

PUGET SOUND PILOTS' RESPONSE TO PMSA DATA REQUEST 439-471

DATE PREPARED: Aug 4, 2020 DOCKET: TP-190976 REQUESTER: PMSA	WITNESS: Jeremy Nielsen RESPONDER: Puget Sound Pilots
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TESTIMONY OF JEREMY NIELSEN

DATA REQUEST NO. 442: With respect to your testimony that there exists “a lot of overlap in the types of ships that call on the Columbia River” and the Puget Sound (Exh. JJN-IT 2:13-14), please describe and provide documentation of the number of container ship, cruise ship, and tanker ship assignments that were completed by COLRIP pilots in 2018. Further, please provide documentation of the number of assignments that COLRIP pilots perform that involve vessels with redundant propulsion and redundant steering compared to the number of vessels that Puget Sound Pilots handle that have these design features.

RESPONSE TO NO. 442:

Objection. WAC 480-07-400(1)(a)(3) defines “Data Request” as [a] party's written request that calls for another party to produce data in connection with an adjudicative proceeding is a data request.” Although it was served to Puget Sound Pilots, this request appears to have been directed to Capt. Nielsen for response. Capt. Nielsen is not a party to this proceeding, nor is he an expert witness retained by or offering expert testimony on behalf of PSP (i.e., he is not in any way within PSP’s control) and thus this is not by definition a proper data request if it is intended for his answer. Accordingly, to the extent to which no objection is otherwise made, PSP will respond to this data request based upon the information in its possession, custody or control. PSP supplied the data requests to Capt. Nielsen as well. If Capt. Nielsen supplied information in response to a request for which no additional objection has been made, PSP provides Capt. Nielsen’s response here.

PSP objects further that the specific details requested are unlikely to assist the Commission in adjudicating PSP’s request, and that this request is unduly burdensome or expensive, taking into account the needs of the adjudicative proceeding, limitations on the parties' resources, scope of the Capt. Nielsen’s interest in the proceeding, and the relative unimportance of this issue in the adjudicative proceeding. WAC 480-07-400(3).

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

PSP does not possess the specific information requested.

Capt. Nielsen responds:

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While the numbers of each specific vessel type the grounds encounter differ, generally the same types of vessels call each area. This is what I meant by "There is also a lot of overlap in the types of ships that call..." It is a closer comparison than with a group such as SEAPA where they are 90+% cruise vessels. We have tankers, ATBs, containerships, occasional cruise ships, military ships, and handy, handymax & panamax bulkers, yachts, and occasional ferries just as Puget Sound does. We do not track types of vessels nor do we track specific propulsion or steering types.

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DATA REQUEST NO. 444: You assert various bases for your belief that “piloting on the Columbia River is similar to piloting on the Puget Sound” (Exh. JJN-1T 2:8-16), but a comparison of the actual provision of the piloting task is not included in your testimony. Please describe if you believe the act and skill required of river piloting on the Columbia River is similar or dissimilar to the act and skill required of open-water steaming and non-river piloting in the Strait of Juan de Fuca and waterways of Puget Sound in all of the following respects: (a) average working waterway depth, (b) average working waterway width, (c) traffic separation scheme, (d) anchorage options, (e) consideration of Columbia River flow and discharge water velocity, and (f) consideration of tidal action. For each, please describe the basis for your belief that the skill requisite for each piloting ground is similar or dissimilar.

RESPONSE TO NO. 444:

Objection. WAC 480-07-400(1)(a)(3) defines “Data Request” as [a] party's written request that calls for another party to produce data in connection with an adjudicative proceeding is a data request.” Although it was served to Puget Sound Pilots, this request appears to have been directed to Capt. Nielsen for response. Capt. Nielsen is not a party to this proceeding, nor is he an expert witness retained by or offering expert testimony on behalf of PSP (i.e., he is not in any way within PSP's control) and thus this is not by definition a proper data request if it is intended for his answer. Accordingly, to the extent to which no objection is otherwise made, PSP will respond to this data request based upon the information in its possession, custody or control. PSP supplied the data requests to Capt. Nielsen as well. If Capt. Nielsen supplied information in response to a request for which no additional objection has been made, PSP provides Capt. Nielsen's response here.

PSP objects further that the specific details requested are unlikely to assist the Commission in adjudicating PSP's request, and that this request is unduly burdensome or expensive, taking into account the needs of the adjudicative proceeding, limitations on the parties' resources, scope of the Capt. Nielsen's interest in the proceeding, and the relative unimportance of this issue in the adjudicative proceeding. WAC 480-07-400(3).

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

As stated in my rebuttal testimony there are certainly differences in navigating the local waterways of one piloting district vs another. However, vessels, scenarios, traffic, weather and water conditions are considerations that make the piloting grounds similar. Does the Columbia River have a lesser average waterway depth and width? Of course we do. However, Puget Sound Pilots certainly consider vessel drafts, waterway depths and

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underkeel clearances in their day to day operations. While Puget Sound has the additional burden of traffic separation scheme compliance we have an *internal* (COLRIP operated) traffic management system which, while of a different flavor, has similar considerations in managing other traffic including recreational and fishing vessels. While specific anchorage positions vary between the grounds the art of anchoring is similar in mental preparation, set up, approach, execution & summary. Finally, most certainly current from either river or tidal influences vary between the two pilotage grounds but they do so as well within different areas of the Columbia River itself and for various restricted waterways in Puget Sound. Each ground has multiple current characteristics that pilots need to consider. Weather influences are also very similar between the grounds. It is the consideration of all these common influences that make the grounds similar in a pilotage respect.

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DATA REQUEST NO. 449: Your testimony provided that in 2018 COLRIP completed 4,523 assignments with a total of 815 hours on task per pilot (Exh. JJN-1T 4:14-15), excluding car rides and drug testing. Your testimony further provided that "total time on task" per COLRIP pilot "averaged 7 hours and 33 minutes in 2018" (Exh. JJN-1T 5:10-12). Your testimony also provided that in 2018 there were 45.69 licensed pilots (Exh. JJN-1T 4:19). This testimony results in inconsistent evaluations of pilotage workloads: 7.55 hours of average time on task per pilot does not equal 8.23 hours of average hours of task per pilot (i.e. 815 hours per pilot x 45.69 pilots = 37,237.35 total hours / 4,523 assignments = 8.23 hours per assignment). Please clarify or correct these disparate numbers. Please provide documentation of the reconciled hours in question.

RESPONSE TO NO. 449:

Objection. WAC 480-07-400(1)(a)(3) defines "Data Request" as [a] party's written request that calls for another party to produce data in connection with an adjudicative proceeding is a data request." Although it was served to Puget Sound Pilots, this request appears to have been directed to Capt. Nielsen for response. Capt. Nielsen is not a party to this proceeding, nor is he an expert witness retained by or offering expert testimony on behalf of PSP (i.e., he is not in any way within PSP's control) and thus this is not by definition a proper data request if it is intended for his answer. Accordingly, to the extent to which no objection is otherwise made, PSP will respond to this data request based upon the information in its possession, custody or control. PSP supplied the data requests to Capt. Nielsen as well. If Capt. Nielsen supplied information in response to a request for which no additional objection has been made, PSP provides Capt. Nielsen's response here.

PSP further objects that this is not in any way a data request. This is an argument and an assertion by PMSA. If PMSA had a legitimate question about the calculation rather than an accusation of inaccuracy, it should have asked one.

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DATA REQUEST NO. 450: In addition to Data Request No. 449, the testimony of Capt. Quick, without citation to any underlying source or identification of a specific year in question, asserted that COLRIP completed 4,568 assignments with 46 pilots with a total Time on Task of 8.6 hours per assignment and total time on task per pilot for the year of 851 hours (Exh. GQ-5T 13:8). These numbers and conclusions of Capt. Quick are inconsistent with your testimony at Exh. JJN-1T 4:14-15, 4:19, 5:10-12. Admit that Capt. Quick's testimony is inaccurate with respect to COLRIP or provide an independent basis aside from testimony, including all applicable source documents produced by COLRIP independent of preparation for this hearing, which demonstrate a consistency with Capt. Quick's testimony with respect to the number of COLRIP pilot assignments, pilots, time on task, and total annual time on task per pilot.

RESPONSE TO NO. 450:

Objection. WAC 480-07-400(1)(a)(3) defines "Data Request" as [a] party's written request that calls for another party to produce data in connection with an adjudicative proceeding is a data request." Although it was served to Puget Sound Pilots, this request appears to have been directed to Capt. Nielsen for response. Capt. Nielsen is not a party to this proceeding, nor is he an expert witness retained by or offering expert testimony on behalf of PSP (i.e., he is not in any way within PSP's control) and thus this is not by definition a proper data request if it is intended for his answer. Accordingly, to the extent to which no objection is otherwise made, PSP will respond to this data request based upon the information in its possession, custody or control. PSP supplied the data requests to Capt. Nielsen as well. If Capt. Nielsen supplied information in response to a request for which no additional objection has been made, PSP provides Capt. Nielsen's response here.

PSP objects further that Capt. Nielsen did not testify about Capt. Quick's testimony and this request exceeds the scope of Capt. Nielsen's testimony. It is thus unlikely to assist the Commission.

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

Please direct all questions about Capt. Quick's testimony to Capt. Quick.

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DATA REQUEST NO. 451: Capt. Quick's testimony (Exh. GQ-5T 13:1, 8, 17) found that COLRIP "TOT" was 8.6 hours per assignment, such that "TOT" stands for "Time on Task" and that "Time on Task is Bridge Hours x2 as usually an hour of additional time is required to support an hour of Bridge Time." Your testimony addressed "total time on task" as well and concluded that per COLRIP pilot that TOT "averaged 7 hours and 33 minutes in 2018" (Exh. JJN-1T 5:10-12). Please provide documentation of the reconciled hours in question, including an explicit calculation for average hours of Bridge Time per assignment in 2018.

RESPONSE TO NO. 451:

Objection. WAC 480-07-400(1)(a)(3) defines "Data Request" as [a] party's written request that calls for another party to produce data in connection with an adjudicative proceeding is a data request." Although it was served to Puget Sound Pilots, this request appears to have been directed to Capt. Nielsen for response. Capt. Nielsen is not a party to this proceeding, nor is he an expert witness retained by or offering expert testimony on behalf of PSP (i.e., he is not in any way within PSP's control) and thus this is not by definition a proper data request if it is intended for his answer. Accordingly, to the extent to which no objection is otherwise made, PSP will respond to this data request based upon the information in its possession, custody or control. PSP supplied the data requests to Capt. Nielsen as well. If Capt. Nielsen supplied information in response to a request for which no additional objection has been made, PSP provides Capt. Nielsen's response here.

PSP objects further that Capt. Nielsen did not testify about Capt. Quick's testimony and this request exceeds the scope of Capt. Nielsen's testimony. It is thus unlikely to assist the Commission.

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

Please direct all questions about Capt. Quick's testimony to Capt. Quick.

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DATA REQUEST NO. 452: Please provide a copy of the 2010 Oregon Board of Maritime Pilots Final Order 10-01 issued May 19, 2010, and all supporting documents including the official record, testimony, and rulings by the Administrative Law Judge underlying the Order. In addition, please identify which elements of that order are still in effect and to what degree that Order established a baseline for rates in the Columbia River that are in effect today.

RESPONSE TO NO. 452:

Objection. WAC 480-07-400(1)(a)(3) defines "Data Request" as [a] party's written request that calls for another party to produce data in connection with an adjudicative proceeding is a data request." Although it was served to Puget Sound Pilots, this request appears to have been directed to Capt. Nielsen for response. Capt. Nielsen is not a party to this proceeding, nor is he an expert witness retained by or offering expert testimony on behalf of PSP (i.e., he is not in any way within PSP's control) and thus this is not by definition a proper data request if it is intended for his answer. Accordingly, to the extent to which no objection is otherwise made, PSP will respond to this data request based upon the information in its possession, custody or control. PSP supplied the data requests to Capt. Nielsen as well. If Capt. Nielsen supplied information in response to a request for which no additional objection has been made, PSP provides Capt. Nielsen's response here.

PSP objects further that the specific details supporting the 2010 order requested are unlikely to assist the Commission in adjudicating PSP's request, and that this request is unduly burdensome or expensive, taking into account the needs of the adjudicative proceeding, limitations on the parties' resources, scope of the Capt. Nielsen's interest in the proceeding, and the relative unimportance of this issue in the adjudicative proceeding. WAC 480-07-400(3).

Subject to and without waiving the foregoing objection, the order requested has been filed as an Exhibit to PSP's Answer to PMSA's Motion for Summary Determination and has been served to all parties. It has also been produced with file label "PMSA DR 491 - Order 10-01.pdf."



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DATA REQUEST NO. 453: Please identify the COLRIP bridge hours which were identified, relied upon, and/or listed in the making of the 2010 Oregon Board of Maritime Pilots Final Order 10-01 issued May 19, 2010.

RESPONSE TO NO. 453:

Objection. WAC 480-07-400(1)(a)(3) defines "Data Request" as [a] party's written request that calls for another party to produce data in connection with an adjudicative proceeding is a data request." Although it was served to Puget Sound Pilots, this request appears to have been directed to Capt. Nielsen for response. Capt. Nielsen is not a party to this proceeding, nor is he an expert witness retained by or offering expert testimony on behalf of PSP (i.e., he is not in any way within PSP's control) and thus this is not by definition a proper data request if it is intended for his answer. Accordingly, to the extent to which no objection is otherwise made, PSP will respond to this data request based upon the information in its possession, custody or control. PSP supplied the data requests to Capt. Nielsen as well. If Capt. Nielsen supplied information in response to a request for which no additional objection has been made, PSP provides Capt. Nielsen's response here.

PSP objects further that the specific details supporting the 2010 order requested are unlikely to assist the Commission in adjudicating PSP's request, and that this request is unduly burdensome or expensive, taking into account the needs of the adjudicative proceeding, limitations on the parties' resources, scope of the Capt. Nielsen's interest in the proceeding, and the relative unimportance of this issue in the adjudicative proceeding. WAC 480-07-400(3). Further, this seeks information that is public record and equally available to PMSA from a more convenient source.

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DATA REQUEST NO. 457: According to Exhibit IC-3 presented by Capt. Carlson, pilots on the Columbia River and the Columbia River Bar have earnings inclusive of benefits substantially below those of PSP and even further below an asserted "average" of \$557,694. Yet, according to Capt. Quick (Exh. GQ-1T 19:23-20:4) the State of Washington must adopt much higher pilotage rates if it is to "continue to attract 'the best and the brightest'" to its pilotage grounds because the "most obvious inducements to make" are increasing income levels. Please describe the degree to which you agree or disagree with the conclusion of Capt. Quick that pilots in the Columbia River who could have gone "to areas sometimes paying tens and hundreds of thousands of dollars more annually" but did not are not amongst "the best and the brightest" pilots?

RESPONSE TO NO. 457:

Objection. WAC 480-07-400(1)(a)(3) defines "Data Request" as [a] party's written request that calls for another party to produce data in connection with an adjudicative proceeding is a data request." Although it was served to Puget Sound Pilots, this request appears to have been directed to Capt. Nielsen for response. Capt. Nielsen is not a party to this proceeding, nor is he an expert witness retained by or offering expert testimony on behalf of PSP (i.e., he is not in any way within PSP's control) and thus this is not by definition a proper data request if it is intended for his answer. Accordingly, to the extent to which no objection is otherwise made, PSP will respond to this data request based upon the information in its possession, custody or control. PSP supplied the data requests to Capt. Nielsen as well. If Capt. Nielsen supplied information in response to a request for which no additional objection has been made, PSP provides Capt. Nielsen's response here.

PSP further objects that this request exceeds the scope of Capt. Nielsen's testimony and is therefore inappropriate cross-examination in the guise of a data request.

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DATA REQUEST NO. 458: If you agree with Capt. Quick that the Columbia River is unable to attract the “best and the brightest” pilots, please provide data which demonstrate the number by which the Columbia River has suffered from “unquestionably reduce[d] local pilot ranks” and which demonstrate that “locally-trained pilots” have migrated away from the Pacific Northwest, and the Columbia River in particular (Exh. GQ-1T 20:3).

RESPONSE TO NO. 458:

Objection. WAC 480-07-400(1)(a)(3) defines “Data Request” as [a] party's written request that calls for another party to produce data in connection with an adjudicative proceeding is a data request.” Although it was served to Puget Sound Pilots, this request appears to have been directed to Capt. Nielsen for response. Capt. Nielsen is not a party to this proceeding, nor is he an expert witness retained by or offering expert testimony on behalf of PSP (i.e., he is not in any way within PSP’s control) and thus this is not by definition a proper data request if it is intended for his answer. Accordingly, to the extent to which no objection is otherwise made, PSP will respond to this data request based upon the information in its possession, custody or control. PSP supplied the data requests to Capt. Nielsen as well. If Capt. Nielsen supplied information in response to a request for which no additional objection has been made, PSP provides Capt. Nielsen’s response here.

PSP further objects that this argumentative request exceeds the scope of Capt. Nielsen’s testimony and is therefore inappropriate cross-examination in the guise of a data request. This data request serves no legitimate discovery purpose and appears to be designed to harass or annoy.

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DATA REQUEST NO. 460: Please describe the number of COLRIP pilots that have surrendered their state license to pilot on the Columbia River and moved to train and work in another pilotage ground beyond Oregon, including any pilots which have left the Columbia River to train and work in the Puget Sound.

RESPONSE TO NO. 460:

Objection. WAC 480-07-400(1)(a)(3) defines "Data Request" as [a] party's written request that calls for another party to produce data in connection with an adjudicative proceeding is a data request." Although it was served to Puget Sound Pilots, this request appears to have been directed to Capt. Nielsen for response. Capt. Nielsen is not a party to this proceeding, nor is he an expert witness retained by or offering expert testimony on behalf of PSP (i.e., he is not in any way within PSP's control) and thus this is not by definition a proper data request if it is intended for his answer. Accordingly, to the extent to which no objection is otherwise made, PSP will respond to this data request based upon the information in its possession, custody or control. PSP supplied the data requests to Capt. Nielsen as well. If Capt. Nielsen supplied information in response to a request for which no additional objection has been made, PSP provides Capt. Nielsen's response here.

PSP further objects that this argumentative request exceeds the scope of Capt. Nielsen's testimony and is therefore inappropriate cross-examination in the guise of a data request. This data request serves no legitimate discovery purpose and appears to be designed to harass or annoy.

Subject to and without waiving the foregoing objections, Capt. Nielsen responds as follows:

None.

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DATA REQUEST NO. 461: Please describe the number of COLRIP pilots that piloted elsewhere under a state pilotage license before training and being licensed to pilot on the Columbia River; please document the other pilot grounds they came from.

RESPONSE TO NO. 461:

Objection. WAC 480-07-400(1)(a)(3) defines "Data Request" as [a] party's written request that calls for another party to produce data in connection with an adjudicative proceeding is a data request." Although it was served to Puget Sound Pilots, this request appears to have been directed to Capt. Nielsen for response. Capt. Nielsen is not a party to this proceeding, nor is he an expert witness retained by or offering expert testimony on behalf of PSP (i.e., he is not in any way within PSP's control) and thus this is not by definition a proper data request if it is intended for his answer. Accordingly, to the extent to which no objection is otherwise made, PSP will respond to this data request based upon the information in its possession, custody or control. PSP supplied the data requests to Capt. Nielsen as well. If Capt. Nielsen supplied information in response to a request for which no additional objection has been made, PSP provides Capt. Nielsen's response here.

PSP further objects that this argumentative request exceeds the scope of Capt. Nielsen's testimony and is therefore inappropriate cross-examination in the guise of a data request. This data request serves no legitimate discovery purpose and appears to be designed to harass or annoy.

Subject to and without waiving the foregoing objections, Capt. Nielsen responds as follows:

One, from Coos Bay.

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DATA REQUEST NO. 463: Given that according to your testimony “pilots are asked to come back to do extra work in their time off” of “about 40 of those jobs a year” (Exh. JN-1T 3:10-11) and that “in 2018 we completed 4,523 assignments” (Exh. JN-1T 4:14), please confirm that the effective callback rate of pilots in the Columbia River in 2018 was 0.88% of total assignments (or provide the percentage if other than 0.88%). Please also provide the number of these call back days that result in taking a day off watch versus being sent additional pay.

RESPONSE TO NO. 463:

Objection. WAC 480-07-400(1)(a)(3) defines “Data Request” as [a] party's written request that calls for another party to produce data in connection with an adjudicative proceeding is a data request.” Although it was served to Puget Sound Pilots, this request appears to have been directed to Capt. Nielsen for response. Capt. Nielsen is not a party to this proceeding, nor is he an expert witness retained by or offering expert testimony on behalf of PSP (i.e., he is not in any way within PSP’s control) and thus this is not by definition a proper data request if it is intended for his answer. Accordingly, to the extent to which no objection is otherwise made, PSP will respond to this data request based upon the information in its possession, custody or control. PSP supplied the data requests to Capt. Nielsen as well. If Capt. Nielsen supplied information in response to a request for which no additional objection has been made, PSP provides Capt. Nielsen’s response here.

PSP further objects that this argumentative request exceeds the scope of Capt. Nielsen’s testimony and is therefore inappropriate cross-examination in the guise of a data request. This data request serves no legitimate discovery purpose and appears to be designed to harass or annoy.

Subject to and without waiving the foregoing objections, Capt. Nielsen responds as follows:

We had 62 “callbacks” in 2018 and 37 in 2019. Because the 4523 assignments only includes actual ship movement assignments a better numerator would have to include all assignments because a callback may have to be used to cover a ship assignment for a pilot on duty given a drug test assignment that otherwise could have moved a ship, for example. A more accurate numerator would be 5782 total assignments (includes car rides, drug tests, 7 admin assignments) for 1.07% for 2018.

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DATA REQUEST NO. 464: Please describe (a) when COLRIP “gives the pilot a choice of . . . receiving additional pay” for performing a callback assignment (Exh. JJN-IT 3:14), (b) what the rate of additional pay offered to a pilot is, and (c) how much revenue was used to pay pilots in excess of the average distribution to pilots.

RESPONSE TO NO. 464:

Objection. WAC 480-07-400(1)(a)(3) defines “Data Request” as [a] party's written request that calls for another party to produce data in connection with an adjudicative proceeding is a data request.” Although it was served to Puget Sound Pilots, this request appears to have been directed to Capt. Nielsen for response. Capt. Nielsen is not a party to this proceeding, nor is he an expert witness retained by or offering expert testimony on behalf of PSP (i.e., he is not in any way within PSP’s control) and thus this is not by definition a proper data request if it is intended for his answer. Accordingly, to the extent to which no objection is otherwise made, PSP will respond to this data request based upon the information in its possession, custody or control. PSP supplied the data requests to Capt. Nielsen as well. If Capt. Nielsen supplied information in response to a request for which no additional objection has been made, PSP provides Capt. Nielsen’s response here.

PSP further objects that this argumentative request exceeds the scope of Capt. Nielsen’s testimony and is therefore inappropriate cross-examination in the guise of a data request. This data request serves no legitimate discovery purpose and appears to be designed to harass or annoy.

Subject to and without waiving the foregoing objections, Capt. Nielsen responds as follows:

The rate is the value of a day for that particular month. There is no additional revenue used for the additional pay. The average distribution takes into account extra work days paid, meaning that the value of a particular day in a given month is reduced by the number of extra days worked.

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DATA REQUEST NO. 465: When COLRIP “gives the pilot a choice of ... an additional day off that can be used later” for performing a callback assignment (Exh. JCN-1T 3:15), does COLRIP offer a pilot two additional days off for performing a callback assignment or one additional day off for performing a callback assignment?

RESPONSE TO NO. 465:

Objection. WAC 480-07-400(1)(a)(3) defines “Data Request” as [a] party's written request that calls for another party to produce data in connection with an adjudicative proceeding is a data request.” Although it was served to Puget Sound Pilots, this request appears to have been directed to Capt. Nielsen for response. Capt. Nielsen is not a party to this proceeding, nor is he an expert witness retained by or offering expert testimony on behalf of PSP (i.e., he is not in any way within PSP’s control) and thus this is not by definition a proper data request if it is intended for his answer. Accordingly, to the extent to which no objection is otherwise made, PSP will respond to this data request based upon the information in its possession, custody or control. PSP supplied the data requests to Capt. Nielsen as well. If Capt. Nielsen supplied information in response to a request for which no additional objection has been made, PSP provides Capt. Nielsen’s response here.

PSP further objects that this argumentative request exceeds the scope of Capt. Nielsen’s testimony and is therefore inappropriate cross-examination in the guise of a data request. This data request serves no legitimate discovery purpose and appears to be designed to harass or annoy.

Subject to and without waiving the foregoing objections, Capt. Nielsen responds as follows:

No, a pilot receives one additional day off for a callback assignment.



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DATA REQUEST NO. 466: The COLRIP 2018 Financial Statement (PSP Supplemental Response to UTC DR 25, PSP\_000069 – PSP\_000074) at Page 3 (PSP\_000073) lists “Income” and “Expenses” above the “Total cash available for distribution to Pilots” line and “Pilot benefits” and “Net cash available for distribution to Pilots” below the “Total cash available for distribution to Pilots” line. Admit that COLRIP does not include “Pilot benefits” in its association “Expenses” category.

RESPONSE TO NO. 466:

Objection. WAC 480-07-400(1)(a)(3) defines “Data Request” as [a] party's written request that calls for another party to produce data in connection with an adjudicative proceeding is a data request.” Although it was served to Puget Sound Pilots, this request appears to have been directed to Capt. Nielsen for response. Capt. Nielsen is not a party to this proceeding, nor is he an expert witness retained by or offering expert testimony on behalf of PSP (i.e., he is not in any way within PSP’s control) and thus this is not by definition a proper data request if it is intended for his answer. Accordingly, to the extent to which no objection is otherwise made, PSP will respond to this data request based upon the information in its possession, custody or control. PSP supplied the data requests to Capt. Nielsen as well. If Capt. Nielsen supplied information in response to a request for which no additional objection has been made, PSP provides Capt. Nielsen’s response here.

PSP further objects that this argumentative request exceeds the scope of Capt. Nielsen’s testimony and is therefore inappropriate cross-examination in the guise of a data request. This data request serves no legitimate discovery purpose and appears to be designed to harass or annoy.

Subject to and without waiving the foregoing objections, Capt. Nielsen responds as follows:

The format of COLRIP’s Special Purpose Financial Statement was dictated to us by the OBMP. However, yes, per OBMP COLRIP cannot include “pilot benefits” in the “expenses” category.

PUGET SOUND PILOTS' RESPONSE TO PMSA DATA REQUEST 439-471

DATE PREPARED: Aug 4, 2020 DOCKET: TP-190976 REQUESTER: PMSA	WITNESS: Jeremy Nielsen RESPONDER: Puget Sound Pilots
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DATA REQUEST NO. 468: The COLRIP 2018 Financial Statement (PSP\_000073) lists “Medical insurance” in the “Pilot benefits” section at \$1,002,202. Please describe the medical coverage provided to COLRIP pilots as a pilot benefit. Please additionally confirm that with 45.69 pilots the value of this benefit in 2018 per pilot was approximately \$21,935.

RESPONSE TO NO. 468:

Objection. WAC 480-07-400(1)(a)(3) defines “Data Request” as [a] party's written request that calls for another party to produce data in connection with an adjudicative proceeding is a data request.” Although it was served to Puget Sound Pilots, this request appears to have been directed to Capt. Nielsen for response. Capt. Nielsen is not a party to this proceeding, nor is he an expert witness retained by or offering expert testimony on behalf of PSP (i.e., he is not in any way within PSP's control) and thus this is not by definition a proper data request if it is intended for his answer. Accordingly, to the extent to which no objection is otherwise made, PSP will respond to this data request based upon the information in its possession, custody or control. PSP supplied the data requests to Capt. Nielsen as well. If Capt. Nielsen supplied information in response to a request for which no additional objection has been made, PSP provides Capt. Nielsen's response here.

PSP further objects that this argumentative request exceeds the scope of Capt. Nielsen's testimony and is therefore inappropriate cross-examination in the guise of a data request. This data request serves no legitimate discovery purpose and appears to be designed to harass or annoy.

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

As per format dictated by the OBMP, COLRIP lists “medical insurance” as a “pilot benefit” on its Special Purpose Financial Statement. Individual costs differ based on single vs. family plans, vs. medicare, etc. However, yes, \$21,935 was the average cost of COLRIP's medical insurance per pilot in 2018.