

TERENCE J. TIERNEY  
Attorney at Law  
35 Touro Street  
Newport, Rhode Island 02840  
(401) 316-4566  
Tierneylaw@yahoo.com

October 23, 2013

Ms. Luly Massaro  
Clerk  
Division of Public Utilities and Carriers  
89 Jefferson Boulevard  
Warwick, Rhode Island 02888

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PUBLIC UTILITIES COMMISSION

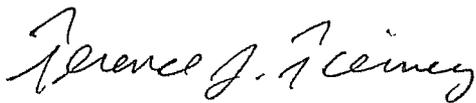
Re: Docket # D-13-105

Dear Luly,

Enclosed please find an original and four copies of an Entry of Appearances, and a Motion to Intervene, filed on behalf of the Town of Portsmouth, Rhode Island, in the above-referenced matter.

If you have any questions please contact me. Thank you for your assistance.

Very truly yours,



Terence J. Tierney  
Attorney at Law

cc: Service List

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: A & R MARINE CORP. D/B/A/ PRUDENCE

& BAY ISLANDS TRANSPORT'S APPLICATION FOR

DOCKET # D-13-105

CERTIFICATE OF PUBLIC CONVENIENCE AND

NECESSITY

ENTRY OF APPEARANCES

The undersigned hereby enter their Appearances in this Docket on behalf of the Town of  
Portsmouth, Rhode Island.



Kevin P. Gavin, Esq.

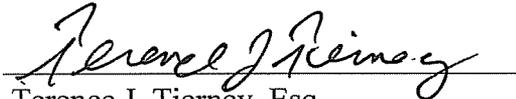
Portsmouth Town Solicitor

Law Office of Kevin P. Gavin

31 Harrington Avenue

Portsmouth, Rhode Island 02871

[KPGavin@aol.com](mailto:KPGavin@aol.com)



Terence J. Tierney, Esq.

Law Office of Terence J. Tierney

35 Touro Street

Newport, Rhode Island 02840

(401) 316 -4566

[Tierneylaw@yahoo.com](mailto:Tierneylaw@yahoo.com)

CERTIFICATE OF SERVICE

I certify that a copy of the within Entry of Appearances was sent to the Service List via U.S. mail, or e-mail, on the 23<sup>rd</sup> day of October, 2013.

Barbara J. Feiner,

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DIVISION OF PUBLIC UTILITIES AND CARRIERS**

**IN RE: A & R MARINE CORP. D/B/A/ PRUDENCE  
& BAY ISLANDS TRANSPORT'S APPLICATION FOR                      DOCKET # D-13-105  
CERTIFICATE OF PUBLIC CONVENIENCE AND  
NECESSITY**

**MOTION TO INTERVENE OF TOWN OF PORTSMOUTH, RHODE ISLAND**

Now comes the Town of Portsmouth, Rhode Island, and moves, pursuant to Rule 17 of the Rules of Practice and Procedure of the Division of Public Utilities and Carriers, to intervene in this proceeding.

The Town of Portsmouth, Rhode Island ( hereafter "Portsmouth," or the "Town) claims a right to intervene in this Docket, and an interest in the proceeding of such nature that the grant of its request is appropriate, and should be approved. This proceeding concerns an application for the issuance of a Certificate of Public Convenience and Necessity (CPCN) and authority to operate a ferry water carrier of passengers and freight between a part of the Town of Portsmouth, i.e., Prudence Island, and the Town of Bristol, Rhode Island. As such, the Town has an interest in the subject matter of the Docket, and its interests are not adequately represented by the existing parties to the proceeding.

**STANDARD FOR INTERVENTION AT THE DPUC**

The standard used by the Division of Public Utilities and Carriers ( hereafter the "Division", or "DPUC") in deciding motions to intervene is broad in scope, and is liberally applied in furtherance of the Division's statutory responsibilities. Participation in a proceeding as an

Intervenor may be initiated by order of the Hearing Officer upon the filing of a motion to intervene. Under the DPUC's rules, "any person with a right to intervene or an interest of such nature that intervention is necessary or appropriate may intervene in any proceeding before the Division. Rule 17 (b). Such a right or interest may be : (1) conferred by statute; (2) an interest which may be directly affected and which is not adequately represented by existing parties and as to which the movant's may be bound by the Division's action in the proceeding. Id. Consumers served by the applicant or exiting certificate holder are among the class of interested persons who may have an interest in the proceeding sufficient to warrant the granting of intervention status. Further, intervention may be granted where the movant's participation may be in the public interest. Rule 17 (b) (3).

### **PORTSMOUTH IS A PROPER PARTY TO SEEK INTERVENTION**

The Town is a proper party to seek intervention in this proceeding for several reasons. The citizens of Portsmouth who reside on Prudence Island are dependent upon ferry service to meet basic needs. Ferry service to and from Prudence Island is considered a "lifeline" as it provides the most practical way to provide police, fire, and ambulance service to island residents. The Town is also a customer of the existing Certificate holder, and uses the ferry service for public works and general governmental functions.

The current operator of the ferry service communicated to the DPUC and the Town that it intended to cease ferry service to Prudence Island as of December 1, 2013. In response to this communication the Town issued a "Request for Information" ( "RFI") relative to Prudence Island Ferry Service. The purpose of the RPI was to seek information and creative solutions to ensure a seamless transition of ferry service and to prevent an interruption in this essential

service. Other communications from the existing ferry service operator have left the Town in doubt as to the continued provision of ferry services to Prudence Island after December 1, 2013.

### **FACTS RELATING TO PORTSMOUTH'S INTEREST IN THIS PROCEEDING**

A recent Report and Order issued by the DPUC in Docket # 13 MC 22, stated in pertinent part that “persons or companies interested in replacing Prudence Island Ferry, Inc., effective December 2, 2013, should plan to submit their application for operating authority to the Motor Carrier Section of the Division no later than October 15, 2013, in order to ensure adequate time for public notice, formal hearing, and issuance of a Report and Order granting ( or denying) the application for a certificate of public convenience and necessity (CPCN).”

The Town of Portsmouth owns land on Prudence Island in the vicinity of the dock used by Prudence Island Ferry, Inc., and which could be leased to a person or entity that could qualify for a CPCN, and provide the essential ferry service to Prudence Island. The Town has received a response to its RFI, and has recently had the land on Prudence Island near the existing dock surveyed.

### **THE TOWN'S POSITION IN THIS PROCEEDING**

The Town seeks a long-term solution for the provision of ferry service to Prudence Island. Recent events have resulted in uncertainty over the continued stability of service by the existing certificate holder, and the Town desires to present the DPUC with testimony concerning the need for the continuation of a viable ferry service. The Town would be willing to lease land it owns on Prudence Island to a ferry operator in order to ensure the continued provision of this “lifeline” service. If permitted to do so, the Town would submit evidence to the DPUC for its consideration

relative to the position taken by the Prudence Island Planning Commission in a letter to the Town Administrator on this matter, and other issues as deemed necessary.

**CONCLUSION**

The Town of Portsmouth has an interest in this proceeding that warrants the grant of its Motion to Intervene, and it respectfully requests that the motion be granted in furtherance of the public interests at stake in this Docket.

TOWN OF PORTSMOUTH, RHODE ISLAND.

By its Attorneys,



Kevin P. Gavin, Esq.  
Portsmouth Town Solicitor  
Law Office of Kevin P. Gavin  
31 Harrington Avenue  
Portsmouth, Rhode Island 02871  
(401) 683-2044  
[KPGavin@aol.com](mailto:KPGavin@aol.com)



Terence J. Tierney, Esq.  
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35 Touro Street  
Newport, Rhode Island 02840  
(401) 316-4566  
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CERTIFICATE OF SERVICE

I certify that a copy of the within Motion to Intervene was sent to the Service List via U.S. mail, or e-mail, on the 23<sup>rd</sup> day of October, 2013.

A handwritten signature in cursive script, reading "Terence J. Feeney", is written over a horizontal line.