

**THE BOARD OF MARITIME PILOTS  
STATE OF OREGON**

**SINGLE-ISSUE  
RATE PROCEEDING**

IN RE: INCREASE IN PILOT	)	FINAL ORDER UPON DEFAULT
BOAT SURCHARGE	)	
	)	
Columbia River Bar Pilotage	)	CASE NO. BP-18

**BACKGROUND**

On November 20, 2025, the Oregon Board of Maritime Pilots (Board) issued a Notice of Intent (Notice) to promulgate a single-issue rate adjustment increasing the Pilot Boat Surcharge for the Columbia River Bar Pilotage Grounds, with hearing rights to all parties.<sup>1</sup> The Board noticed the Columbia River Bar Pilots; the Columbia River Pilots; the Coos Bay Pilots Association; the Columbia River Steamship Operators Association; and the Ports of Portland, Vancouver, Astoria, Longview, and Kalama as parties interested in the proceeding. The Notice designated the Board's file on this matter as the record for purposes of establishing a prima facie case upon default. No hearing was requested. No response, pleading, answer or counter-petition was filed.

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<sup>1</sup> When a change in the rates is initiated by the Board, notice proceeds under OAR 856-030-0033(3).

## FINDING OF FACTS

- (1) The Pilot Boat Surcharge for the Columbia River Bar Pilotage Grounds applies to all vessels requiring pilotage services on Columbia River Bar Pilotage System on a per transit basis and is used to pay the capital cost of new vessels.<sup>2</sup>
- (2) The Pilot Boat Surcharge amount is tailored to the capital addition and is set at an amount designed to generate sufficient revenue on an annual basis to cover financing costs.<sup>3</sup> The surcharge is subject to quarterly adjustments based upon actual vessel traffic levels.<sup>4</sup>
- (3) The pilot boat surcharge is presently set at \$276.04 per transit and is designed to collect \$828,108 annually.<sup>5</sup>
- (4) The current pilot boat, the *Columbia*, is 17 years old and has been repowered with the last set of available engines that meet Tier 2 emission standards and is scheduled for replacement in 2027.<sup>6</sup>
- (5) The proposed replacement vessel will be larger and meet modern EPA emissions requirements.<sup>7</sup>
- (6) The estimated replacement vessel cost is \$10.5 million, to be amortized over a ten-year period.<sup>8</sup> The Columbia River Bar Pilots expect to offset the expense of the new vessel via sale of the *Columbia*. A conservative projection of \$3.5 million in net proceeds from the sale of the

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<sup>2</sup> BP 6, Board Final Order No. 02-2, May 1, 2002 (establishing the Pilot Boat Surcharge for the Columbia River Bar Pilotage Ground). A loan's debt service requires sufficient revenue to cover interest and principal.

<sup>3</sup> *Id.* at p. 11, 15, and 21.

<sup>4</sup> BP 11, issued June 1, 2021; Oregon Pilotage Tariff, Revised effective date Oct. 15, 2025.

<sup>5</sup> Oregon Pilotage Tariff, Revised effective date Oct. 15, 2025; The pilot boat surcharge of \$276.04 is effective through January 14, 2026; see also Board Final Order No 07-01.

<sup>6</sup> Declaration of Karli Neilson, p. 1-2.

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

*Columbia* is incorporated into the financing package with U.S. Bank, with an estimated \$1.5 million offsetting the total loan amount.

(7) The revenue necessary to cover costs over the 10-year amortization period approved by the lender is \$1,212,000 annually. At an annual transit level of 3,000 transits, the surcharge necessary to generate an annual revenue of \$1,212,000 annually is \$404 per transit.

(8) Without action by the Board, rates included in the Oregon Pilotage Tariff for the Columbia River Bar Pilotage Ground will be insufficient to facilitate the necessary boat construction contract or vessel financing arrangements.<sup>9</sup>

### DISCUSSION

The Board is charged with ensuring safe, reliable and efficient pilotage. ORS 776.115(5) provides the Board with the authority to fix just and reasonable rates for pilotage services. ORS 776.115(8) states that the Board may:

Establish rates pursuant to subsection (5) of this section, for a period of not less than two years, that continue in effect until a subsequent hearing process.

An Order upon default is reasonable in this instance since, as of December 22, 2025,<sup>10</sup> the Board had received no requests for a hearing. Similarly, no answer, pleading, or response was submitted. Lastly, there is no known opposition to increasing the Pilot Boat Surcharge.

Given the role of a pilot boat in facilitating safe, reliable and efficient pilotage, the condition of the Columbia, the historical purpose of this surcharge in funding capital investments in pilot boats, adoption of this Order is reasonable to fulfill the Board's obligation to fix just and

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<sup>9</sup> *Id.*

<sup>10</sup> More than 30 days after date of service in compliance with OAR 856-030-0033(3)(d).

reasonable rates for pilotage services. The Board issues this new, single-issue order to increase the Pilot Boat Surcharge for the Columbia River Bar Pilotage Ground. All other aspects of Final Orders currently in effect, remain unaffected by this proceeding. Further, the adoption of this change will result in rates which are just and reasonable and will not prejudice the rights of any party.

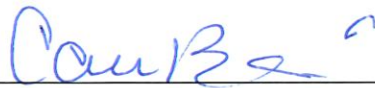
### ORDER

Based on the facts, law, and analysis above, IT IS HEREBY ORDERED, effective the date this order is signed by the Board Chair:

- (1) The Pilot Boat Surcharge in the tariff supporting the Columbia River Bar pilotage ground is increased to \$404 per vessel transit.
- (2) The surcharge established in this ORDER shall be in effect for a minimum of two years from the date this ORDER is signed by the Board Chair.
- (3) All other aspects of the Board's current rate orders remain unaffected by this Final Order.

DATED

1/15/2020



Carrie Banks, Chair  
Oregon Board of Maritime Pilots

**APPEAL RIGHTS:** Any party who filed response, pleading, answer, counter-petition, or request for hearing on the Notice may appeal any final order ultimately issued in this case by filing a petition for review with the Oregon Court of Appeals within 60 days after it is served upon all interested parties. See ORS 183.480 et seq.

**THE BOARD OF MARITIME PILOTS**

**STATE OF OREGON**

<p><b>SINGLE-ISSUE RATE PROCEEDING</b></p>
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IN RE: INCREASE IN PILOT	)	NOTICE OF PROPOSED SETTING
BOAT SURCHARGE,	)	OF PILOT BOAT SURCHARGE
	)	
Columbia River Bar Pilotage	)	
	)	CASE NO. BP-18
	)	

Pursuant to ORS Chapter 776.115(5) and (8), 776.129, OAR 856-030-0033, the Oregon Board of Maritime Pilots (Board) intends to establish a single-issue rate adjustment, increasing the Pilot Boat Surcharge for the Columbia River Bar Pilotage Grounds from the existing \$276.04 per vessel transit to \$404.00 per vessel transit. All other aspects of Final Orders currently in effect, including but not limited to all other details of the Automatic Tariff Adjustment Mechanism, and the date when a new petition may be filed with the Board to make changes to rates for pilotage on the Columbia River Bar Pilotage Ground, shall remain unaffected by this proceeding.

**INTERESTED PARTIES**

The following parties have an interest in these proceedings: the Columbia River Bar Pilots; the Ports of Portland, Vancouver, Astoria, Longview, and Kalama; the Columbia River Steamship Operators Association; the Columbia River Pilots; and the Coos Bay/Yaquina Bay Pilots Association.

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## NEED FOR PROCEEDING

A pilot boat surcharge applies to all vessels requiring pilotage services on Columbia River Bar Pilotage System on a per transit basis and is used to pay the capital cost of new vessels. The increase in the surcharge is necessary to finance a replacement for the *Columbia*, which is now 17 years old. Delivery of the replacement pilot boat is anticipated in August or September of 2027, at an estimated cost of \$10.5 million.<sup>1</sup> The replacement vessel will be larger and meet modern EPA emissions requirements.<sup>2</sup> The Columbia River Bar Pilots have requested a board initiated single-issue rate proceeding to adjust the current level of Pilot Boat Surcharge to facilitate entering into the necessary boat construction contract and vessel financing arrangements with their lender. The increased surcharge is necessary to cover the financing costs over the 10-year amortization period approved by the lender. Approval of the requested increase in Pilot Boat Surcharge is supported by the Columbia River Steamship Operators Association, the major stakeholder representing shipping industry interests.<sup>3</sup>

Initially established by the Board in Final Order No. 02-2, the surcharge amount is determined by tailoring the total surcharge collections on an annual basis to match as closely as possible the actual principal and interest charges for the financing of the new pilot boat.<sup>4</sup> The most recent increase in the Pilot Boat Surcharge occurred on January 12, 2007, when the Oregon Board of Maritime Pilots increased this surcharge to \$261.36 per vessel transit.<sup>5</sup> The pilot boat surcharge is subject to quarterly adjustments based upon actual vessel traffic levels, and is presently set at \$276.04.<sup>6</sup>

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<sup>1</sup> Declaration of Karli Neilson, p. 1-2, para. 3.

<sup>2</sup> *Id.*

<sup>3</sup> Oregon Pilotage Tariff, Revised effective date Oct. 15, 2025.

<sup>4</sup> Board Final Order No. 02-2.

<sup>5</sup> Board Final Order No 07-01.

<sup>6</sup> See, Oregon Pilotage Tariff, Revised effective date Oct. 15, 2025; The pilot boat surcharge of \$276.04 is effective through January 14, 2026.

The amounts included in the Pilot Boat Surcharge are expected to be offset by sale of the *Columbia*. Because her engines were replaced in 2025, the *Columbia* will have significant useful life remaining in the fall of 2027 when her replacement is delivered and there is a strong interest on the part of the Grays Harbor Pilots in purchasing the *Columbia*. A conservative projection of \$3.5 million in net proceeds from the sale of the *Columbia* is incorporated into the financing package with US Bank.

### FACTORS CONSIDERED

In determining the proposed fees, the Board has considered, as required by ORS 776.115(5)(b) and OAR 847-030-0000:

- (a) The amount of activity, including number of vessels, number of pilot assignments, size of vessels by net tonnage, gross registered tonnage (GRT), length, and draft;*

The number of pilot assignments requires construction of a new pilot boat. The Pilot Boat Surcharge increase is necessary to recover capital costs for the replacement vessel.

- (b) Any change in the amount of activity since the last rate order;*

The estimated amount of activity used in setting the proposed Pilot Boat Surcharge assumes an annual transit level of 3000 transits.

- (c) The public interest in prompt, efficient, and economical service;*

As established in Rate Order BP 11, the public interest in prompt and efficient service is high, but it does not change with respect to the Pilot Boat Surcharge considered here.

- (d) The professional skills and experience required of a pilot and the difficulty and inconvenience of providing the service, including time necessary to perform the service;*

The proposed Pilot Boat Surcharge is designed to recover capital costs for replacement vessels and is unrelated to economic or market conditions. Consequently, this factor is irrelevant in the present instance.

- (e) *Evidence of compensation for comparable maritime professions, including other state regulated pilotage associations, Puget Sound and San Francisco at a minimum;*

The Pilot Boat Surcharge is designed to recover capital costs for replacement vessels and is unrelated to economic or market conditions. Consequently, this factor as irrelevant in the present instance.

- (f) *Evidence of the economic and market conditions existing both locally and within the region of any pilotage association used for the purpose of comparison;*

The Pilot Boat Surcharge is designed to recover capital costs for replacement vessels and is unrelated to economic or market conditions. Consequently, we have considered this factor but reject it as irrelevant in the present instance.

- (g) *Total gross and net income for the pilots' group since the last rate order, or as directed by the Board, including sources of income by tariff category; and*

Evidence and factors considered in BP 11 remain valid. This single-issue order will not impact pilot compensation.

- (h) *Individual amounts paid to pilots since the last rate order, or as directed by the Board, which may be shown as both gross and adjusted gross income, as reported for tax purposes.*

Evidence and factors considered in BP 11 remain valid. This single-issue order will not impact pilot compensation.

- (i) *Evidence of appropriate expenses related to the provision of pilotage services as shown by records of the pilots' group and verified by an independent audit.*

As the replacement vessel for the *Columbia* has not been included in a rate order or the current Pilot Boat Surcharge. There has been no separate, independent audit conducted. Therefore, we have considered this factor, but do not believe it is necessary for the inclusion of the replacement vessel in the surcharge.

- (j) *The demand for these services and the supply of pilots to provide them.*

As the need for replacement vessels is outside the course of normal pilotage, the ordinary market forces of supply and demand are not appropriate factors in setting the Pilot Boat Surcharge.

#### FEES PROPOSED

The existing Pilot Boat Surcharge in the tariff supporting the Columbia River Bar pilotage ground is designed to collect \$828,108 annually. If the Pilot Boat Surcharge is increased to the



requested level of \$404 per vessel transit, a \$127.96 increase from the current surcharge level, the surcharge will be collecting \$1,212,000 annually utilizing the same traffic-based adjustment per quarter now in place. On a per vessel transit basis, the increase from the current surcharge level will be \$127.96.

	<i>Cost per vessel transit</i>	<i>Monthly Revenue</i>	<i>Annual Revenue</i>
<i>Current Pilot Boat Surcharge</i>	\$276.04	\$69,000	\$828,108
<i>Proposed Pilot Boat Surcharge</i>	\$404	\$101,000	\$1,212,000

#### FILING RESPONSES

Any interested party who wishes to file a counter-petition, answer, applicable pleading, request for hearing, or response must do so, in writing, within 30 calendar days of the date this Notice was mailed. Such filing may be served on the Board offices by electronic mail or first-class mail, to the following addresses:

[Kim.Oster@obmp.oregon.gov](mailto:Kim.Oster@obmp.oregon.gov)

or

Kim Oster, Administrator

800 N.E. Oregon Street, Suite 507

Portland, Oregon 97232

#### DEFAULT

If no party timely files a response, pleading, answer, counter-petition, request for hearing, or answer, the Board may issue a final order by default. If the Board issues a final order by default, the Board designates the material which comprises the file as the record for the purpose of proving a *prima facie* case.

However, even if no party files a request for hearing, but at least one party files a response, pleading, answer, or counter-petition, the Board will consider such filings and will issue a proposed order rather than a final order by default. All parties who filed a response, pleading, answer, or counter-petition will have the right to timely file written exceptions to the proposed order, which the Board must consider before issuing any final order.

Failure to request a hearing, failure to appear at any hearing scheduled by the Board, withdraw of the request for a hearing, or failure to appear at any hearing scheduled by the Board on time will constitute a waiver of the right to request a contested case hearing.

#### APPEAL

Any party who filed response, pleading, answer, counter-petition, or request for hearing may appeal any final order ultimately issued in this case by filing a petition for review with the Oregon Court of Appeals within 60 days after it is served upon all interested parties. See ORS 183.480 et seq.

DATED: November 20, 2025



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Tom Griffiths  
*Executive Director*  
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**THE BOARD OF MARITIME PILOTS**  
**STATE OF OREGON**

IN RE: INCREASE OF PILOT BOAT                    )  
SURCHARGE FOR PILOTAGE TARIFF                )  
FOR THE COLUMBIA RIVER BAR                    )

**DECLARATION OF KARLI NEILSON**

I, Karli Neilson, being sworn, say:

1. I am the Business Director for the Columbia River Bar Pilots, LLC and Saddle Mountain, Inc., a position that I have held since October 2023. I make this declaration based upon my own personal knowledge.

2. The current Pilot Boat Surcharge in the tariff funding the pilotage system for the Columbia River Bar pilotage ground is designed to collect \$820,108 annually, which is equal to the total annual mortgage cost for the Pilot Boat *Astoria* with a monthly cost of \$69,000. The current surcharge amount is \$276.04, which is the result of the most recent quarterly traffic-based adjustment of that surcharge. This rate of surcharge per vessel transit is effective from the last adjustment date of October 15, 2025 through January 14, 2026. A new traffic-based adjustment will be effective on January 15, 2026.

3. The Pilot Boat *Columbia*, which is now 17 years old, is scheduled for replacement in 2027. The Bar Pilots have secured a fixed price bid of \$10.5 million for a slightly larger vessel that will meet the legal requirements of Tier 4 engines utilizing modern EPA-mandated emissions technology. The design phase for the vessel will occur during the first half of 2026 and construction of the pilot boat will require approximately 14 months with delivery projected for

August/September 2026. [REDACTED] have a strong interest in purchasing the Pilot Boat *Columbia* at the time of delivery of the replacement vessel in August/September 2026. At the projected sale price [REDACTED] for the *Columbia*, the sale proceeds will be allocated [REDACTED] to the cost of the replacement pilot boat, [REDACTED] to pay off the loan that funded replacement engines for the *Columbia* and [REDACTED] capital gains taxes.

4. [REDACTED]

[REDACTED] the mortgage with U.S. Bank will total \$9 million as of August/September 2026 and will carry a \$101,000 per month principal and interest cost over a 10-year amortization period. The existing mortgage cost of \$69,000 per month for the Pilot Boat *Astoria* will be fully paid off in July 2027. In order for the Pilot Boat Surcharge to generate the necessary funds to cover the new mortgage on the replacement pilot boat, the surcharge must be increased from the current level of 276.04 per vessel transit to \$404 per vessel transit.

5. The Bar Pilots request that the Pilot Boat Surcharge be increased as soon as reasonably possible, which could be as early as February 1, 2026. During the 19 to 20 months during which the replacement pilot boat will be designed and constructed, the Pilot Boat Surcharge will continue to cover the \$69,000 per month cost of the mortgage on the Pilot Boat *Astoria*, which will be fully paid in July 2027. In my estimation, the financing costs associated with the period of design and boat construction will be fairly close to the difference between the ongoing \$69,000 mortgage payment for the Pilot Boat *Astoria* and the new monthly surcharge level of \$101,000.

6. The existence of the Pilot Boat Surcharge dates back over 25 years to 1999 and has been used solely to pay pilot boat mortgages. I have recently compared the monthly Pilot Boat Surcharge collections and mortgage payments from over the 10-year period from October 1, 2015 through October 31, 2025. During this period, the Pilot Boat Surcharge generated \$8,375,551.84

that was collected by the Bar Pilots. During this same time frame, \$8,488,388.14 was deducted from the Saddle Mountain Inc. bank account in mortgage payments to U.S. Bank, resulting in the Bar Pilots absorbing a total cost of \$112,836.30 over the 10 years. In my opinion, this record shows that the Pilot Boat Surcharge is coming very close to covering the costs it was designed to cover, which is consistent with the objective of the surcharge as approved by the Oregon Board of Maritime Pilots.

**I declare under penalty of perjury that the foregoing is true and correct.**

Dated this 10<sup>th</sup> day of November, 2025.

  
\_\_\_\_\_  
KARLI NEILSON

BEFORE THE OREGON BOARD OF MARITIME PILOTS

BP 11

IN THE MATTER OF:	)	
	)	
<b>COLUMBIA RIVER BAR PILOTS,</b>	)	
<b>LLC,</b>	)	<b>FINAL ORDER</b>
	)	
Petition for a Change in Pilotage Rates.		

DISPOSITION: REVISED RATE SCHEDULE ADOPTED

**I. PROCEDURAL HISTORY**

**Background.** The most recent Columbia River Bar Pilots (CRBP) rate proceeding, BP 10, resulted in the issuance of Final Order 10-02 on May 19, 2010, with the tariff to take effect on June 1, 2010. On January 14, 2021, pursuant to OAR 856-030-0010, the CRB) filed a Petition for a Change in Pilotage Rates (COLRIP Petition) for the Columbia River Pilotage ground.

On February 2, 2021, the ALJ assigned to the proceedings held a Prehearing Conference. A joint schedule for the proceedings was then proposed by the CRBP and the Columbia River Steamship Operators Association (CRSOA) on February 3, 2021. On February 5, 2021, the ALJ issued a Ruling and Memorandum establishing the list of issues that were to be considered, the evidence that was to be presented, and outlining the joint schedule for the proceedings.

On February 15, 2021, CRBP filed an opening brief, with declarations of Captain Dan Jordan and Michael Titone, and an exhibit list and exhibits in these proceedings. CRBP filed the opening brief late, based on the schedule adopted for these proceedings.

On February 16, 2020, the ALJ issued a ruling accepting the filing for good cause, allowing parties to have additional time to object to the filing. No party chose to object to this filing.

On February 19, 2021, CRSOA filed an opening brief, with the declaration of John Coyle. On February 24, 2021 a hearing was held in this case. On March 2, 2021, CRBP filed to supplement the record with additional exhibits referred to at the hearing.

On March 23, 2021, the ALJ issued a Proposed Order, recommending adoption of the revised rate schedule proposed by CRBP. No exceptions to the Proposed Order were filed. On



April 21, 2021, the Board issued a Bill of Costs to both parties. No exceptions to the Bill of Costs were filed.

The Board adopts the Proposed order in its entirety, except for modifications provided herein and identified via footnotes. The Board also makes minor modifications to reflect that it, and not the Administrative Law Judge, is issuing the order.

## II. THE RATEMAKING PROCESS

**Statutory, Rule, and Order<sup>1</sup> Requirements.** ORS 776.115(2) provides the general goal of providing efficient and competent pilotage service on all pilotage grounds. Therefore, the Board shall “[r]egulate and limit the number of licensees and trainees under this chapter, such number of licensees and trainees to be regulated and limited to the number found by the board to be required to render efficient and competent pilotage service.” ORS 776.115(2). The Board’s primary consideration shall be public safety.

ORS 776.115(5)(a) authorizes and directs the Board to set “reasonable and just” rates. ORS 776.115(8) requires the Board to establish rates for a period of not less than two years. The rates may include automatic adjustment provisions reflecting changes in economic conditions. ORS 776.115(6)(b) directs the Board to consider the following factors in setting rates:

- (A) The length and net tonnage of the vessels to be piloted.
- (B) The difficulty and inconvenience of the particular service and the skill required to render it.
- (C) The supply of and demand for pilotage services.
- (D) The public interest in maintaining efficient, economical and reliable pilotage service.
- (E) Other factors relevant to the determination of reasonable and just rates.

OAR 856-030-0000 address the determination of pilot’s target net income (TNI) and expenses. The rule provides that:

The Board shall for each pilotage ground, establish a rate structure that provides for efficient, economical, and competent pilotage services and fair compensation for pilotage services and expenses:

- (1) In determining the number of pilot positions needed and fair compensation for services and expenses, the Board shall consider:

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<sup>1</sup> Administrative Rules and surviving provisions of current Board Rate Orders also apply.

- (a) The amount of activity, including number of vessels, number of pilot assignments, size of vessels by gross registered tonnage (GRT), length, and draft;
  - (b) Any change in the amount of activity since the last rate order;
  - (c) The public interest in prompt and efficient service;
  - (d) The professional skills and experience required of a pilot and the difficulty and inconvenience of providing the service, including time necessary to perform the service;
  - (e) Evidence of compensation for comparable maritime professions, including other state regulated pilotage associations;
  - (f) Evidence of the economic and market conditions existing both locally and within the region of any pilotage association used for the purpose of comparison;
  - (g) Total gross and net income for the pilots' group since the last rate order, or as directed by the Board, including sources of income by tariff category; and
  - (h) Individual amounts paid to pilots since the last rate order, or as directed by the Board, which may be shown as both gross and adjusted gross income, as reported for tax purposes.
- (2) For the purposes of subsection (1)(e) above, the Board shall at a minimum consider evidence of the compensation and benefits provided to pilots in pilotage associations serving Puget Sound and San Francisco.
- (3) In determining compensation for expenses, the Board shall consider evidence of appropriate expenses related to the provision of pilotage services as shown by records of the pilots' group, and verified by an independent audit.

Final Rate Order 10-02 provides various tariff adjustment mechanisms that apply to the draft foot and tonnage charges addressed in this Final Order.<sup>2</sup>

**The Ratemaking Process.** Ratemaking is a two-step process in which the Board first determines a reasonable and just total revenue level and then, set rates for specific tariff items to produce the appropriate amount of total revenue. The Board calculates the total revenue figure by determining the appropriate target net income (TNI) level for a pilot on a particular pilotage ground, the number of pilots needed to adequately provide pilotage services by the vessels on that pilotage ground, and the expenses of providing the services.

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<sup>2</sup> We make this modification as the Proposed Order did not address the automatic tariff adjustment mechanism of Rate Order 10-02.



The rate setting process begins by determining the appropriate TNI per pilot. The individual pilot's TNI is then multiplied by the number of licensed pilots the Board finds are necessary to provide adequate pilotage services to vessels crossing the pilotage ground. Historically, the Board's practice has been to then add to that figure the projected reasonable operating expenses and costs that the pilot group is expected to incur in providing the pilotage services. The resulting figure equals the total revenues that must be generated under the tariff to reach the target total revenue  $[(\text{target net}) \times (\text{pilots}) + (\text{expenses}) = \text{target total revenue}]$ . Next, a projection about the anticipated amount of ship traffic (the number of transits) is used to determine how much each vessel must pay to generate the total amount of revenue necessary to cover projected costs and pilot incomes.

There are several factors to consider when determining TNI. The level of TNI rarely equates to the actual income of a pilot in a given year. Actual pilot income varies based on if the actual levels of vessel traffic or operating costs are different than assumed during the ratemaking process. Variations between target and actual levels of income are a fundamental result of the rate setting process. Historically, when target and actual income levels varied greatly, usually due to economic conditions, the rate setting process was initiated to reset the tariff. Due to the Board's approval of annual cost of living adjustments to the tariff starting in 1993, inflation is no longer an economic factor creating significant variations in actual net income level.

Ratemaking is, nevertheless, a prospective process. The rate setting process is not designed to address events retroactively to compensate for either windfall or shortfall. Evidence of current factor levels and projected estimated levels of relevant factors form the bases for the ratemaking process.

**The Burden of Proof.** CRBP has the burden of proving by a preponderance of the evidence the legal sufficiency of its proposed rate increase, consistent with ORS 183.450(2) and (5). To address each of the issues with respect to TNI, Number of Pilots, and Reasonable Operating Expenses in the provision of pilotage services, CRBP submitted declarations of two witnesses and 35 supporting exhibits. In the Opinion, below, we address each of the criteria set forth in the statutes and regulations relative to the ratemaking process and provided an opinion as to whether CRBP has met its burden of proof with respect to that issue.

**The Proposed Tariff Changes of CRBP.** CRBP proposed three changes to the tariff including (1) an increase in the tonnage and draft charge to supplement pilot pension benefits; (2) a one-half of 1% enhancement of the annual COLA to be applied only to the pilot income and benefits component of the tariff; and (3) updating several the miscellaneous service charges. CRBP also propose changes to the workload factor used in the formula to calculate funded pilot FTEs and changes to the existing rate order (OBMP Final Order 14-01) regarding staffing flexibility and operation of the floor regarding pilot positions derived from the formula.

**1. Tonnage and Draft Charge.** CRBP proposes a 5% increase in the tonnage and draft charge; the figure of 5% is based on the following quarterly assumptions: 771 vessel transits; 820 billable vessels; 29.25 average draft feet per vessel; 32,516 average gross

registered tons per vessel. This increase will generate a total of \$433,269, which will have the effect of increasing the total \$19.04 million tariff by approximately 2.3%. When allocated by Bar Pilot FTE, the gross income effect is \$25,382. These funds will supplement each Bar Pilot's pension benefit allocation, which are funds distributed to individual pilots for the purpose of enabling each pilot to fund their own pension plan.

**2. Modification of COLA Applicable to Target Gross Income Figure.** For this item, CRBP proposes that the annual COLA be increased by an additional one-half of 1% with respect to the pilot compensation/benefits component of the tonnage and draft charge.

**3. Miscellaneous Tariff Items Updated to Market Rates.** CRBP proposes adjustments to five charges. The Shifting Vessel charge would be increased from \$750 to \$1,000; the Pilot Reporting – Ship Cancelled charge would be increased from \$300 to \$500; the Compass Swing charge would be increased from \$300 to \$500; the Detention on Standby charge would be increased from \$150 for the first hour and \$300 each additional hour to \$200 for the first hour and \$400 for each individual hour. Finally, the Pilot Carried Off Station charge would be increased from \$300 to \$1,000/day plus airfare. These increases are not expected to be significant sources of additional income. CRBP Ex. P28 shows that these items generated less than \$20,000 per year during the five years of 2015-2019.

**4. Funded Number of Pilots.** CRBP proposes that the pilot workload factor be adjusted from 233.3 to 215 annual transits per pilot, with the currently funded 17.07 FTE pilots serving as a minimum number of pilots. In a case where the automatic tariff adjustment generates an additional .5 to .99 FTE per quarter for two consecutive quarters, the CRBP proposes that the tariff will be revised to provide funding for one additional FTE to be added to the 17.07 FTE minimum.

**5. Term.** CRBP proposes that the rates sought in its petition extend for a minimum of five years from the date that a Final Order is issued in this proceeding and continue in force until the adoption of new rates pursuant to a subsequent Final Order of the Oregon Board of Maritime pilots.

### **III. ISSUES**

1. Did CRBP meet the requirements set forth in provisions of ORS 776.115(6)(b) and OAR 856-030-0000.
2. Are the changes proposed by CRBP reasonable and just?

### **IV. EVIDENTIARY RULINGS**

Exhibits P1 through P35, offered by the Petitioner, were admitted into the record without objection.

The "Declaration of John Coyle in Support of CRSOA's Opening Brief," offered by the Responding Party, was admitted into the record without objection.

## V. FINDINGS OF FACT

- (1) Inbound and outbound transit figures have fluctuated within a range of 2,812 transits to a high of 3,275 transits since 2014. Vessel sizes have been consistently growing consistent with a 50-year trend, but traffic has been flat or slightly falling in recent years.
- (2) The quarterly draft and tonnage assumptions, based on the fourth quarter of 2020, were 771 vessel transits; 820 billable vessels; 29.25 average draft feet per vessel; 32,516 average gross registered tons per vessel.
- (3) Piloting commercial vessels across the Columbia River Bar is difficult, inconvenient, and requires a great deal of skill.
- (4) CRBP's fatigue management system is better supported by a pilot workload of 215 annual transits as opposed to a pilot workload of 233.33 annual transits; and under current conditions greater than 8-hour night work periods are at their highest level since the CRBP has been tracking this statistic.
- (5) The public benefits from a technologically advanced, safe, and environmentally responsible Marine Transport system.
- (6) The interested parties in this proceeding, with differing and sometimes competing interests, support the changes proposed in the CRBP Petition.
- (7) The annual compensation of the CRBP pilots falls into the lower half of maritime pilot compensation nationwide.
- (8) Vessel activity over the Columbia River Bar has not changed substantially since the last rate order for the Columbia River Pilotage Ground was issued, except for some decrease in number of vessels, with a corresponding increase in size and weight of the vessels.
- (9) Public interest favors prompt and efficient pilotage service.
- (10) The following charges have not been revised in over 20 years: Shifting Vessel charge; Pilot Reporting – Ship Cancelled charge; Compass Swing charge; Detention on Standby charge; Pilot Carried Off Station charge.

## VI. ANALYSIS AND OPINION

This Final Order analyses all factors of ORS 776.115(6)(b) and OAR 856-030-0000. Below, we first review each factor and issue a determination CRBP's evidence in support of its proposed tariff changes. Next, we review each element of CRBP's proposed tariff changes, and find them to be supported on the record before us, and to result in just and reasonable rates.

**(1)The length and net tonnage of the vessels to be piloted.** The Declaration of Captain Dan Jordan provided detailed information and statistics regarding vessel traffic, size, length and draft. These statistics demonstrate that inbound and outbound transit figures have fluctuated within a range of 2,812 transits to a high of 3,275 transits since 2014. Vessel sizes have been growing consistent with a 50-year trend, but traffic has been flat or slightly falling in recent years.

**Analysis and Findings.** CRBP has met its burden under this subparagraph. CRBP is closely tracking vessel traffic, and proposed tonnage and draft charges are designed to increase revenues utilizing projections based on this historic data, presented in the record.

**(2) The difficulty and inconvenience of the particular service and the skill required to render it.** The difficulty, inconvenience, and skill associated with the pilotage service is addressed in several items submitted as evidence in this proceeding. The Declaration of Captain Jordan discusses the challenging factors associated with navigating the Columbia bar at length. Several exhibits also review the associated challenges, including a video shown at hearing produced by KGW, which reviewed the difficulties of navigating the passage, and of ensuring that pilots safely reach subject vessels.

**Analysis and Findings.** CRBP has amply demonstrated the difficulty and inconvenience of the pilotage, and the unique skill required to render it.

**(a) The supply of and demand for pilotage services.** As referenced above, the CRBP provided evidence in the Declaration of Captain Jordan on the trends of the provision of services over a period of years.

**Analysis and Findings.** CRBP has established through evidence submitted on the record a baseline demand for pilotage services that is likely to support the overall revenue targets proposed in CRBP's rate request. A change in pilot workload from 233.33 to 215 annual transits with maintenance of the same minimum pilot FTE is supported by exhibits P10 and P11. Exhibit P10 outlines a fatigue risk management system to reduce the likelihood of safety incidents, including mandatory rest periods that are more easily managed under a lower pilot workload. Exhibit P11 demonstrates that CRBP is tracking conditions that will result in fatigue, and that in the last tracked period, (Ending December 31, 2020) these figures demonstrate that under current conditions the number of times pilots worked more than 8 hours for a single night is as high as it has been at any time since the CRBP began tracking this figure.

**(b) The public interest in maintaining efficient, economical, and reliable pilotage service.** Among other exhibits, CRBP submitted an excerpt from the "Marine Transportation System Report." This report to Congress describes the various ways in which the public benefits from a technologically advanced, safe, and environmentally responsible Marine Transport system. As referenced above, other exhibits describe the perilous maneuvers pilots must undertake to successfully navigate the Columbia River Bar.

**Analysis and Findings.** The evidence on the record establishes that there is a significant public interest in a functioning marine transportation system, and that the pilotage is essential to ensuring this is safely conducted in our region.

**(3) Other factors relevant to the determination of reasonable and just rates.** At the request of the presiding ALJ, the parties submitted evidence, after the hearing, on the development of rules which are designed to facilitate pre-petition settlements. We determine

that the text of the rule itself provides for mediation, settlement, and narrowing of the issues during the pre-petition period. Accordingly, during the case-in-chief, after a settlement, the petitioner still must demonstrate the just and reasonable nature of proposed rates.

**Analysis and Findings.** The existence of a settlement between parties with differing interests, as is the case with the settlement submitted on this record, supports a conclusion that these rates are reasonable, given the compromises made by the parties in the development of the settlement. That noted, the findings of this order determining that the rates proposed by the CRBP are just and reasonable are made independent of the settlement, and the fact that the settlement exists does not relieve CRBP of its burden of persuasion.

OAR 856-030-0000 addresses the determination of pilot's target net income (TNI) and expenses. The rule provides that:

The Board shall for each pilotage ground, establish a rate structure that provides for efficient, economical, and competent pilotage services and fair compensation for pilotage services and expenses:

(1) In determining the number of pilot positions needed and fair compensation for services and expenses, the Board shall consider:

(a) **The amount of activity, including number of vessels, number of pilot assignments, size of vessels by gross registered tonnage (GRT), length, and draft;**

**Analysis and Findings.** As discussed above, CRBP has established on the record that the approximately 5% increase in draft foot and tonnage rates is calculated to result in the CRBP target revenue based on historic pilotage activity.

(b) **Any change in the amount of activity since the last rate order;**

**Analysis and Findings.** As reviewed above, the CRBP has established on the record that activity has not substantially changed since the last order, except that the overall size of vessels has increased consistent with a 50-year trend.

(c) **The public interest in prompt and efficient service;**

**Analysis and Findings.** As reviewed above, the CRBP has established on the record the value for the public interest in prompt and efficient pilotage service.

(d) **The professional skills and experience required of a pilot and the difficulty and inconvenience of providing the service, including time necessary to perform the service;**

**Analysis and Findings.** As reviewed above, the evidence CRBP has provided in this proceeding of the unique skills necessary to provide pilotage services, of the difficulty and inconvenience and danger associated with those services, and of the time associated providing the services.

- (e) **Evidence of compensation for comparable maritime professions, including other state regulated pilotage associations;** Evidence submitted by the CRBP in these proceedings included several exhibits discussing the compensation for comparable regions and pilotages. Specifically, CRBP has provided evidence of comparable compensation from the New Orleans-Baton Rouge region, the Mississippi Bar, the Lower Mississippi, Port Everglades, San Francisco, the Columbia River, Puget Sound, the Great Lakes, and Los Angeles. Captain Jordan analyzed figures from these regions in his declaration.

**Analysis and Findings.** Using publicly available data, CRBP has demonstrated that Columbia River Bar Pilots are currently compensated in the lower middle tier of similarly situated pilots across the country. This supports the determination that a modest increase in rates is appropriate.

- (f) **Evidence of the economic and market conditions existing both locally and within the region of any pilotage association used for the purpose of comparison;** The CRBP provided Appendix B to the Columbia River Pilotage Study prepared for the Port of Portland and issued in 2020. This appendix, conclusions of which are mentioned above, notes the trends for numbers of vessels and vessel size for the Columbia River, and provides similar statistics for the rest of the West Coast.

**Analysis and Findings.** The CRBP has partially met this evidentiary requirement. The trends from the West Coast at large and the Columbia River are comparable. That noted, for future rate proceedings, we would benefit from more information in the record on broader economic trends and indicators that would be helpful in considering future conditions. For example, information regarding the projections, planning, and economic and labor issues faced by a major port, such as the Port of Portland, could help to assess future trends. Such information does not need to be voluminous to be useful, and could include summaries.

Moreover, as noted above, OAR 856-030-0000(1)(f) requires “(e)vidence of the economic and market conditions existing both locally *and within the region of any pilotage association used for the purpose of comparison.*” The CRBP used pilotage associations from the following regions for the purpose of comparison: New Orleans-Baton Rouge; Mississippi Bar; Lower Mississippi; Port Everglades; San Francisco; Puget Sound; Columbia River; Los Angeles; and the Great Lakes. Yet, the evidence the CRBP provided of economic and market conditions covered only the West Coast. No evidence of market and economic conditions for New Orleans-Baton Rouge, either Mississippi pilotage ground, Port Everglades, or anywhere in the regions of the Great Lakes was submitted.

However, in these particular proceedings, the noted shortcomings of this portion of the evidence did not prevent the CRBP from establishing its position by a preponderance of the evidence.

- (g) Total gross and net income for the pilots' group since the last rate order, or as directed by the Board, including sources of income by tariff category;**

**Analysis and Findings.** CRBP has provided a complete accounting, on the record, of total gross and net income since the last rate order.

**and**

- (h) Individual amounts paid to pilots since the last rate order, or as directed by the Board, which may be shown as both gross and adjusted gross income, as reported for tax purposes.**

**Analysis and Findings.** CRBP has met this evidentiary requirement and provided per-pilot data.

- (2) For the purposes of subsection (1)(c) above, the Board shall at a minimum consider evidence of the compensation and benefits provided to pilots in pilotage associations serving Puget Sound and San Francisco.**

**Analysis and Findings.** As discussed above, CRBP has met this requirement.

- (3) In determining compensation for expenses, the Board shall consider evidence of appropriate expenses related to the provision of pilotage services as shown by records of the pilots' group, and verified by an independent audit.**

**Analysis and Findings.** CRBP has substantially met this evidentiary requirement.

## **Review and Analysis of proposed Tariff Changes.**

**1. Tonnage and Draft Charge.** CRBP proposes a 5% increase in the tonnage and draft charge. The figure of 5% is based on the following quarterly assumptions from the January 2021 quarterly tariff report: 771 vessel transits; 820 billable vessels; 29.25 average draft feet per vessel; 32,516 average gross registered tons per vessel. This increase would<sup>3</sup> generate a total of \$433,269, which would have the effect of increasing the total \$19.04 million tariff by approximately 2.3%. This increase in the tonnage and draft charge would have been achieved by increasing the per draft foot charge to \$15.1739 and increasing the gross registered tonnage charge to \$.0716. An increase of a total of approximately \$433,269 annually is supported on the record by several factors. First, the increase in this charge is a reasonable approach to addressing the historic trends in vessel traffic. As demonstrated in evidence, overall traffic of vessels is

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<sup>3</sup> We have changed "will" to "would," to reflect the nature and effect of the various tariff adjustments and changes to the flat fee charges, which necessitate a certain degree of approximation. These adjustments and changes were not accounted for in the Proposed Order, but are either revised herein or incorporated into this Final Order by reference, and ratified herein.

historically steady, if not slightly decreasing in recent years. At the same time, vessel size and draft are markedly increasing. By allocating increases to the tonnage and draft charge, the CRBP will rationally shape rates to be more sensitive to increasing vessel size and draft, in the context of steady, even slightly declining traffic. The overall amount of funds the increase is intended to collect is also supported on the record. Evidence demonstrates that the Columbia River Bar Pilots are not compensated as highly as pilots from other regions. This proposed increase will support more competitive compensation bring overall compensation more in line with other regions, but will not put Columbia River Bar Pilots on the upper end of regional compensation. However, this “5%” increase is necessarily an approximation, due to the various adjustment mechanisms and flat rate charges built into the tariff and must itself be adjusted accordingly. Therefore, the initial increases are to a per draft foot charge of \$15.1881 and gross registered tonnage charge of \$0.0742.<sup>4</sup>

**2. Modification of COLA Applicable to Target Gross Income Figure.** CRBP proposes that the annual COLA be increased by an additional one-half of 1% with respect to the pilot compensation/benefits component of the tonnage and draft charge. This increase is supported on the record, by the same evidence described above in the Tonnage and Draft Charge discussion. Specifically, this increase will support the overall compensation of pilots, bringing that compensation more in line with that provided to pilots in other regions.

**3. Miscellaneous Tariff Items Updated to Market Rates.** CRBP proposes adjustments to five charges. These items generated less than \$20,000 per year during the five years of 2015-2019. The increases for these charges will have minimal effect, and are supported on the record. Overall, the record demonstrates that these charges are dated, and in need of an update.

**4. Funded Number of Pilots.** CRBP proposes that the pilot workload factor be adjusted from 233.3 to 215 annual transits per pilot, with the currently funded 17.07 FTE pilots serving as a minimum number of pilots. In a case where the automatic tariff adjustment generates an additional .5 to .99 FTE per quarter for two consecutive quarters, the tariff will be revised to provide funding for one additional FTE to be added to the 17.07 FTE minimum. This change will support the effective utilization of CRBP’s fatigue risk management system. A less rigorous pilot workload will reduce the amount of work periods during which fatigue, and safety incidents, would be risked.

**5. Term.** CRBP proposes that the rates sought in its petition extend for a minimum of five years from the date that a Final Order is issued in this proceeding and continue in force until the adoption of new rates pursuant to a subsequent Final Order of the Oregon Board of Maritime pilots. This term is reasonable, and consistent with past orders.

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<sup>4</sup> Future charges will be automatically adjusted with the tariff.



## VII. CONCLUSIONS OF LAW

- (1) The record in this proceeding contains sufficient evidence to substantially satisfy the requirements set forth in provisions of ORS 776.115(6)(b) and OAR 856-030-0000.
- (2) The changes proposed by CRBP are supported by a preponderance of the evidence and the resulting rates are reasonable and just.

### ORDER

For all the foregoing reasons, the Oregon Board of Maritime Pilots HEREBY ORDERS the following:

For purposes of setting the tariff:

(1) **Tonnage and Draft Charge.** The tonnage and draft charges for the Columbia River Bar are HEREBY increased by approximately 5%, increasing the 2021 1st quarter per draft foot charge to \$15.1881 and gross registered tonnage charge to \$.0742, to generate a total of approximately \$433,269 dollars. Future increases will be adjusted automatically, per the adjustment mechanisms of the Columbia River Bar tariff and any applicable flat charges. This increase is to provide an additional (approximate) \$25,382 additional gross income per Bar Pilot FTE, such income to be used to supplement each Bar Pilot's pension benefit allocation, which are funds to be distributed to individual pilots for the purpose of enabling each pilot to fund their own pension plan.

(2) **Modification of COLA Applicable to Target Gross Income Figure.** The annual COLA for Columbia River Bar Pilots is HEREBY increased by an additional one-half of 1% with respect to the pilot compensation/benefits component of the tonnage and draft charge.

(3) **Miscellaneous Tariff Items.** The Shifting Vessel charge is HEREBY increased from \$750 to \$1,000; the Pilot Reporting – Ship Cancelled charge is HEREBY increased from \$300 to \$500; the Compass Swing charge is HEREBY increased from \$300 to \$500; the Detention on Standby charge is HEREBY increased from \$150 for the first hour and \$300 each additional hour to \$200 for the first hour and \$400 for each individual hour; and the Pilot Carried Off Station charge is HEREBY increased from \$300/day to \$1,000/day plus airfare.

(4) **Funded Number of Pilots.** The workload factor for the Columbia River Bar Pilots is HEREBY adjusted from 233.3 to 215 annual transits per pilot, with the currently funded 17.07 FTE pilots continuing to serve as the minimum number of pilots for the Columbia River Bar pilotage grounds. Should the automatic tariff adjustment generate an additional .5 to .99 FTE per quarter for two consecutive quarters, the tariff shall be revised to provide funding for one additional FTE to be added to the 17.07 FTE minimum.

(5) **All Other Provisions.** All provisions of the Columbia River Bar tariff that are not modified herein are HEREBY ratified and incorporated by reference.

(6) **Term.** The rates established under this ORDER shall be in force for a minimum of five years from the date the tariff established under this ORDER goes into effect.

DATE:



Dan Retzlaff  
Chair  
Oregon Board of Maritime Pilots

#### **APPEAL RIGHTS**

Either party may appeal this final order by filing a petition for review with the Oregon Court of Appeals within 60 days after it is served upon the parties. *See* ORS 183.480 *et seq.*

**Columbia River Bar Pilotage Ground  
Tariff BP 11 Final Order**

ITEM	SERVICE	CALCULATIONS					Rates & Charges	Minimum	Remarks
		Annual Amount	% Allocate	Units	Assignments	Total			
1	Inbound or Outbound between Astoria and the Sea:								
	Per Draft Foot	\$ 1,455,785.43	16.0%	29.33	3,268	95,850	15.1881		
	Per GRT	\$ 7,642,873.50	84.0%	31,528	3,268	103,033,504	0.0742		
	Total	\$ 9,098,658.92	100.0%						
	Transportation Surcharge	\$ 7,744,429			3,076		\$ 2,517.69		
	Pilot Boat Surcharge	\$ 828,108.00			3,076		\$ 269.22		
	Fuel Surcharge	\$ 318,180.00			3,076		\$ 103.44		
	Continuing Professional Dev.	\$ 135,915.00					\$ 49.21		
	Traffic Adjustment	\$ 1,126,892.60			3,076		366.35		
2	Vessel Under Tow Inbound Or Outbound between Astoria and the Sea						Towing Vessel Each Towed Vessel	\$ 400.00 \$ 400.00	
3	Shifting Vessels						\$ 1,000.00		
4	Pilot Reporting - Master Declines						\$ 300.00		
5	Pilot Reporting - Ship Canceled						\$ 500.00		
6	Compass Swing						\$ 500.00		
7	A. Vessel Enters To Put Person Ashore:								
8	1. Buoy 12 Limit 2. Beyond Buoy 12						1 1/2 Times Inbound Charge Full Inbound & Outbound Charge		
	B. Vessel to Sea & Returns								
	1. Buoy 12 Limit 2. Beyond Buoy 12						1 1/2 Times Inbound Charge Full Inbound & Outbound Charge		
9	Detention or Standby						\$ 200.00 \$ 400.00		First Hour Each Additional Hour
10	Pilot Carried Off Station						\$ 1,000.00		Per Day plus airfare until return to Astoria
11	Moving Vessels						\$ 1,150.00		
12	Other Than Customary Boarding						Actual Expenses		
13	Board Operations Fee	76900			1538		\$ 50.00		
Total Annual Income per Tariff		\$ 19,329,083.52							
Average Per Transit		\$ 6,283.84							
Average Per Billable		\$ 5,914.65							

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The Oregon Board of Maritime Pilots claims costs related to the Contested Case Hearing as follows:


<b>Total Department of Justice (DOJ) AAG costs</b>	<b>\$3,263.5</b>
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<b>Total Public Utilities Commission costs</b>	<b>\$3,982.62</b>
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PUC Administrative Hours: 45.25 hrs. \$1160.74

<b>TOTAL COSTS DUE</b>	<b>\$7,246.12</b>
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The Board proposes that the costs shall be divided evenly:  
Columbia River Bar Pilots to be assessed costs of \$3,623.06 - \$1,000 deposit = \$2623.06;  
and  
Columbia River Steamship Operators Association to be assessed costs of \$3,623.06.

  
Susan Johnson, Administrator  
Oregon Board of Maritime Pilots

**Any exceptions to the Bill of Costs must be filed with the Oregon Board of Maritime Pilots, 800 NE Oregon Street, Suite 507, Portland, OR 97232. Exceptions must be received within 15 days of the issuance of this Bill of Costs.**

## CERTIFICATE OF SERVICE

I hereby certify that on June 1, 2021, I served a **BP 11 Final Order, Tariff and Bill of Costs**, by emailing a true copy to said person(s), to said person(s) at his or her last-known address(es) indicated below:

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Susan Johnson, Administrator  
Oregon Board of Maritime Pilots