

BEFORE THE WASHINGTON  
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND  
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND PILOTS,

Respondent.

**DOCKET TP-190976**

**CROSS-EXHIBIT FOR**

**Eric von Brandenfels**

**PSP Response to UTC DRs 1, 7, 8, 9, 10, 28, 97, and  
PSP Response to PMSA DRs 12, 42, 79, 80, 118, 179, 185, 186**

*August 7, 2020*

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PUGET SOUND PILOTS' RESPONSES TO DATA REQUESTS

DATE PREPARED: January 24, 2020	WITNESS: Eric vonBrandenfels
DOCKET: TP-190976	RESPONDER: Eric vonBrandenfels
REQUESTER: UTC Commission Staff	Puget Sound Pilots

**UTC STAFF DATA REQUEST NO. 1:**

At page 4, lines 5-6 of Exh. EVB-1T, you state that Puget Sound Pilots is “a voluntary association of marine pilots.” To your knowledge are there any Puget Sound marine pilots that are not members of the PSP Association?

**RESPONSE TO DATA REQUEST NO. 1:**

No.

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**UTC STAFF DATA REQUEST NO. 7:**

At page 15, lines 3-6 of Exh. EVB-1T, you testify that the president of the Puget Sound Pilots Association has “a wide-ranging set of responsibilities both to PSP and in the larger maritime community in the Pacific Northwest Region, including British Columbia, and with respect to marine pilots, nationally.” Please describe in detail these “wide-ranging” responsibilities.

**RESPONSE TO DATA REQUEST NO. 7:**

In addition to those defined duties set out in my prefiled testimony commencing on page 15, and those outlined in the Puget Sound Pilots Bylaws, the President’s scope of responsibilities in managing the business of PSP is similar to that of other directors of voluntary associations of independent contractors. This involves frequent communications with PSP’s members, its Board of Directors and its officers. The President serves on and is a contributing member to every committee within PSP, including our Safe Practices Committee, Least Depth Committee, Transportation Committee, Fatigue Management Program Committee, Technology Committee, and Rate Committee. I am also responsible for communications with five PSP employees in Seattle and nine in Port Angeles, customers, vendors, education institutes, regulators, professional associations, industry groups, labor, pilot trainees and pilot aspirants, and retired pilots. The President works to onboard new pilot members and pilot trainees in the Puget Sound. The scope of my financial responsibilities includes executing leases, contracts and professional service agreements, oversight of pilot disbursements and distributions, payments to vendors, approving checks, on-line banking access and approvals and general oversight of annual audits and tax filings. Additional responsibilities include administering bylaw and operating rule changes, transmitting ballots to members, board and officer elections, board and membership meeting agendas and preparation, programming and scheduling continuing education for pilots, administering leases, contracts and negotiating collective bargaining agreements. I am responsible for human resource matters with pilot members such as license renewal, insurance, benefits and fit for duty items. I also am involved with employee matters such as employee hires, terminations, job evaluations, staff meetings and grievances.

The President also oversees the Port Angeles Pilot Station that operates similar to a fire station with necessary oversight of regular provisioning, housekeeping, building maintenance and repairs and other items of concern by pilot members. The station is built over water, which adds additional maintenance considerations, with an adjacent barge that serves as a floating dock and maintenance facility for the two owned pilot boats for which I am also responsible. This includes coordination and oversight of various projects and annual drydock maintenance for the boats and periodic maintenance of the barge. In addition, I am responsible for safety and security of boat operations, including instilling a culture of safety that encompasses pilot transfers, reviewing and testing pilot and crew safety equipment, safety policies, procedures and drills. The President is

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also responsible for addressing customer and pilot inquiries and consultations regarding least depth allowances, tide windows, and other navigational safety items requiring intimate marine pilot local knowledge and experience. I also act as a consultant to the Army Corps, port authorities and vessel operators for PSP when requested to advise or evaluate scenarios for handling specific vessels in waterways.

At the state level, the President is responsible for educating and informing agencies, legislators and their staff regarding Puget Sound Pilots, who we are and what we do as professional maritime pilots working on behalf of the public in our shared mission with the Board of Pilotage Commissioners. Since 2015, time spent meeting with the governor, legislators, agencies and their staff has expanded substantially, especially during the legislative sessions due many bills and new legislation affecting Puget Sound Pilots. This government affairs work includes face-to-face meetings, phone calls, emails, letter writing, indicating positions, developing and providing public testimony. Additionally, I host elected officials in Port Angeles providing tours of the pilot station, pilot boats and pilot transfer operations, and in Seattle to observe vessels being piloted in the harbor, share how pilot dispatch works and related piloting matters.

In the Pacific Northwest, the President is accountable to represent PSP on special committees and task forces – often ones that involve safety or vessel movements in the region. This includes participation in the Harbor Safety Committee, a forum for safety and security discussion items, where I sometimes introduce pilot items. Other examples are participation in Ecology’s Vessel Traffic Risk Assessment and the recent joint Ecology and Pilotage Commission Listening Session regarding new legislation ESHB 1578 regarding oil transportation safety. I am also responsible for representing PSP in regional multi-party safety and security exercises. I most recently led PSP’s response to a real Tsunami warning alarm. I have also worked over the past four years with American Waterways Operators (“AWO”) and local tug companies in establishing the Tug Bollard Pull and Escort program for adoption in 2020 to set standards of care for the Puget Sound Harbor Safety Committee.

As you are aware, the Salish Sea includes both the Strait of Juan de Fuca and an international border we share with British Columbia, Canada. There is both an international treaty and a Memorandum of Agreement (“MOA”) between the Pacific Pilotage Authority, The BC Coast Pilots and Puget Sound Pilots that guides jurisdiction and safe practices in the international environment. To improve safety and communications, the President initiated and negotiated this MOA to document considerations regarding transfer of the conduct of vessels crossing the US/Canadian border with pilots from both jurisdictions on board and differentiate the procedures for loaded tankers and all other vessels.

Other Canadian related activities involve the Port of Vancouver such as pilot security access to Canadian terminals, exchanging customs information and facilitating programs. A recent example is PSP support of the Port of Vancouver, Canada with their *Strait of Juan de Fuca*

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*Voluntary Displacement Trial.* This program was implemented to reduce underwater noise in killer whale feeding areas. The support approach I developed, was for PSP members to communicate their request and instructions for deep sea vessels transiting outbound through the Strait of Juan de Fuca to navigate as far south as possible within the outbound lane, and leave on the vessel the corresponding instruction cards provided by the Port of Vancouver.

Nationally, the President's scope of work includes maritime pilotage activities involving U.S. Homeland Security and with federal legislation, regulations and related initiatives affecting pilotage. The majority of my direct engagement is with the U.S. Coast Guard, primarily the Vessel Traffic Service ("VTS") and the National Maritime Center ("NMC") responsible for testing, physical reviews, and other compliance matters required for credentialing marine pilots. Often, these matters involve communication and coordination with the American Pilots Association ("APA"), the International Organization of Masters, Mates and Pilots ("MM&P") and engagement with other maritime pilot groups throughout the nation. I am also the primary point of contact representing Puget Sound Pilots as members of the MM&P and participants in the MM&P Medical Plan. As such, I am involved with new pilots onboarding, pilots retiring, changes in benefits, pension trust fees, stop gap insurance and related member concerns. As the PSP representative and Trustee for the APA, I regularly communicate with the APA regarding matters of national concern to professional maritime pilots such as state and federal proposed policies legislation and regulations; interpretation of existing policies legislation and regulations, federal and state licensing requirements, safety and security, pilot training and testing, pilot ladder safety, navigation technology, tanker escort; autonomous shipping; and similar items of legal, political and/or general topics.

Internationally, the PSP President represents Puget Sound Pilots at the International Marine Pilots Association ("IMPA"). This association represents professional maritime pilots matters on international concern to the International Maritime Organization ("IMO") and in other international forums. The scope of items addressed by the PSP President with IMPA is similar to those listed under the APA. For instance, I have been primarily engaged with advancing IMPA's pilot ladder safety initiative by advocating for pilot ladder safety with members and ships and responding to IMPA's annual survey. I also have presented at their bi-annual convention, most recently on the topic of *Tug Use with VLCC*, including the use of three integrated simulators and T-squared tug assist configuration in practice when handling or preparing to handle ultra large container ships.

PSP business activities also include outreach and partnership with maritime organizations that serve to expand and increase visibility of maritime/mariner career pathways to females, people of color and youth. This gives further recognition to a key finding of the Washington State Pilotage Study that the *lack of diversity in the pilot corps is a maritime industry problem* and recommendation that the state take the lead in rectifying the issue. Indeed, the Washington Maritime Federation initially took the lead on behalf of the state and subsequently created and

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transitioned leadership to the Washington Maritime Blue. As an example, the Port of Seattle and Seattle Maritime Academy were the catalyst for the Youth Maritime Collaborative which seeks to expose and engage youth, especially high school students, to maritime career pathways with hands on internships and/or maritime experiential learning opportunities. The PSP President, along with the Executive Director, are regularly engaged in these efforts on behalf of PSP. Below is a sampling of the wide-ranging organizations that the President engages with on behalf of Puget Sound Pilots.

Organization	Engagement Range	Engagement Focus
Board of Pilotage Commissioners Utilities and Transportation Commission	State	Regulator, safety, training, licensing
U.S. Coast Guard	National, local	Regulator, safety, security, licensing
Puget Sound Harbor Safety Committee	Puget Sound	Safety
NOAA	Puget Sound	Safety
Army Corps of Engineers	Puget Sound	Safety, dredging projects
PNW Waterways Assn	Pacific Northwest	Safety, dredging projects
Port of Grays Harbor	State	Port authority
The Seaport Alliance	Local, state	Port authority
Port of Seattle	Local	Port authority
Port of Vancouver, Canada	International	Port authority
WA Public Ports Association	State	Port Association
Green Marine Alliance Verte	U.S. and Canada	Marine environment, certification
Washington Maritime Blue	State, local	Governor's maritime initiative
Washington Maritime Federation	State	Trade/Industry
Northwest Marine Trade Association	Local	Trade/Industry
Seattle Propeller Club	Local	Trade/Industry
Tacoma Propeller Club	Local	Trade/Industry
MITAGS-PMI Training Center	Local	Training Institute
Washash Maritime Academy (UK)	International	Training Institute
Port Revel Maritime Center (FR)	International	Training Institute
Port Ilawa Maritime Center (PO)	International	Training Institute
Northwest Maritime Center	Puget Sound	Maritime ed/career pathway
Seattle Maritime Academy	Puget Sound	Maritime ed/career pathway
Sound Experience (the Adventuress)	Puget Sound	Maritime ed/career pathway
Salish Sea Expeditions (workboats)	Puget Sound	Maritime ed/career pathway
Youth Maritime Training/CAMM	Puget Sound	Maritime ed/career pathway
California Maritime Academy	Westcoast	Maritime ed/career pathway
Inland Boatmen's Union	Local, national	Labor

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WA Labor Council, AFL-CIO	State	Labor
King Co Labor Council	Local	Labor
Council of American Master Mariners	Local	Professional
WA Conservation Voters (WCV)	State, local	Marine environment
WA Environmental Council (WEC)	State, local	Marine environment
Puget Sound Keepers Alliance	Puget Sound	Marine environment
Citizens for a Healthy Bay (Tacoma)	Puget Sound	Marine environment

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**UTC STAFF DATA REQUEST NO. 8:**

At page 15 of Exh. EVB-1T, beginning at line 7, you discuss the president's role regarding safety oversight and outreach. How many times since its inception has a PSP member coordinated with a USCG boarding team to conduct an underway inspection?

**RESPONSE TO DATA REQUEST NO. 8:**

PSP members have made hundreds if not thousands of coordinated boardings underway with the USCG since the inception of the PSP. However, due to national security concerns we cannot quantify the frequency or scheduling of such boardings or otherwise reveal any record of those joint underway boardings in the public record. We have notified management at the Seattle office of the United States Coast Guard of this specific inquiry and we are both prepared to brief UTC staff in more detail on this topic should staff wish to arrange an in person call or meeting with the Coast Guard and PSP to obtain more specific data/information on this request.



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**UTC STAFF DATA REQUEST NO. 9:**

At page 16, lines 7-17 of Exh. EVB-1T, you discuss the president's responsibility "to analyze and facilitate" the arrival of ultra large container vessels and ultra large cruise ships. How many times in your role as president of the PSP Association have you performed such analysis and facilitation?

**RESPONSE TO DATA REQUEST NO. 9:**

It is difficult to pinpoint how many times I have facilitated or analyzed the arrival of ultra large container or cruise ships. As we provide the local subject matter expertise for Puget Sound as described in previous responses, answering this topic can be rather brief or much more protracted. However, I am happy to provide a few examples involving simulations of ultra large container ships during my term as President, and some during my previous term as Vice President, which I mentioned has been a growing role for PSP. I can also offer examples pertaining to previous presidents of PSP.

The most recent facilitation and analysis was a one-day simulation session at the Pacific Maritime Institute ("PMI") in Seattle. The simulation was designed to test vessel risk scenarios and best methods for maneuvering 14,000 TEU (twenty foot equivalent unit) Evergreen ships safely through the Blair Waterway to the berth at Pierce County Terminal in Tacoma. Evergreen's appreciation of PSPs efforts and the success with regards to meeting the challenges of their 14K ships calling on the Blair waterway was referenced when Evergreen's West Coast Manager, Capt. Jiin Hwa Liu, personally presented me with their Vendor of the Year award to Puget Sound Pilots for 2018 in August this past year. He also cited the long term relationship PSP and Evergreen Shipping have enjoyed, the cooperation demonstrated, and passed along his thanks for our entire professional organization from the Port Angeles pilot station to the Seattle office (*see Exhibit A*).

Part of the facilitation included having a couple of Puget Sound pilots to provide technical assistance in a validation session at PMI to check some new features of the simulator for the 14K TEU vessel and provide feedback to me. They were very pleased with PMI's database upgrades in the Blair Waterway. They were especially pleased with the substantial improvements made in simulation of the container gantry cranes because they are such a critical reference as well as an obstacle when piloting ships in the Blair Waterway. In April 2017, I was similarly engaged in the simulation at PMI Seattle of Hapag Lloyd's 14K Hamburg Express to berth at P-18.

In December 2016, I also submitted a letter (*see Exhibit B*) to the U.S. Army Corps of Engineers regarding the handling of ultra large container ships in Seattle. In April 2017, I met with the Engineer Research and Development Center (ERDC) staff who were in Seattle to review local conditions for testing construction scenarios for deepening the federal channel in the west

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waterway (Seattle) to handle ultra large container ships. The Seaport Alliance and the Corps requested two pilots participate in a weeklong ship simulation at the ERDC in Vicksburg, MS. I facilitated pilot participation which involved four days of simulation to provide critical analysis and input and one day of review. This assisted the Corps determine the final construction width and depth of the channel for the project.

In November 2015, I also participated in correspondence with CMA CGM regarding simulations for the impending upgrade of their vessel fleet size in the PNW after outreach to the San Francisco Bar Pilots and UK pilots who had handled their new class of ultra large container vessels. PSP, PSP corresponded with The Northwest Seaport Alliance regarding CMA-CGM's plans to bring an 18,000 TEU vessel into Puget Sound. There, we offered to provide navigational expertise to better prepare for CMA-CGM's Benjamin Franklin Puget Sound transit and docking/undocking at Terminal 18. In this regard, I facilitated greater familiarity with the vessel's handling characteristics including development and participation in a PMI simulation that would closely emulate the Benjamin Franklin. Pilots provided input to PMI regarding simulation of navigational and environmental conditions. The December 2015 simulation was quite successful and, as is often requested, I prepared a final written statement to the NWSA confirming PSP's readiness to pilot 18,000 TEU vessels to/from Terminal 18 including assist tug utilization, allowable navigational parameters and environmental conditions. (*See Exhibit C.*)

Other previous times that I recall other large vessel movements being facilitated and/or assisted by the office of the PSP president since 2000 are listed below:

- Dec 2015 CMACGM 18K Ben Franklin to Pier 18 Seattle arrival simulation. PMI Seattle
- Jul 2015 Azipod for Cruise ships, Z drive, advance simulator training for large ships in narrow confined waterways. PMI Seattle
- Jun 2015 Training for Team escort training with tugs for loaded Tanker tethered escort underway solutions to mitigate loss of steering or power or stuck rudder. PMI Seattle
- Oct 2013 Specific Blair waterway ULCV training arrival and backing ships out. PMI Seattle
- Aug 2013 Assessment of Ultra Large Container Vessels (ULCV) in narrow waterway training. PMI Seattle
- Mar 2007 Development of Risk resource management training in the simulator for Bridge resource management. PMI Seattle
- Dec 2004 Evergreen Shipping Tug guideline development for Blair waterway Pierce County Terminal (PCT) berthing of E class ships. PMI Seattle
- Jul 2002 Kamewa-Azipod training. MITAGS Baltimore
- May 2001 ARCO Shipping (now Polar) Bridge Resource Management. MSI San Diego

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There have been other facilitation and analysis episodes of arrival preparations over the years for special purpose vessels that did not require simulation such as the SBX navy ship, Shell Oil exploration drill platforms and their supporting vessels in 2015.



April 12, 2019

Captain Eric Von Brandenfels  
President  
**Puget Sound Pilots**  
101 Stewart Street, Suite 900  
Seattle, WA 98101

Dear Captain Von Brandenfels,

There are few assets in business more valuable than a trusted partner. With that in mind, it is my great honor to advise you that Puget Sound Pilots has been recognized as **2018 Marine Vendor of the Year** by Evergreen Shipping Agency (America) Corporation.

Spanning eight categories of business focus, our Vendor of the Year designations are awarded to the companies that have most exceeded performance benchmarks during the previous year. Puget Sound Pilots' selection makes it one of an elite group chosen from more than 300 vendors with whom we serve our valued customers.

Every day, to every customer, Evergreen Shipping Agency (America) Corporation places great emphasis on providing exemplary service. Our ongoing goal is to satisfy customers by exceeding their expectations, helping to allow them to excel within their lanes of global trade. This philosophy is one of the keys to our success and we depend on the companies we align with to achieve this goal. Although we expect each of our partners to offer the same consistently high level of performance we demand of ourselves, the quality of service offered by Puget Sound Pilots stands out in our business landscape and makes you especially deserving of this special recognition.

The entire Evergreen team offers its thanks to the management and staff of Puget Sound Pilots for your excellence in quality, service and support. As we continue our journey together, we look forward to working with you toward realizing even greater levels of success, building on the past as we move boldly toward the future.

Sincerely,

  
\_\_\_\_\_  
Jeffrey Chang  
President



Captain David Grobschmit  
President  
[President@pspilots.org](mailto:President@pspilots.org)

December 21, 2016

Rachel Mesko  
U.S. Army Corps of Engineers, Seattle District  
Planning Branch  
Office: 206.764.3622  
BlackBerry: 206.617.2847  
Email: Rachel.C.Mesko@usace.army.mil

**VIA EMAIL**

Re: **Seattle Harbor East and West Waterway Deepening Project**

Dear Rachel Mesko,

Thank you for your coordination efforts by hosting numerous meetings between the Puget Sound Pilots (PSP) and the Army Corp of Engineers. As well, allowing the Pilots to provide the necessary feedback and in-depth analysis to develop an understanding of the handling characteristics for vessels of increasing size and mass. This kind of information has supported a channel design that allows for safe and efficient transit of large vessels in Seattle Harbor.

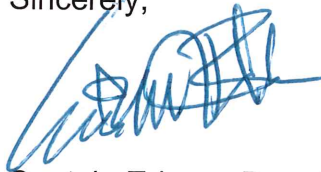
The Puget Sound Pilots have an annual ship movement of around 7,500 vessel port calls including vessels with lengths up to 1,200 feet. Additionally, PSP has completed various training simulations for CMA-CGM's 18,000 TEU Benjamin Franklin, occurring in December of last year. Training scenarios included maneuvering the vessel with wind speeds up to 30 knots and berthing both starboard side and port-side-to at terminal 18 in the East Waterway. Additional scenarios were completed where vessels were moored at terminal 46 and anchored in Elliott Bay's East Anchorage to simulate transit of the Benjamin Franklin in a more constrained waterway.

The Benjamin Franklin, an 18,000 TEU vessel, is larger than the "design vessel" identified for the Seattle Harbor Navigation Improvement Project (approximately 15,000 TEUs). It was vitally important for the continued education and safety for all involved to emulate CMA- CGM's 18,000 TEU Benjamin Franklin preferred routes and speeds in Elliot Bay, including routes to/from Terminal 18 in Seattle. Berthing operations were also practiced during the training simulations.



On February 29, 2016 the CMA CGM Benjamin Franklin was carefully navigated and successfully arrived and departed on time and on schedule. Based on our continued real-world experience combined with training simulations for ultra large vessels, Puget Sound Pilots can handle all container vessel traffic into Puget Sound. Given the increasing size of vessels calling in Seattle, we recommend Federal channel widths of at least 500 feet for the East and West waterways to allow for safe and efficient transit of these larger vessels. We are well positioned to receive an 18,000 TEU vessel in Seattle and look forward to the arrival of vessels this size.

Sincerely,



Captain Eric vonBrandenfels  
Acting President  
Puget Sound Pilots

cc: Linda Styrk



Captain David Grobschmit  
President  
Puget Sound Pilots  
101 Stewart Street, Suite 900  
Seattle, WA 98101  
[President@pspilots.org](mailto:President@pspilots.org)

December 18, 2015

VIA ELECTRONIC MAIL

Lou Paulsen  
Director, Strategic Operations Projects and Risk Management  
The Northwest Seaport Alliance  
P.O. Box 2985  
Tacoma, WA 98401  
[lpaulsen@portoftacoma.com](mailto:lpaulsen@portoftacoma.com)

RE: 18,000 TEU Vessel in Seattle

Thank you for your efforts by hosting numerous simulation exercises at PMI for the Puget Sound Pilots. As well, working with CMA CGM and PMI by allowing the Pilots to provide the necessary scenarios and in-depth debrief analysis with the vessel's handling characteristics. It was vitally important for the continued education and safety for all involved to emulate CMA-CGM's 18,000 TEU Benjamin Franklin vessels preferred routes and speeds in Elliot Bay, to/from Terminal 18 in Seattle.

Although Puget Sound Pilots are willing and able to handle all container vessel traffic into Puget Sound, the simulation was very useful in providing valuable experience and information to enhance further the safe navigation and ship handling for a vessel of this size and mass.

Thus far, we are pleased to report that 12 Puget Sound Pilots participated in the simulations conducted over the two days. Three more Pilots are scheduled in the simulator for an additional four hours, January 28, 2016. The simulated draft condition was 13.6 meters forward and 14.2 meters aft. Fourteen transits have been completed in as much as wind speeds of up to 30 knots. The various exercises simulated berthing both starboard side and port-side-to.

Based on the simulation scenarios, it was determined that the 18,000 TEU vessel can be safely berthed in wind speeds up to 25 knots. A minimum tug package consisting of 3 tugs with minimum bollard pull capacity of 70 tons each will be required in all maneuvers. When atmospheric conditions are inclement, fog or heavy snow, visibility must be a minimum of one

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vessel length. In addition to the Senior Pilot that will board the vessel in Port Angeles, a second pilot will board the vessel in the harbor to handle communications.

We are well positioned to receive an 18,000 TEU vessel in Seattle. We look forward to the arrival of the Benjamin Franklin in February and celebrating this milestone event with the NWSA and CMA-CGM.

Sincerely,

Captain David Grobschmit



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**UTC STAFF DATA REQUEST NO. 10:**

At page 18, lines 4-6 of Exh. EVB-1T, you testify that the president of the PSP Association “will accept ship assignments when demand is high in order to avoid shipping delays awaiting an available pilot.” How many times during your tenure as president have you accepted such ship assignments?

**RESPONSE TO DATA REQUEST NO. 10:**

During my term as President, I have performed the following vessel assignments:

1. In 2017, I performed 12 total vessel assignments.
  - a) Two of the work shifts on which I was dispatched for assignments included multiple harbor shifts that covered four vessel moves each.
  - b) Four of the vessel assignments also required a “repo” (repositioning) to or from Port Angeles.
  - c) Eight of the assignments in 2017 were performed on weekdays (when the President would normally be in the PSP office).
2. In 2018, I performed 8 vessel assignments.
  - a) One of the work shifts on which I was dispatched for assignments included multiple harbor shifts that covered two vessel moves. This means I took vessel assignments seven work shifts, but one of those work shifts accomplished two vessel moves.
  - b) Three of the vessel assignments required a repo to or from Port Angeles.
  - c) Four of the assignments were performed on weekdays (when the PSP President would normally be in the office).
3. Finally, in 2019, I performed 29 vessel assignments.
  - a) Four work shifts included multiple harbor shifts in which a total of eight vessel movements were accomplished. This means I was dispatched for 25 work shifts, but four of those assignments accomplished eight vessel moves.
  - b) Seven of the assignments required a repo to or from Port Angeles.16 of the assignments for 2019 were performed on weekdays (when the PSP President would normally be in the office).

DATE PREPARED: February 21, 2020	WITNESS: Ivan Carlson
DOCKET: TP-190976	RESPONDER: Ivan Carlson
REQUESTER: UTC Staff	Puget Sound Pilots

**UTC STAFF DATA REQUEST NO. 28:**

Please explain why there have been an “insufficient” number of active pilots since 2018. Please also list the “variety of circumstances” and provide support. See page 7, lines 16-18, IC-1T.

**RESPONSE TO DATA REQUEST NO. 28:**

Objection. PSP objects to the extent this request seeks a full and complete response to the explanation of why there have been insufficient pilots, as there are a large number of factors that contribute to whether there are sufficient numbers of active pilots.

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

The specific testimony to which this request refers relates to the number of pilots needed to move ships without delays, and my answer will be limited to explaining how many pilots are needed to be sufficient to move ships on time without delays.

Without getting into numerical detail, the number of pilots needed to move ships without delays is simply the number needed so that on days or times with surges in demand there are enough rested pilots to move all of the ships that request a pilot. For example, if there are 35 or 40 assignments on a given day (counting multiple harbor shifts that can be performed by a single pilots as only one assignment), it will take 35 or 40 active pilots who are rested and available for duty to move those ships on time. However, when PSP has only 50 pilots, due to the traditional watch schedule pilots follow, there are likely less than 25 who are on-duty on a given day. Pilots also have commitments other than moving ships (e.g., BPC and BPC Committee Meetings, training, upgrade trips) that reduce the number of active pilots available to move ships at particular times of day and days of the week. Thus, the number of pilots actually required to move those ships include on-duty pilots and off-duty pilots.

Since 2018, there has been a steady increase in the number of orders for pilots that cannot be met on time due to the lack of a rested and available pilot for the time a pilot is ordered. Thus, by that standard, there are insufficient active pilots.

Again, the reasons there have been an insufficient number of active pilots are numerous, and I may not be able to address all of them, but I will attempt to address those of which I am aware.

One of the major reasons PSP was unable to move all ships on time in 2018 was the lengthening of the rest period between assignments that first occurred in 2015. At that time, PSP acted on fatigue management recommendations to increase rest between assignments from the six hours

required by statute to 8 hours. At the same time PSP also implemented a restriction on the number of consecutive night shifts, limiting them to three. Although those changes decreased the availability of individual pilots to move ships (obviously each pilot is unavailable during their rest period), the BPC did not increase the number of pilots at that time.

In October of 2018, by the issuance of a policy statement, the BPC further lengthened the mandatory rest period between assignments from 8 hours to 10, and placed a 13-hour limit on the number of hours a pilot may spend performing multiple harbor shifts. *See* the Board of Pilotage Commissioner's October 18, 2018 Statement of Policy, produced with file label DR 28 – BPC Fatigue Management Policy.pdf, with bates number PSP\_003174.

Each of the rest policies approved by the BPC was later adopted by the legislature as an amendment to the mandatory fatigue management rules set forth in RCW 88.16.103 in 2019. *See* House Bill 1647 (2019), produced with file label DR 28 - House Bill 1647 (2019).pdf and bates number PSP\_003175.

Although PSP fully supported these rest rule changes to reduce the risk of a fatigue-related marine incident, the result of the change in rest rules was a reduction in the total amount of time each pilot is available to move ships.

Another factor that I believe caused the insufficiency of the number of active pilots starting in 2018 was the number of retirements and pilots who were unfit for duty due to major medical issues. Although the Board of Pilotage Commissioners had, until July 2019, authorized there to be 52 licensed pilots (in July 2019 that number was increased to 56), during 2018, PSP frequently had fewer than 50 pilots and averaged even fewer pilots who were fit for duty. Even though the BPC's Training and Evaluation Committee has been working diligently to train new pilots for licensing by the BPC, the rate at which new pilots have been licensed has been inadequate to keep up with retirements. That means there are fewer total pilots available to move ships.

Although I cannot quantify the effect on the number of necessary pilots, yet another factor that could contribute to the insufficiency of the number of active pilots is that some pilots choose not to work as many callback days as others. As I mentioned, during times of peak demand, PSP currently must rely heavily on off-duty pilots to accept callbacks in order to move ships on time. However, pilots are not required to work on their time off. In fact, our dispatchers frequently have to call a number of off-duty pilots to find one willing to take a callback job because those jobs can be so disruptive to a pilot's family life (among other reasons I addressed in my testimony). For that reason, we strongly believe that it is necessary to increase the number of licensed pilots and reduce the historic and heavy reliance on off-duty pilots to move ships. In the interim, however, when fewer off-duty pilots are willing to work callback jobs, it contributes to the insufficiency of the number of licensed pilots.

Another reason why there have been insufficient pilots is that requests to increase the number of pilots have always been a contentious at the Board of Pilotage Commissioners. Since I first

became a Puget Sound Pilot in 2006, PMSA has consistently argued against increasing the number of pilots.

By way of further answer, I am including some specific examples of circumstances where ships were delayed awaiting pilots that were included in PSP's submission to the BPC when the BPC last set the number of authorized pilots in 2019:

Below, are four examples of situations in which PSP had insufficient pilots to meet the demand, quoted from PSP's 2019 submission to the BPC as part of its request to increase the number of licensed pilots:

### Example 1 – July 7, 2018

Watch*	Pilot Delays	Customer Delays	Cancel	Vessel Assign.	Repos	CTJ/Pilots*	CDT*	Meetings/ Training	MM*	DNC*
21	1	4	0	25	4	10/8	4	0	2	8
*Watch = Pilots scheduled to be on-watch, including pilots on major medical; CTJ/Pilots = Callback jobs/pilots working Callback jobs; CDT=Callback Days taken; MM = pilots on major medical; DNC = pilots off-duty and unavailable for Callbacks										

On July 7, 2018, a vessel was delayed three hours due to the lack of an available rested pilot. A pilot was requested (“ordered”) for an assignment with an order time of 04:30, but no pilot was available to move the vessel until 07:30.

In this instance, there were 25 vessel assignments that day, with 21 pilots who were scheduled for duty. In addition to the above-average demand for pilotage service, there were also four delays by customers of between of 8-12 hours each, that tied up available pilots. The scheduled pilots were further reduced with two pilots unavailable on major medical leave (one on-duty and one off-duty), eight pilots off-duty who were not available for Callbacks, four on-duty pilots who took Callback Days (i.e., used earned Callback Days to take a day of respite), and 4 repos. Making up for the shortfall in available on-duty pilots were eight off-duty pilots working 10 Callback jobs and three on PPW. However, Callbacks were unable to provide complete relief for the high demand that day because of even higher demand the day before. On July 6 there were 34 assignments that lead to 20 pilots taking mandatory rest beyond the call time for the 04:30 assignment on July 7. As a result, PSP had no choice but to delay that vessel assignment on July 7 until 07:30.

### Example 2 – July 20, 2018

Watch	Pilot Delays	Customer Delays	Cancel	Vessel Assign.	Repos	CTJ/Pilots	CDT	Meetings/ Training	MM	DNC
22	2	3	0	24	8	11/6	4	0	2	8

Another example of vessels delayed awaiting pilots occurred on July 20, 2018. On that date, two vessels were delayed: one was delayed from 14:30 to 17:00, and another was delayed from 17:00 to 18:30.

On July 20, there were 22 on-duty pilots scheduled to perform 24 vessel assignments and eight repos. However, pilot availability was reduced by three customer delays between four to seven hours each, four pilots taking Callback Days, two pilots out on major medical, and eight pilots who were unavailable for Callbacks. Six pilots did perform Callbacks, for a total of 11 jobs.

As with the delay on July 7, the shortage of available pilots was exacerbated by high demand the preceding day: there were 27 assignments on July 19. Of those 27 assignments, 17 pilots had check-in times that required rest well into July 20, leaving an inadequate number of rested pilots to avoid a delay.

### Example 3 – August 6, 2018

Watch	Pilot Delays	Customer Delays	Cancel	Vessel Assign.	Repos	CTJ/Pilots	CDT	Meetings/ Training	MM	DNC
21	1	1	1	13	6	2/2	6	2	2	2

On August 6, 2018, a single vessel was delayed awaiting a pilot. That vessel ordered a pilot for 15:30, but no rested pilot was available until 12:00 on August 7, a delay of 20.5 hours. Before delaying the vessel the lack of available pilots was discussed with the vessel's agent, who was accepting of the delay due to the nature of the assignment.

Although 21 pilots were scheduled to be on-watch, on August 6, the available pilots were reduced by one customer delay of 1-2 hours, one cancellation, two pilots on major medical, six on-duty pilots taking Callback Days and two pilots attending meetings. Despite that this delay occurred on a day with relatively low demand (only 13 assignments) it nonetheless resulted from insufficient rested pilots available to take an assignment.

On this occasion, the principal driver of the extreme pilot shortage was the need for pilots to obtain rest in advance of Train the Trainer meetings scheduled by the Board<sup>1</sup> for 08:00 August 7, which PSP had recommended be scheduled at a slower time of year. Six pilots attended the meeting (two on-duty, three off-duty, and one on major medical), and in order to ensure compliance with rest rules, none were available to take an assignment with a late check-in time on August 6. PSP also had a regularly scheduled Board Meeting at 09:00 on August 7, attended by two on-watch pilots and four off-watch pilots, which further reduced pilot availability on the afternoon of August 6. Combined with a number of assignments commencing late on August 5 and early on August 6, there were simply no rested and available pilots to take the assignment until August 7 at 12:00.

<sup>1</sup> The "Board" as used here referred to the BPC.

**Example 4 – August 24, 2018**

Watch	Pilot Delays	Customer Delays	Cancel	Vessel Assign.	Repos	CJ/Pilots	CDT	Meetings/ Training	MM	DNC
21	4	2	0	24	2	6/6	3	1	2	12

Four vessels were delayed awaiting pilots on August 24, 2018: (1) a bulk ship was delayed starting at 22:00 on August 23 until 0:300 on August 24; (2) a container ship was delayed from 03:00 to 07:00; (3) a tanker was delayed from 08:00 to 09:00; and (4) one ATB was delayed from 16:00 until 19:00.

This was yet another high-demand day, with 24 assignments and two repos, completed when only 21 pilots were scheduled for duty. However, the available pilot pool was reduced by two on-watch pilots on major medical, three pilots taking Callback Days, two customer delays of 2-4 hours each, one upgrade trip performed by an off-duty pilot, and 12 pilots unavailable for repositioning.

Despite the fact that six pilots accepted a total of six Callback jobs, again, each of these delays was the result of the lack of available rested pilots following a day with high demand. In this instance, there were 28 assignments on August 23, and the check-in times for those assignments resulted in pilots taking mandatory rest on August 24. Those rest intervals ended between 02:00 and 17:30 on August 24, leaving an insufficient number of rested on-duty pilots to provide board-on-arrival service without delay.

DATE PREPARED: August 4, 2020	WITNESS: Ivan Carlson
DOCKET: TP-190976	RESPONDER: Puget Sound Pilots
REQUESTER: UTC Staff	

**UTC STAFF DATA REQUEST NO. 97:**

Is the distribution of pilotage revenue from the association to the pilots always uniform? That is, does each pilot always receive the same amount of distributed revenue as every other pilot? If not, please identify the most recent three years where a pilot received a non-uniform distribution despite working for the entire year and explain why the pilot(s) distribution was not uniform.

**PSP'S RESPONSE TO DATA REQUEST NO. 97:**

Distribution is not mandatorily uniform. It is based upon the distribution formula in PSP's Bylaws, which can in theory vary. For example, a pilot who is not a member for an entire year will not receive the same distribution as a pilot who was a member for the entire year. If a pilot were to take off a scheduled day of work without using an earned Callback Day, that would reduce the pilot's distribution for the month.

However, we are not aware of any times when a pilot took off a scheduled work day without using a Callback Day. Thus, distribution of pooled income tends to be uniform in fact.

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

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

**DATA REQUEST NO. 12:** For the years 2006 to present, please list all PSP staff, and for each provide (a) title(s) and job description, (b) dates of employment, (c) annual compensation (salary/wages), (d) annual cost and type of benefits, and (e) the annual number of hours worked.

**RESPONSE TO DATA REQUEST NO. 12:**

Objection. PSP objects to producing information regarding expense or income information that precedes the test year, which commences on July 1, 2018, as such information is irrelevant to a general rate proceeding. PSP also objects to producing personal information regarding its staff, such as the names of staff persons. Further, locating and listing the number of hours worked for each staff person creates an undue burden on PSP as it has few staff available to locate and produce that information, and the hours worked is of limited value in assisting the Commission in adjudicating this general rate proceeding.

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

A schedule of employees of PSP in 2018 was included within Exhibit JN-05 on p. 31.

Test year compensation for each employee is included in PSP's workpapers filed with the Commission and available to PSP. See Payroll by Location 1-1-18 to 6-30-19.

Aggregate expenses for employee benefits and compensation are included in Exhibits JN-05 and WTB-03. Detailed information is also contained in WTB-24 and in PSP's workpapers filed with the Commission.



DATE PREPARED: February 18, 2020	WITNESS: ERIC VONBRANDENFELS
DOCKET: TP-190976	RESPONDER: ERIC VONBRANDENFELS
REQUESTER: PMSA	PUGET SOUND PILOTS

**PMSA DATA REQUEST NO. 42:** Regarding Exh. EVB-1T p. 17, lines 7-14 (referencing various “functions” performed in the office), please provide documentation of any Board of Pilotage Commissioners decision requiring a licensed pilot to perform such office functions.

**RESPONSE TO DATA REQUEST NO. 42:**

PSP objects to the form of this request as being argumentative in nature, assumes the BPC controls the affairs of PSP, and is not a good-faith request for relevant information.

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

There are no documents known to be responsive to this request.

DATE PREPARED: March 3, 2020 DOCKET: TP-190976 REQUESTER:	WITNESS: Ivan Carlson RESPONDER: Ivan Carlson Puget Sound Pilots
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**DATA REQUEST NO. 79:** Please state how many assignments were missed by the PSP Vice President since 2015 and how many callbacks were generated by the Vice President missing an assignment.

**RESPONSE TO DATA REQUEST NO. 79:**

Objection. This request is misleading because it improperly assumes that an assignment is “missed” when the PSP Vice President is fulfilling administrative duties. That is incorrect, and time spent on administrative duties for PSP is expressly considered by the Board of Pilotage Commissioners in assessing the appropriate number of pilots pursuant to WAC 363-116-065. Accordingly, for purposes of dispatch practices and fatigue mitigation, when the Vice President spends time fulfilling administrative duties to PSP, PSP correctly considers it an “assignment.”

Setting aside administrative duties and assuming the Vice President simply “missed an assignment” during the time period stated, PSP is nonetheless unable to provide a response to any data request seeking information about the cause of an individual callback job. While the general cause of callbacks is always the unavailability of rested on-duty pilots, there are frequently multiple reasons there are insufficient rested pilots at the time each callback job occurs, including but not limited to cancellations, order changes, and delays. Thus, answering any question that implicates the “cause” of a callback requires complex analysis of multiple factors, and a lengthy explanation as to each callback. As a result, if PSP were to attempt responding to this data request under the incorrect assumptions made by PMSA, it would place an undue burden on PSP.

Subject to and without waiving the foregoing objections, and further limited to the period of time after January 1, 2016 (the period during which reliable dispatch information is available) PSP responds as follows:

Response to (1):

The PSP Vice President has not missed any vessel assignments for which he was dispatched.

Response to (2):

N/A

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

**DATA REQUEST NO. 80:** Regarding Exh. IC-1T, p. 2 lines 19 to p. 3 lines 1-5, please provide documentation for 2019 of (1) the lead times required to order a pilot; (2) how PSP uses 96-hour and 24-hour advance notice of arrivals to plan pilot availability; (3) the average lead time a cruise ship orders a pilot; (4) the average lead time a container ship or roll-on/roll-off (RORO) ship orders a pilot on weekly or other port call rotation schedules; (5) the average lead time a non-container/RORO ship orders a pilot; (6) how PSP uses B.C. pilot ordering lead time; and (7) actual ship movements to plan for vessels arriving from Canada.

**RESPONSE TO DATA REQUEST NO. 80:**

Objection. Nothing about the testimony on the references pages and lines discusses lead times, dispatch practices or scheduling in general. Further, this request appears related solely to specific operational and management issues that are outside of the Commission’s jurisdiction. It is further impossible to provide average lead times for nearly every type of ship because the job times are changed by the vessel so frequently that there is no single “lead time” to average for each ship. To the extent it might be possible to average the lead times available (cruise ships are more predictable, for example), it is nonetheless a burdensome exercise that would provide little if not zero probative information to the Commission by which it could adjudicate PSP’s proposed tariff and support. As a further objection, subpart (7) appears to be an incomplete sentence. That request appears to seek “documentation for 2019 of... actual ship movements to plan for vessels arriving from Canada.” PSP assumes this request seeks documentation of how PSP uses actual ship movements to plan for vessel arrivals from Canada and will answer accordingly.

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

Response to subpart (1):

See Puget Ordering Information, which document consists of pages published in “Puget Sound Pilots Tides & Currents.” Those pertinent pages are being produced with file label “PMSA DR 80 - Ordering a pilot Puget Sound.pdf” and bates number commencing on PSP\_004227.

Response to subpart (2):

The 96 hour notice is a federal requirement that has no bearing on the ordering of state pilots nor is a vessel required to send such notice to PSP. Thus, it is not applicable. See 33 CFR 160.1 – 160.216. There are no records known to be responsive to this subpart, nor, for multiple reasons including insufficient reliability, is there any benefit to PSP in obtaining 96-hour advance notices for the purposes of ordering a state pilot.

Response to subpart (3) – (5):

PSP objects. See above.

Response to subpart (6):

PSP dispatchers use information regarding orders for B.C. pilots to check against order times and enhance predictability, but there are no records known to be responsive to this subpart.

Response to subpart (7):

PSP dispatchers monitor the Pacific Pilotage Authority website for ship departures and PSP boatmen monitor AIS data to monitor ship movements. Both use the pertinent information to assess potential impacts on arrival times, but there are no records known to be responsive to this subpart.

<p>DATE PREPARED: March 3, 2020 DOCKET: TP-190976 REQUESTER:</p>	<p>WITNESS: Ivan Carlson RESPONDER: Ivan Carlson Puget Sound Pilots</p>
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**DATA REQUEST NO. 118:** Regarding Exh. IC-1T, p. 10 lines 22-25 and p. 11 lines 1-8, please provide all documents of PSP policies defining when a pilot can take a comp day, all documents defining the process for creating and extinguishing callback liabilities, all documents discussing the recording callback liabilities, and all documents about funding callback liabilities.

**RESPONSE TO DATA REQUEST NO. 118:**

Objection. Responding to this request for “all documents”, which is not limited to any relevant time period, would require an exhaustive review of numerous years of documents, causing an undue burden on PSP. PSP is unable to provide such a comprehensive response. Additionally, there is no relevance to “all documents discussing recording callback liabilities” and the same is not reasonably calculated to lead to the discovery of admissible evidence. With respect to the sub-request for “all documents about funding callback liabilities,” most if not all of the records requested are public record documents in the possession of the BPC and therefore are equally available to PMSA from a more convenient source.

Subject to and without waiving the foregoing objections, PSP responds as follows to produce those records which it knows to be responsive:

All policies regarding the creation and use of comp days are contained in PSP’s Operating Rules which have been produced in response to other requests.

Documents discussing the recording of callback liabilities have been filed with PSP’s initial filing. *See* Exh. JN-04 Consolidated Financial Statement December 31, 2018 and 2017.

Documents related to funding callback liabilities are being produced with the following file labels and bates numbers:

- PMSA’s 2005 Submission to the BPC for the 2006 Tariff, “PMSA DR 84 - PMSA Response to BOPC 2006 Tariff.pdf”, commencing on bates number PSP\_004294.
- 1996 Memorandum of Understanding, produced with file label “PMSA DR 126 - 1996 MOU.pdf” and bates number commencing on PSP\_004398.
- See also Exhibit WT-02.

DATE PREPARED: March 6, 2020	WITNESS: Walt Tabler
DOCKET: TP-190976	RESPONDER: Walt Tabler
REQUESTER: PMSA	Puget Sound Pilots

**Data Request No. 179:** Please provide documentation of the exact methods used by PSP to achieve callbacks whereby it “will attempt to find an off-duty pilot who will take the assignment” as referenced at Exh. WT-1T, p. 19, lines 12-13.

**Response to Data Request No. 179:**

Objection. By its wording, this request seeks a full, comprehensive and detailed response which is ill-suited to a data request.

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

Dispatchers call off-duty pilots who have not been placed on the “do not call” list and request that they accept an assignment and be called back from their respite. The dispatchers continue to call every pilot on the list until one who will accept the callback has been located.

DATE PREPARED: March 6, 2020 DOCKET: TP-190976 REQUESTER: PMSA	WITNESS: Ivan Carlson RESPONDER: Ivan Carlson Puget Sound Pilots
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**Data Request No. 185:** Regarding Exh. WT-1T, p. 20, lines 16-18, please provide specific documentation and examples, including references to PSP official bylaws, guidelines, or partnership agreements, of all PSP “financial penal[t]ies” which may exist and can be assessed against individual pilots, how they are assessed, when they are assessed, and how any “financial penalty” is accounted for in the financial records of PSP, including specific copies of all such accounting of “financial penalty” in PSP accounting records from 2015 to present.

**Response to Data Request No. 185:**

Objection. This request clearly calls for PSP to provide information that is available to PMSA by review of the PSP Bylaws and Op Rules. The burden on PSP of answering this request is precisely the same as the burden to PMSA of reading the Bylaws and Operating Rules and identifying each instance a financial penalty is authorized. Additionally, this request appears to seek purely impeachment evidence and is therefore outside the scope of available discovery, as the issuance of *any* penalty regardless of the specific nature of the penalty is hardly relevant to a rate proceeding.

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

See PSP Bylaws and Operating Rules, previously produced to PMSA.

I am not aware that any financial penalties have been issued since January 1, 2015.

DATE PREPARED: March 6, 2020	WITNESS: Walt Tabler
DOCKET: TP-190976	RESPONDER: Walt Tabler
REQUESTER: PMSA	Puget Sound Pilots

**Data Request No. 186:** Regarding Exh. WT-1T, p. 20, lines 16-18, please provide specific documentation of the relationship between any “financial penalty” and fatigue, the relationship between any “financial penalty” and the creation of a callback system, or the relationship between any “financial penalty” and a pilot’s subsequent use of a future day off or other callback accrual.

**Response to Data Request No. 186:**

Objection. This question misconstrues the testimony referenced. Mr. Tabler’s pertinent testimony is as follows “Because of the callback system, pilots who are on duty but fatigued, can take a day off without financial penalty.” Exh. WT-1T, p. 20: 17-18.

Subject to and without waiving the foregoing objection, Mr. Tabler responds as follows:

There is no such documentation. PSP’s Operating Rules provide for a financial penalty if an on-duty pilot refuses an assignment. Without a callback system that allows pilots to take time off, pilots might feel compelled to accept an assignment even when ill or fatigued to avoid the application of that penalty.