

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

***MOTION OF THE TOWN OF NEW SHOREHAM
TO RECONSIDER DIVISION ORDER ISSUED ON OCTOBER 21, 2015
AND FOR PERMISSION TO FILE RESPONSE***

As set forth in its prior papers, the Town of New Shoreham ("Town") viewed the Motion to Quash subpoena which was filed and signed solely by Attorney Overturf as a nullity because Attorney Overturf had not been admitted *pro hac vice*. That was the operative document which was filed within the fifteen (15) day time limit of Rule 45. The signing/filing of a document by local counsel after that time limit does not relate back to the original filing as set forth in the case law submitted by the Town and was therefore untimely.

Under the *Ferry* case and the rules of the Rhode Island Supreme Court, the Town did not respond to the merits of the Motion to Quash. In its order, the Division accepted Bluewater's position that it has a realistic expectation of being able to develop a docking facility in Old Harbor. The Town requests an opportunity to respond to that assertion. Moreover, the Town specifically denies that assertion because both of the proposed docking facilities require the prior approval of the Town before any permitting process could commence. Indeed, the Army Corps of Engineers will not even accept the Section 408 application without the written approval of the Town. Accordingly, the Town respectfully requests that this motion be granted and that Town be given the opportunity to submit the documentation from the Army Corps of Engineers as well as the additional documentation and the applicable law which clearly establishes that no permitting process for either of the proposed docking facilities would be able to move forward without the

prior approval of the Town. The Town requests a ten-day period to respond.

Town of New Shoreham,
by its Attorneys,
MEROLLA AND ACCETTURO

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CERTIFICATION

I hereby certify that, on October 21, 2015, I served this document via e-mail on the individuals listed on the attached service list.

/s/ Katherine A. Merolla

EXHIBIT A

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