



docking/landing facilities in Bristol and on Prudence Island; (2) that it has leased or purchased a vessel for use in providing its proposed ferry services consistent with the commitments and evidence presented during this case; (3) that it has satisfied all Coast Guard requirements associated with the provision of its proposed ferry services; (4) that it has satisfied any applicable municipal permitting requirements; (5) that it has adequate liability and cargo insurance in effect; and (6) that it has passed a Division inspection to ensure regulatory compliance.”<sup>1</sup>

The aforementioned Report and Order also requires A&R Marine to satisfy the above-enumerated conditions “within 180 days from the issue date of this Report and Order. Failure to satisfy these conditions within the time specified shall result in the nullification and voiding of the authority granted herein. Continuances may be granted by the Division for just cause.”<sup>2</sup> Therefore, barring an extension approved by the Division, A&R Marine must satisfy the above six (6) conditions by August 27, 2014.

Whereas: On July 10, 2014, A&R Marine filed a “Motion For Extension Of Time To Meet The Conditions Imposed By Order No. 21363.” A&R Marine offers the following explanation and argument in support of its motion:

Because of repairs required to the Bristol landing facility, including installation of a new transfer bridge and repairs to the bulkhead to which the transfer bridge will attach, there may be a delay of a week or two before A & R is capable of providing vehicle transportation. However, A & R expects to be able to provide passenger transportation commencing on or

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<sup>1</sup> See Order No. 21363, pp. 75-76.

<sup>2</sup> See Order No. 21363, p. 76.

about September 15, 2014. The lease that Prudence Ferry, Inc. has on the Bristol... dock was originally set to expire in June, 2014, but it was extended by Bristol (with the approval of A&R) through September 14, 2014, at which time it expires.

A&R has made substantial progress regarding satisfying the Division's conditions, but it is unlikely that all conditions will be satisfied prior to August 27, 2014. Accordingly, A&R respectfully requests an extension of time until September 30, 2014 to satisfy the conditions of Order No. 21363.

In additional support of its motion, A&R Marine provided a brief summary of the efforts it has made to satisfy the six (6) conditions mandated under Order No. 21363, *supra*. Based on this summary, it appears that A&R Marine has made substantial progress in complying to the conditions attached to the final issuance of the relevant CPCN.

Whereas: The Division's Advocacy Section and the Town of Portsmouth, both parties to the instant docket, filed supporting position memoranda on July 15 and July 22, 2014, respectively. Both parties indicated that they believed the additional time sought by the instant Motion is necessary and justified.

Whereas: Prudence Ferry, Inc. ("PFI"), also a party in the instant docket, filed an objection to A&R Marine's motion on July 18, 2014. PFI asserts that it is "unrealistic" to accept that A&R Marine will be able to satisfy the conditions set forth in Order No 21363 by September 30, 2014. PFI also argues that A&R Marine's request "to now obtain an extension of time, puts...

[PFI] in an untenable position in terms of negotiating a Lease with the Town of Bristol...” Consequently, PFI urges the Division to deny A&R Marine’s motion.<sup>3</sup>

Whereas: The Division has considered A&R Marine’s request for an extension and finds the request reasonable.

With respect to PFI’s objection, the Division finds insufficient support for PFI’s assertion that it would be harmed and/or prejudiced by the granting of A&R Marine’s request for such a short extension of time (actually to September 15 rather than September 30 – about 19 days, *infra.*) to satisfy the conditions contained in Order No. 21363. The Division notes that it routinely grants such extensions for fledgling common carriers which must satisfy decision-mandated regulatory conditions prior to the issuance of a CPCN.

However, the Division expects that A&R Marine will be in full compliance with the conditions contained in Order No. 21363 relative to the provision of passenger and limited freight/vehicle services by September 15, 2014. There must be no interruption in passenger transportation services after PFI ceases operations from the Bristol dock on September 14, 2014. The Division further reminds A&R Marine that before it provides any services on September 15, 2014, as planned, it must first demonstrate compliance with the terms and conditions contained in Order No. 21363 and be issued the requisite CPCN by the Division.

The approval granted herein also takes into consideration the fact that A&R Marine’s ability to provide the full passenger and freight/vehicle services

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<sup>3</sup> PFI’s Objection, filed with the Division on July 18, 2014.

that A&R Marine proposed during the proceedings conducted in this docket may not be possible until September 30, 2014. This additional extension of approximately two weeks, necessary to implement comprehensive services, is similarly approved.

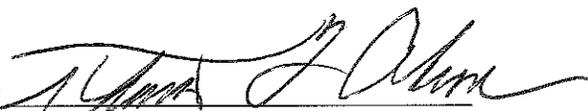
Accordingly, it is

(21537) ORDERED:

That A&R Marine's July 10, 2014 "Motion For Extension Of Time To Meet The Conditions Imposed By Order No. 21363," is hereby granted, subject to the finding contained herein.

Dated and Effective at Warwick, Rhode Island on August 1, 2014.

  
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John Spirito, Jr., Esq.  
Hearing Officer

APPROVED:   
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Thomas F. Ahern  
Administrator