



State of Rhode Island and Providence Plantations

DEPARTMENT OF ATTORNEY GENERAL

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September 21, 2018

Ms. Luly Massaro, Clerk
Division of Public Utilities and Carriers
89 Jefferson Blvd.
Warwick, RI 02889

In Re: Rhode Island Fast Ferry, Inc. - Docket No. D-13-51

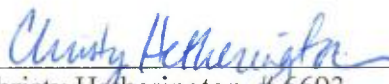
The Advocacy Section writes to provide its position to the Division of Public Utilities and Carriers (“Division”) regarding Rhode Island Fast Ferry, Inc.’s (“RIFF”) request for a continuance of the time period for RIFF to complete the requisite conditions precedent to the issuance of a Certificate of Public Convenience and Necessity (“CPCN”) as enunciated in the Division’s September 22, 2016 Report and Order No. 22548. The issue is presently under consideration by the Division pursuant to an extension request made by RIFF and upon remand by the Superior Court by order dated September 14, 2018 in connection with pending administrative appeals from the Town of New Shoreham and Interstate Navigation. RIFF previously sought and was granted a one-year continuance by Division Order dated September 18, 2017; the request now under consideration seeks an additional year, until September 22, 2019. The Advocacy Section does not oppose RIFF’s request for a continuance.

The Advocacy Section is mindful that the Division’s September 22, 2016 conditional grant of a CPCN found that the requisite showing of “public convenience and necessity[,]” as required by R.I.G.L. § 39-3-3, had been met. As such, the Division acknowledged a ridership need for a fast ferry service between Quonset Point, North Kingstown, Rhode Island and Old Harbor, Block, Rhode Island. Given this, the Advocacy Section supports implementation of this service as quickly as possible in the interest of satisfying this public need. Nevertheless, the administrative and court records in this years-long contested docket evidences clearly that the appellate avenues with which the parties are afforded are ongoing. Indeed, briefs for the Superior Court case(s) have yet to be filed. The Advocacy Section considers the incomplete appellate process to be “just cause” to seek additional time to satisfy the certification requirements conditioned in the Division’s original granting order. See Division Order No. 22548. Moreover, because RIFF seeks a time-limited, one-year extension, the matter cannot linger in perpetuity; instead, the Division may revisit the matter in a relatively litigation-short period of time.

For the foregoing reasons, the Advocacy Section does not oppose RIFF's request for one additional year to complete the conditions required by the Division prior to issuance of the CPCN.

Respectfully Submitted,

Advocacy Section of the Division of Public
Utilities and Carriers,



Christy Hetherington, # 6693
Special Assistant Attorney General