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June 3, 2005

Luly Massaro, Clerk
Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02888

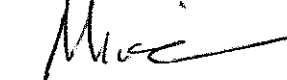
Re: Island Hi-Speed Ferry, LLC.
Docket 3669

Dear Luly:

Enclosed for filing in this matter are an original and nine copies of Interstate Navigation Company's Motion to Strike all Testimony Filed by Island Hi-Speed Ferry Related to All Unanswered Data Requests.

If you have any questions, please feel free to call.

Very truly yours,



Michael R. McElroy

MRMc:tmg

In22:IHSF Rate-Massaro6

cc: Susan Linda
Walter E. Edge, CPA
Paul Roberti, Esq.
Hagopian & Hagopian
Packer & O'Keefe

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

IN RE: INTERSTATE NAVIGATION COMPANY : DOCKET No.: 3669

MOTION OF INTERSTATE NAVIGATION COMPANY
TO STRIKE ALL TESTIMONY FILED BY ISLAND HI-SPEED FERRY RELATED TO
ALL UNANSWERED DATA REQUESTS

1. On March 25, 2005, Island Hi-Speed Ferry (IHSF) filed a Petition seeking Public Utilities Commission (Commission) approval of a \$500 season's pass and 20% and 40% group discounts. These rates would result in IHSF carrying passengers at (1) less than the \$26 rate established by the Division of Public Utilities and Carriers (Division) in IHSF's CPCN, (2) less than the \$26 floor established by the Commission in IHSF's Docket No. 3495, and (3) less than the \$29 rate established by this Commission in Docket No. 3599.

2. On April 21, 2005, a procedural schedule was established (and agreed to by IHSF) whereby IHSF was required to file its data responses on or before May 13, 2005.

3. IHSF then requested an extension to the schedule. The parties agreed and extended IHSF's date for the filing of its data responses to May 16, 2005. This was confirmed by counsel for the Commission in writing on May 2, 2005.

4. On May 9, 2005, Interstate sent 58 data requests to IHSF, primarily related to the testimony of Mr. Kunkel, IHSF's witness.

5. IHSF requested a third modification to the schedule extending the time for filing its data responses. A second revised procedural schedule was issued by counsel for the

Commission on May 17, 2005, and agreed to by IHSF. This second revised schedule required the filing of objections to Interstate's data requests by May 20, 2005. Moreover, it required the filing of IHSF's data responses by June 1, 2005.

6. IHSF filed no objections to Interstate's data requests by the May 20, 2005 filing deadline (or otherwise).

7. IHSF filed no data responses by the June 1, 2005 filing deadline (or otherwise).

8. The evidentiary hearing is scheduled for Tuesday, June 7, 2005. The Division, the Town, and Interstate all agreed to present any rebuttal/supplemental testimony in response to IHSF's data responses on the stand. Yet none of the parties have received any data responses from IHSF to date. (It should also be noted that IHSF has neither objected to nor responded to the Division's data requests dated May 16, 2005.)

9. Interstate has been prejudiced in this matter because it will not be in a position to present rebuttal/supplemental testimony on the stand in response to IHSF's data responses because it has not yet received the data responses.

10. IHSF's failure to object to the data responses means that IHSF is no longer in a position to object to the data responses. Moreover, IHSF's refusal to answer the data requests by the agreed (and twice extended) deadline means that sanctions are in order.

11. Rule 1.18 controls discovery. Rule 1.18(a)(1) states in pertinent part that "the Commission favors prompt and complete disclosure and exchange of information . . . as a means toward effective presentations at hearing and avoidance of the use of cross-examination at hearing for discovery purposes." Rule 1.18(c) provides that any data

response "to which objection is not made . . . shall be produced for the requesting party."

Finally, Rule 1.18(c)(4) provides:

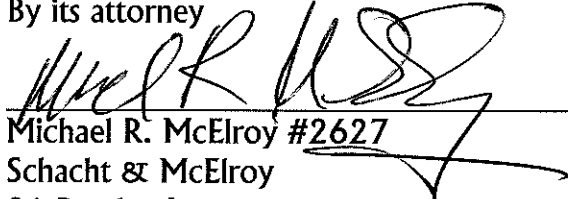
"The failure of a party to comply with a data request or a Commission order related thereto shall be grounds for striking any testimony related to such request."

12. Failure to timely object to data requests as provided for in this Rule constitutes a waiver of the right to object. See In Re: New England Gas Company Rate Filing, Docket No. 3401, Order No. 16990, May 6, 2002, at page 4. Therefore, IHSF has waived all objections.

13. Accordingly, Interstate respectfully requests that pursuant to Rule 1.18, the Commission order that IHSF's testimony related to the unanswered data requests (i.e. the testimony of Mr. Kunkel), be stricken.

Date: 6/3/05

Respectfully submitted,
Interstate Navigation Company
By its attorney


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CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of June 2005, I mailed and e-mailed a true copy of the foregoing by first class mail to the following:

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Theresa M. Gallo