

STATE OF RHODE ISLAND

DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.:

Docket No.: D-13-51

**RHODE ISLAND FAST FERRY, INC. SUPPLEMENTAL<sup>1</sup> RESPONSES TO  
THE TOWN OF NEW SHOREHAM'S FIRST SET OF DATA REQUESTS**

- TNS 1-1 State the following as to each ferry RIFF plans to operate to Block Island.
- (a) Length;
  - (b) Beam;
  - (c) Tonnage;
  - (d) Draft;
  - (e) Turning radius;
  - (f) Number of engines;
  - (g) Horsepower of each engine;
  - (h) Whether it has bow thrusters and, if so, the horsepower of each bow thruster engine;
  - (i) Passenger capacity; and
  - (j) Freight capacity.

- ANSWER:** Millennium
- (a) 110 ft.
  - (b) 32.6 ft.
  - (c) 98 GRT
  - (d) 5 ft.
  - (e) Complete 360 in place
  - (f) 4
  - (g) 1300 Bhp
  - (h) N/A
  - (i) 400
  - (j) None

- Ava Pearl
- (a) 102.3 ft.
  - (b) 31.7 ft.
  - (c) 93 GRT
  - (d) 6.5 ft.
  - (e) Complete 360 in place
  - (f) 2
  - (g) 1850 Bhp

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<sup>1</sup> RIFF's Supplemental Responses highlighted in **BOLD** and *Italics*.

- (h) N/A
- (i) 150
- (j) None

TNS 1-2 Describe in detail the plan for moving, directing and controlling RIFF passengers and their belongings from an RIFF ferry onto Block Island and from Block Island onto an RIFF ferry.

**ANSWER:** RIFF has not determined where it will dock on Block Island at this time. There is no need for RIFF to plan how its passengers will disembark on Block Island, as it will not be carrying vehicles. Generally speaking, RIFF's practice is to load bikes first and unload them last. Passengers carry their own luggage on and off, unless assistance is required. The dockworker(s) will manage formation of lines. Most passengers arrive within 30 minutes of a departure. RIFF will spend less than 1 hour total at the dock on Block Island on any given day. RIFF's operation in and around the piers is and will be very low impact.

***Supplemental  
Answer to***

***TNS:*** *Although a disembarkation/embarkation point in Old Harbor would be preferable, RIFF has had recent discussions with Cliff Payne, the owner of Payne's Dock in New Harbor regarding possible dockage there. RIFF and Mr. Payne have discussed generalities, such as RIFF's proposed schedule and the fact that there would be no need for dockside ticket sales, as IHSF had done in the past. Mr. Payne appeared receptive to the concept and further discussion.*

TNS 1-3 Based upon the information available, it appears that RIFF plans to run a seasonable ferry operation; state between which dates RIFF plans to operate a ferry or ferries to Block Island.

**ANSWER:** See Pre-filed Testimony of Charles A. Donadio, Jr. at Q&A 19.

TNS 1-4 How many ferries does RIFF plan to operate to Block Island and what is the planned number of trips to and from Block Island per day?

**ANSWER:** See Pre-filed Testimony of Charles A. Donadio, Jr. at Q&A 19.

TNS 1-5 Provide the anticipated RIFF ferry schedule.

**ANSWER:** See Pre-filed Testimony of Charles A. Donadio, Jr. at Q&A 19.

TNS 1-6 State whether RIFF is planning on carrying freight to Block Island and, if so, state:

- (a) Anticipated amount of freight per ferry trip;

- (b) Describe the manner by which the freight will be loaded and unloaded on the Block Island side;
- (c) Describe the machinery and equipment which will be used for such loading and unloading;
- (d) Describe the location(s) where such machinery and equipment will be kept; and
- (e) The planned routes for such machinery and equipment from the docked RIFF ferry to Block Island.

**ANSWER:** (a) None.  
 (b) Not applicable.  
 (c) Not applicable.  
 (d) Not applicable.  
 (e) Not applicable.

**TNS 1-7** State whether RIFF plans to have a ticket booth/office on Block Island and, if so, state the anticipated location of such booth/office and the hours and days of operation of such booth/office.

**ANSWER:** No.

**TNS 1-8** State whether RIFF plans to have RIFF personnel on Block Island and, if so, state the number of personnel to be located on Block Island, the job description of each such person and the anticipated location of each such person on Block Island.

**ANSWER:** RIFF plans to have on Block Island dockworker and may hire Block Island based Captains.

**TNS 1-9** Based upon the information available, it appears to be RIFF's intention to operate a ferry (ferries) to Old Harbor. Given the relatively small size of this harbor, as to each of the following, state in detail RIFF's plan to avoid conflicted with:

- (a) Interstate's High-Speed ferries;
- (b) Interstate's Traditional ferries;
- (c) New London ferries;
- (d) Commercial fishing vessels; and
- (e) Recreational boats.

**ANSWER:** (a) RIFF does not agree with the characterization of Old Harbor as "relatively small in size". Old Harbor is relatively large in size compared to Oak Bluffs in Martha's Vineyard, where the Ava Pearl operates. RIFF's Captains, as certificated professional mariners responsible for the safety of their vessels, crew and passengers, will follow navigational rules of the road. They will use the radio to communicate intended course when entering or leaving a harbor entrance. RIFF expects that Interstate's, Cross Sound's and commercial fishing boat Captains will exercise the

same degree of professionalism. RIFF will plan its schedule to avoid such conflicts to the extent possible.

- (b) See answer to TNS 1-9 (a) above.
- (c) See answer to TNS 1-9 (a) above.
- (d) See answer to TNS 1-9 (a) above.
- (e) Conflict with recreational boats is often unpredictable and is handled on a case by case basis.

TNS 1-10 State RIFF's plans for security on its ferry (ferries).

**ANSWER:** Objection. RIFF's Vessel Security Plan is Confidential Security Information, which RIFF is prohibited from disclosing pursuant to the provisions of the Maritime Transportation Security Act and implementing regulations.

TNS 1-11 Describe in detail the plan for parking, moving, directing and controlling RIFF passengers' vehicles.

**ANSWER:** None.

TNS 1-12 This data request pertains to Dock #1 as referenced on the Plan. If RIFF has had any Communication and/or negotiations with the owner(s) or lessee(s) of this dock, or any agents of such owner(s) or lessee(s), concerning RIFF's use of this dock as part of its planned ferry operations, state the following as to each such Communication or negotiation.

- (a) date and place of Communication or negotiation;
- (b) whether such Communication or negotiation took place in person or electronically;
- (c) name and address of all persons participating in such Communication or negotiation;
- (d) what was discussed or conveyed during such Communication or negotiation; and
- (e) the name and address of each witness to such Communication or negotiation

**ANSWER:** (a) There have been no negotiations. During May of 2012 Charles Donadio placed one telephone call to Adam Wronowski. Donadio asked whether Wronowski's company would be interested in leasing RIFF dock space on Block Island. Wronowski replied that it would not.

- (b) See answer to TNS 1-12 (a) above.
- (c) See answer to TNS 1-12 (a) above.
- (d) See answer to TNS 1-12 (a) above.
- (e) See answer to TNS 1-12 (a) above.

TNS 1-13 If any of the Communications and/or negotiations identified above pertaining to Dock #1 were reduced to writing or are contained in a written instrument, attach copies of such Documents to RIFF's responses to these data requests.

**ANSWER:** There were none.

TNS 1-14 This data request pertains to Dock #2 as referenced on the Plan. If RIFF has had any Communication and/or negotiations with the owner(s) or lessee(s) of this dock, or any agents of such owner(s) or lessee(s), concerning RIFF's use of this dock as part of its planned ferry operations, state the following as to each such Communication or negotiation.

- (a) date and place of Communication or negotiation;
- (b) whether such Communication or negotiation took place in person or electronically;
- (c) name and address of all persons participating in such Communication or negotiation;
- (d) what was discussed or conveyed during such Communication or negotiation; and
- (e) the name and address of each witness to such Communication or negotiation

**ANSWER:** (a) There have been no negotiations. During May of 2012 Charles Donadio placed one telephone call to Adam Wronowski. Donadio asked whether Wronowski's company would be interested in leasing RIFF dock space on Block Island. Wronowski replied that it would not.  
(b) See answer to TNS 1-14 (a) above.  
(c) See answer to TNS 1-14 (a) above.  
(d) See answer to TNS 1-14 (a) above.  
(e) See answer to TNS 1-14 (a) above.

TNS 1-15 If any of the Communications and/or negotiations identified above pertaining to Dock #2 were reduced to writing or are contained in a written instrument, attach copies of such Documents to RIFF's responses to these data requests.

**ANSWER:** There were none.

TNS 1-16 This data request pertains to Dock #3 as referenced on the Plan. If RIFF has had any Communication and/or negotiations with the owner(s) or lessee(s) of this dock, or any agents of such owner(s) or lessee(s), concerning RIFF's use of this dock as part of its planned ferry operations, state the following as to each such Communication or negotiation.

- (a) date and place of Communication or negotiation;
- (b) whether such Communication or negotiation took place in person or electronically;
- (c) name and address of all persons participating in such Communication or negotiation;
- (d) what was discussed or conveyed during such Communication or negotiation; and
- (e) the name and address of each witness to such Communication or negotiation

**ANSWER:** (a) There have been no negotiations. During 2012 Charles Donadio had a few

casual telephone conversations with Paul Filippi regarding possible use of Ballards Pier for RIFF's proposed ferry operations. Nothing of any significance was discussed, other than RIFF's intention to apply for a CPCN and its interest in possible use of the pier at some point in the future.

- (b) See answer to TNS 1-16 (a) above.
- (c) See answer to TNS 1-16 (a) above.
- (d) See answer to TNS 1-16 (a) above.
- (e) See answer to TNS 1-16 (a) above.

***Supplemental  
Answer to TNS 1-16(a)***

***Mr. Donadio attempted to contact Mr. Filippi via email in June 2015 to express RIFF's continued interest in possible use of this pier. Mr. Filippi did not respond.***

TNS 1-17 If any of the Communications and/or negotiations identified above pertaining to Dock #3 were reduced to writing or are contained in a written instrument, attach copies of such Documents to RIFF's responses to these data requests.

**ANSWER:** There were none.

***Supplemental  
Answer to***

***TNS 1-17: See email attached hereto as Supplemental Exhibit "A". Mr. Filippi did not respond to this email.***

TNS 1-18 This data request pertains to Dock #4 as referenced on the Plan. If RIFF has had any Communication and/or negotiations with the owner(s) or lessee(s) of this dock, or any agents of such owner(s) or lessee(s), concerning RIFF's use of this dock as part of its planned ferry operations, state the following as to each such Communication or negotiation.

- (a) date and place of Communication or negotiation;
- (b) whether such Communication or negotiation took place in person or electronically;
- (c) name and address of all persons participating in such Communication or negotiation;
- (d) what was discussed or conveyed during such Communication or negotiation; and
- (e) the name and address of each witness to such Communication or negotiation

**ANSWER:** (a) There have been no negotiations. During 2012 Charles Donadio placed one telephone call to the U.S. Army Corps of Engineers. Donadio. He has no record of the name of the person he spoke with. Donadio asked whether the dock identified as #4 could be used by RIFF for its proposed operations on Block

Island. Donadio was informed that it could, subject to receiving approval of the lessee, the Town of New Shoreham.

(b) See answer to TNS 1-18 (a) above.

(c) See answer to TNS 1-18 (a) above.

(d) See answer to TNS 1-18 (a) above.

(e) See answer to TNS 1-18 (a) above.

***Supplemental***

***Answer to***

***TNS 1-18(a): This information appears to be at odds with information gathered by Mr. Donadio contained in historic public documents regarding the Army Corp's opinion that the Town could not block use by public vessels of the Old Harbor South Pier, which is in the area of Dock #4 on the subject Plan. See Rebuttal Testimony of Charles Donadio.***

TNS 1-19 If any of the Communications and/or negotiations identified above pertaining to Dock #4 were reduced to writing or are contained in a written instrument, attach copies of such Documents to RIFF's responses to these data requests.

**ANSWER:** There were none.

TNS 1-20 Please identify (name, address, phone number, date of birth) each expert witness RIFF plans to present at the Division hearing on your application. Describe in detail the subject matter upon which each expert is expected to testify. State the substance of the facts and opinions to which the expert is expected to testify, summarize grounds for each opinion and provide a copy of all of the exhibits the expert witness will sponsor, studies done, workpapers and documents furnished to the expert for evaluation, and provide a copy of that witness' direct testimony and exhibits, in question and answer form.

**ANSWER:** See Pre-filed testimony of Lawrence Kunkel, which has be previously supplied to the Town.

***Supplemental***

***Answer to***

***TNS 1-20: See Pre-filed rebuttal testimony and C.V. of Stephanie Costa.***

TNS 1-21 Old-Harbor is designated as a "Harbor of Refuge" State all plans of RIFF to insure that its operations do not interfere with the use of Old Harbor as a designated Harbor of Refuge.

**ANSWER:** If there is a hurricane or other extreme weather event, RIFF plans to seek shelter in its own harbor at Quonset Point and thus will not interfere with other vessels seeking refuge in Old Harbor. With that being said, Old Harbor is not the ideal location to seek refuge from such events, since it is on the windward side of the Island.

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Charles A. Donadio, Jr.  
President  
Rhode Island Fast Ferry, Inc.

**Supplemental Answer to  
TNS 1-17 - "Exhibit A"**

## Charles A. Donadio

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**From:** Charles A. Donadio <charlie@vineyardfastferry.com>  
**Sent:** Friday, June 5, 2015 6:24 PM  
**To:** 'Paul Filippi'  
**Subject:** RIFF - Dockage MOU  
**Attachments:** MEMORANDUM OF UNDERSTANDING.pdf

Paul,

See attached proposed Memorandum of Understanding, please feel free to suggest any changes. Let me know what time works best for you to discuss – thanks!

Regards,

Charles A. Donadio, Jr.  
President



**RHODE ISLAND  
FAST FERRY**  
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**MEMORANDUM OF UNDERSTANDING**

This Memorandum of Understanding is made this \_\_\_ day of June, 2015 by and between Rhode Island Fast Ferry, Inc. (hereinafter "RIFF"), and \_\_\_\_\_ (hereinafter "Ballard's").

**WHEREAS**, it is the desire of the abovementioned parties, to come to an enforceable agreement regarding RIFF's use of a pier facility owned by Ballard's in Old Harbor, Block Island, Rhode Island, shown on the plan attached hereto as Exhibit "A" (hereinafter the Ballard's Pier").

**WHEREAS**, RIFF intends to use the Ballard's Pier as a passenger disembarkation and embarkation point for a fast ferry service from Quonset Point, Rhode Island, pending approval of its application to the Rhode Island Division of Public Utilities and Carries (hereinafter the "DPUC") for a Certificate of Public Convenience and Necessity to do so (hereinafter the "CPCN").

**WHEREAS**, the parties recognize that such usage of the Ballard's Pier would also require a modification of the Assent granted to Ballard's by the Rhode Island Coastal Resources Management Council (hereinafter the "CRMC") for construction and operation of the Ballard's Pier.

**WHEREAS**, in consideration of the mutual promises herein and other good and valuable consideration, the receipt, validity and sufficiency of which is hereby acknowledged;

**NOW THEREFORE**, the parties agree as follows:

1. RIFF and Ballard's shall enter into a lease by RIFF's of the Ballard's Pier for aforementioned usage upon the granting of the CPCN by the DPUC and the Granting

of the Assent by the CRMC, upon mutually acceptable commercial terms and conditions, within sixty (90) days of the happening of both conditions precedent.

IN WITNESS WHEREOF, the parties have executed this Agreement to be effective as of the date first written above.

RHODE ISLAND FAST FERRY, INC.

By: \_\_\_\_\_

Title: \_\_\_\_\_

( \_\_\_\_\_ )

By: \_\_\_\_\_

Title: \_\_\_\_\_