

PMSA DATA REQUEST NO. 108: Admit that the management of Puget Sound Pilots makes no management, operational, tariff administration, or service provision decisions based on whether or not a vessel has a Certificate of Registry from a foreign country or a domestic registry.

RESPONSE: PSP admits that it is required by law to operate, administer its tariff and provide service on a non-discriminatory basis.

PMSA DATA REQUEST NO. 109: Aside from the required adjustments ordered by the Commission pursuant to Order 12 et seq. TP-190976, admit that the management of Puget Sound Pilots makes no management, operational, tariff administration, or service provision decisions based on whether or not a vessel is a United States flagged vessel.

RESPONSE: See response to PMSA Data Request No. 108.

PMSA DATA REQUEST NO. 110: Admit that the management of Puget Sound Pilots makes no management, operational, tariff administration, or service provision decisions based on the applicability of the federal Ocean Shipping Reform Act of 2022.

RESPONSE: See response to PMSA Data Request No. 108.

PMSA DATA REQUEST NO. 111: Admit that the United States Coast Guard is responsible for Port State Control within the Puget Sound Pilotage District and that such Port State Control includes the enforcement of the regulations under the International Convention for the Safety of Life at Sea (SOLAS), the International Convention for the Prevention of Pollution from Ships (MARPOL), and the International Ship & Port Facility Security Code (ISPS).

RESPONSE: PSP objects that the request is vague as to the meaning of “responsible.” Subject to the objection, PSP admits that: (1) the USCG has jurisdiction over Port State Control within the Puget Sound Pilotage District; (2) that Port State Control includes enforcement of the regulations under SOLAS, MARPOL, and ISPS; and (3) that PSP and its pilots, as the first points of contact with foreign flagged vessels upon their entry into Puget Sound, coordinate as necessary with the USCG and other federal agencies to aid their enforcement by reporting suspected violations, safety issues or other matters of concern.

PMSA DATA REQUEST NO. 115: With respect to your testimony at Exh. CPC-01T 23:14–26:3, is it your attestation that Washington law required application of the best achievable protection standard to pilotage regulation under the Pilotage Act prior to its amendment in 2019 to include RCW 88.16.260 or that the best achievable protection standard applied to pilotage regulation only subsequent to and as a result of the amendment in 2019 to include RCW 88.16.260?

RESPONSE: The best achievable protection standard has for years applied to all regulated activity, including the regulation of pilotage, that implicates oil transportation safety. The best achievable protection standard’s applicability to pilotage regulation was further confirmed by the amendment of the Pilotage Act in 2019 to include RCW 88.16.260.

PMSA DATA REQUEST NO. 116: Admit that the provisions of the Interagency Agreement between the Washington Department of Ecology and the Board of Pilotage Commissioners, IAA No. C2000090 (Exh. CPC-16) neither affect nor are affected by the rates included in the pilotage tariff by the Commission.

RESPONSE: PSP objects to the request as vague as to the meaning of “affect” or “are affected by the rates.” Subject to the foregoing objection, PSP admits that the IAA relates to the development of rules regarding the use of tug escorts and is a document that speaks for itself. Except as expressly admitted herein, PSP lacks sufficient information to form a belief regarding the truth or falsity of the request and on that basis denies the same.

PMSA DATA REQUEST NO. 124: Regarding your testimony at Exh. CPC-01T 29:8, please define “nation-leading oil spill prevention policy.”

RESPONSE: A “nation-leading oil spill prevention policy” refers to an oil spill prevention policy that is robust in its level of protection and/or a significant advancement in the state of the art of oil spill prevention relative to policies promulgated by other U.S. state jurisdictions at the time of its enactment.

PMSA DATA REQUEST NO. 127: Regarding your testimony at Exh. CPC-01T 32:8–11, please provide any evidence of which you have firsthand personal knowledge to support the claim that “[t]he cost of a significant oil spill . . . could (and very likely would) be borne predominantly by Washington’s taxpayers.”

RESPONSE: PSP objects that the request is vague as to the meaning of “evidence of which you have firsthand personal knowledge.” Subject to the objection, the testimony is based upon Mr. Costanzo’s review and analysis of publicly available information, including among other things the Department of Ecology’s assessment that the cost of damage from a major oil spill in Puget Sound could exceed the financial responsibility requirements under U.S. and Washington law by several billion dollars. As an expert, Mr. Costanzo is entitled to interpret and rely on the work of other experts in the field in developing his opinions and testimony.

PMSA DATA REQUEST NO. 128: With respect to the significant oil spill described in your testimony at Exh. CPC-01T 29:23–30:3 regarding the *M/V Cosco Busan*, admit each of the following: (a) that the financial cost of this spill was not borne predominantly by taxpayers; (b) that the financial cost of this spill was instead borne predominantly by the vessel ownership as responsible party; (c) that the financial cost of this spill included remuneration to workers impacted by spill damages by the vessel ownership as responsible party; (d) that the financial cost was not limited by a minimum financial responsibility amount set by statute; and (e) that the *M/V Cosco Busan* was a foreign-flagged vessel.

RESPONSE: PSP objects to subpart (d) of the request in that it falsely suggests that the cost of an oil spill can be limited by a statutory financial responsibility requirement. PSP admits subpart (e). Subject to the objection and except as expressly admitted herein, PSP lacks sufficient information to form a belief as to the truth or falsity of the request and on that basis denies the same.

PMSA DATA REQUEST NO. 129: Admit that you have no firsthand personal knowledge of the claims made in Section II.C. of your testimony (at Exh. CPC-01T 31:15–34:18) with respect to the practices of foreign flag vessel owners and operators, the costs of oil spills on vessel owners and operators, the ability of vessel owners and operators to pay and the recoverable assets of vessel owners and operators, and the intentions of vessel owners and operators in choosing between ownership models when deploying vessels.

RESPONSE: PSP objects that the request is vague as to: (1) the definition of “firsthand personal knowledge;” (2) the specific practices to which the request is directed; (3) the meaning of “the costs of oil spills on vessel owners and operators”; and (4) the specific vessel owners and operators that the request refers to. Subject to the objections, PSP admits that Mr. Costanzo is an expert with extensive experience in the maritime sector. PSP further admits that Mr. Costanzo reviewed publicly available information including among other things the academic literature cited in his testimony, and that he relied on that review in addition to his experience in preparing the testimony contained at Section II. C. As an expert, Mr. Costanzo is entitled to interpret and rely on the work of other experts in the field in developing his opinions and testimony. Except as expressly herein, PSP lacks sufficient information to form a belief as to the truth or falsity of the request and on that basis denies the same.

PMSA DATA REQUEST NO. 130: Regarding your testimony at Exh. CPC-01T 51:15–17, please describe in detail and include citations with specificity to the extent possible of how a result such that “the pilotage rates for foreign yachts nearly doubled under the new tariff” constituted an “oversight” made by the Commission in the adoption of Order 09.

RESPONSE: PSP does not believe that it was the intent of the parties or, by extension, the Commission, to impose an increase in pilotage rates for foreign yachts that nearly doubled rates under the prior tariff and was much more significant by percentage than the increase on all other vessels.

PMSA DATA REQUEST NO. 131: Regarding your testimony at Exh. CPC-01T 15:17 identifying an “inequity” with respect to pilotage rates for yachts, please: (a) define your use of the word “inequity”; (b) describe the “inequity” regarding yachts under the current tariff; and (c) describe how the PSP proposal will address the “inequity,” including a description of why certain vessel types should pay different types of hourly pilot service fees.

RESPONSE: PSP believes it was inequitable (i.e. unfair) that pleasure yachts, which present a relatively low risk profile of these yachts compared to large oceangoing cargo vessels, were assessed a significantly higher rate increase on a percentage basis. PSP believes its proposal will address this inequity by reducing rates assessed to this unique vessel class to better correspond with their comparatively low risk profile.