/2017	10/15/2017	8/24/2018	8/21/2019	11/21/2019
10/23/2016	1/3/2017	10/16/2017	8/25/2018	8/22/2019	11/22/2019
10/24/2016	1/23/2017	11/16/2017	8/26/2018	9/21/2019	12/27/2019

Response to (3):

Due to a change in dispatch software, reliable information prior to 2016 is not readily available. Thus, PSP is providing the following responsive information for the period commencing on January 1, 2016:

In 2016, the VP completed 240 assignments, consisting of the following: 78 were administrative assignments; 22 were repositions; 25 were callback jobs while on respite; and 105 were jobs while in rotation.

In 2017, the VP completed 222 assignments, consisting of the following: 44 were administrative assignments; 30 were repositions; 14 were callback jobs, while on respite; and 114 were jobs while in rotation.

In 2018, the VP completed 239 assignments, consisting of the following: 133 were administrative assignments; 16 were repositions; 24 were callback jobs while on respite; and 66 were jobs while in rotation.

In 2019 the VP completed 278 assignments, consisting of the following: 245 were administrative assignments; 5 were repositions; 12 were callback jobs while on respite; 20 were jobs while in rotation.

DATE PREPARED: March 18, 2020	WITNESS: N/A
DOCKET: TP-190976	RESPONDER: Puget Sound Pilots
REQUESTER: PMSA	

PROPOSED TARIFF

PMSA STAFF DATA REQUEST NO. 202:

Please provide the following:

- a) PSP's proposed tariff sheet for year one that complies with WAC 480-160-110 and 480-160-120 in comparing the proposed tariff with the existing tariff (WAC 363-116-300, which remains in effect under RCW 81.116.050).
- b) PSP's proposed tariff sheet for year two that complies with WAC 480-160-120.
- c) PSP's proposed tariff sheet for year three that complies with WAC 480-160-120.

RESPONSE TO DATA REQUEST NO. 202:

Response to Subpart a):

Objection. As is expressly stated in the testimony (WTB-1, p.4), "...reflecting the changes in legislative format would be entirely meaningless." Thus a tariff set by an unrelated agency, comparing a tariff submitted to the UTC for approval versus a tariff set by an unrelated agency with wholly differing format requirements, would be an exercise in futility. The Commission's rule at WAC 480-160-110 and 120 envisions comparisons of Commission-approved tariffs and this apparent "make work" exercise would result in endless pages of interlineations of the predecessor tariff's 400 plus tariff items in legislative format against the proposed tariff's approximate 95% fewer items.

Puget Sound Pilots (PSP) is a person with substantial interest which petitioned the commission to modify the existing tariff WAC 363-116-300 by filing revised tariff pages and format. In this filing, PSP eliminated approximately 430 individual charge categories.

Response to Subpart b):

Tariff pages for year two were filed with the Commission as Exhibit WTB-09. No other responsive documents exist.

Response to Subpart c):

Tariff pages for year three were filed with the Commission as Exhibit WTB-10. No other responsive documents exist.

DATE PREPARED: April 3, 2020	WITNESS: Jessica Norris
DOCKET: TP-190976	RESPONDER: Jessica Norris
REQUESTER: PMSA	Puget Sound Pilots

PMSA DATA REQUEST NO. 317: Regarding the “Comments on 2018 Operations” at Exh. JN-04, p. 22, please provide documentation of whether the benefits and payments to pilots on line item B.6. and line item B.7. are paid to non-working pilots and whether they are pro-rated for pilots based on duty days or by any other measure.

RESPONSE TO DATA REQUEST NO. 317:

PSP objects to producing documentation of every action taken by the auditor. Cumulatively, such requests are unreasonably burdensome and are unlikely to discover probative evidence. When such requests are not otherwise objectionable, or where PSP will respond despite its objection, a narrative response may be given.

Subject to and without waiving the foregoing objection, PSP and Ms. Norris respond as follows:

Line B6 IBE are expenses paid personally by pilots – not paid to individual pilots by PSP.

Line B7 are only paid to pilots who move ships where TEC tariff revenue is charged. It is not pro-rated to pilots not moving ships. It is paid based on individual ship movements and to the pilots who move those ships and incur personally the travel expenses for those jobs.

DATE PREPARED: April 3, 2020	WITNESS: Jessica Norris
DOCKET: TP-190976	RESPONDER: Jessica Norris
REQUESTER: PMSA	Puget Sound Pilots

PMSA DATA REQUEST NO. 332: Regarding Exh. JN-05, p. 5, please identify each individual pilot who received a share of the “June distributions payable to pilots” on Line 22 and provide documentation of the amount paid to each individual pilot of the \$2,289,686 total.

RESPONSE TO DATA REQUEST NO. 332:

Objection. By seeking income information by name, this request is intrusive into the privacy of individual pilots. Additionally, there is no probative value in understanding the number of pilots on distribution in a single month, or the details of the distribution for a single month.

Subject to and without waiving the foregoing objection, a schedule of payments to pilots for June 30, 2019 without pilot names is set forth in the exhibit produced with file label “PMSA DR 332 - Schedule of Pilots - June 2019.xlsx” and bates number PSP_007488.

DATE PREPARED: April 17, 2020	WITNESS: Stephan Moreno
DOCKET: TP-190976	RESPONDER: Stephan Moreno
REQUESTER: PMSA	Puget Sound Pilots

PMSA DATA REQUEST NO. 359: Please provide documentation and statistics to support the claim at Exh. SM-1T, p. 6, line 15 that “[i]t is rare” that pilots relocate between pilotage districts.

RESPONSE TO DATA REQUEST NO. 359:

Objection. A number of PMSA’s requests seek “documentation of” a statement in testimony in a way that merely seeks to challenge the statement, rather than to seek information that might be admissible or otherwise lead to admissible evidence. These questions are an inappropriate use of data requests and considering the sheer volume of such requests, they appear to be designed by the author to harass or annoy rather than made for a proper purpose.

Subject to and without waiving the foregoing objection, Capt. Moreno responds as follows:

It is my understanding that there are approximately twelve hundred state licensed pilots in the United States. In my twenty nine years of piloting I am aware of roughly ten pilots who have left their district for another pilotage district.