

BEFORE THE STATE OF WASHINGTON
UTILITIES AND TRANSPORTATION COMMISSION

WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION,

Complainant,

v.

PUGET SOUND PILOTS,

Respondent.

Docket TP-220513

**RESPONDENT PUGET SOUND
PILOTS' CONDITIONAL NOTICE
OF INTENT TO CALL WALT
TABLER**

MEMORANDUM

1. Respondent Puget Sound Pilots (“PSP”) hereby gives conditional notice of its intent to call Walt Tabler as a witness at the upcoming April 5 evidentiary hearing.
2. Mr. Tabler is PSP’s retired former Executive Director and General Counsel. Mr. Tabler submitted initial testimony in support of PSP’s general rate case on June 29, 2022 and rebuttal testimony on March 3, 2023.
3. Intervenors and Commission Staff did not request to call Mr. Tabler for cross examination. However, Intervenor Pacific Merchants Shippers’ Association (“PMSA”) recently disclosed that it intends to designate a 2021 legal memorandum prepared by Mr. Tabler for PSP as a cross-examination exhibit.
4. PSP has asserted attorney-client privilege over the Tabler memorandum, which PMSA apparently obtained inappropriately at an unknown time from an unknown source that PMSA refuses to identify. Based on its assertion of privilege, PSP moved yesterday in limine to exclude the Tabler memorandum and any use by PMSA of its contents.

5. Assuming PSP's motion is granted, there will be no need to call Mr. Tabler at the hearing. If the motion is denied, however, PSP should in fairness be afforded an opportunity to elicit testimony from Mr. Tabler regarding the circumstances that precipitated the memorandum and its contents. Therefore, PSP intends to call Mr. Tabler as a witness for an estimated 30 minutes if and only if PSP's pending motion in limine is denied.

Respectfully submitted this 29th day of March, 2023.

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