

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

IN RE: AQUIDNECK FERRY :
AND CHARTER, INC. TARIFF FILING : DOCKET NOS. 4253 & 4254

ORDER

WHEREAS, On June 8, 2011, Aquidneck Ferry & Charter, Inc. (“Aquidneck Ferry”) filed two applications with the Public Utilities Commission (“Commission”) for approval of its rates; and

WHEREAS, Aquidneck Ferry filed proposed rates for the period commencing June 25, 2011 for seasonal ferry transportation within Newport Harbor and for Ship Tender Service between Perotti Park and Cruise Ship Anchorage off Newport Harbor; and

WHEREAS, In its application, Aquidneck Ferry requested, under R.I.G.L. § 39-3-12, expedited treatment and to waive further notice and hearing requirements of R.I.G.L. § 39-3-11 to allow service to commence on June 25, 2011; and

WHEREAS, For its ferry transportation or water taxi service, Aquidneck Ferry proposes to offer a day pass and an evening pass which allows passengers to “hop on and hop off as they please”¹; and

WHEREAS, Aquidneck Ferry proposes to charge \$500 per hour for its Ship Tender Service; and

WHEREAS, On June 24, 2011, the Division of Public and Utilities and Carriers (“Division”) filed a Memorandum indicating that it had reviewed the proposed tariff filing, and noted that while the Division had previously approved a Certificate of

Convenience and Necessity (“CPCN”) for both the “ship tender” service and “water taxi” service, the CPCNs had not yet been issued because the Division was still waiting for Aquidneck Ferry to fulfill certain conditions that had been set out in the Division’s Orders; and

WHEREAS, The Division indicated that once the conditions had been met for the issuance of the CPCNs, it had no objection to Aquidneck Ferry’s rates in light of the fact that Aquidneck Ferry would not be providing a “lifeline” service; and

WHEREAS, The Commission considered both filings at an open meeting on June 29, 2011 and found the proposed rates to be proper, reasonable, and in the best interests of the ratepayers; and

WHEREAS, the Commission conditioned its approval of Aquidneck Ferry’s tariff filing upon the filing of a true and exact copy of the actual water carrier certificate W-1171 or W-1172² with the Commission because, notwithstanding the Commission’s jurisdiction to approve the tariff rates, Aquidneck Ferry may not operate without a Water Carrier Operating Certificate issued by the Division; and

WHEREAS, The Commission further found that a comprehensive rate proceeding is not required in this matter and therefore elected to exercise its option under R.I.G.L. § 39-3-12, finding good cause to exist to waive further investigation, further notice and public hearing based upon the fact that the services, proposed by the applicant, do not constitute “lifeline” ferry services to an isolated ratepayer population.

¹ The rates for each pass, “Day Pass” between 10:30 A.M. and 4:20 P.M. and “Evening Pass” between 4:30 P.M. and 9:20 P.M., is Adult - \$15; Children 6 to under 12 years old - \$12; and Children 5 years old and under with an adult – free.

² The Division assigned Water Carrier Certificate W-1171 to the ship tender service and W-1172 to the water taxi service. Aquidneck may only operate and charge the approved rates for the service for which it has filed a copy of the requisite Certificate with the Commission.

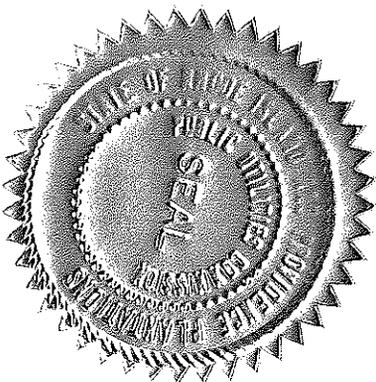
Accordingly, it is

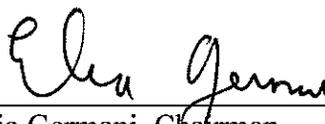
(20437) ORDERED:

1. That the June 8, 2011 tariff filing made by Aquidneck Ferry & Charter Inc. seeking approval of its rates for ferry transportation within Newport Harbor is approved, subject to Aquidneck Ferry & Charter Inc. filing a true and exact copy of its Water Carrier Certificate with the Commission.
2. That the June 8, 2011 tariff filing made by Aquidneck Ferry & Charter Inc. seeking approval of its rates for ship tender service between Perotti Park and Cruise Ship Anchorage off Newport Harbor is approved, subject to Aquidneck Ferry & Charter Inc. filing a true and exact copy of its Water Carrier Certificate with the Commission

EFFECTIVE AT WARWICK, RHODE ISLAND ON JUNE 29, 2011,
PURSUANT TO AN OPEN MEETING DECISION. WRITTEN ORDER ISSUED ON
AUGUST 5, 2011.

PUBLIC UTILITIES COMMISSION




Elia Germani, Chairman


Mary E. Bray, Commissioner


Paul J. Roberti, Commissioner