

STATE OF RHODE ISLAND  
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

**JOINT RESPONSE OF THE TOWN OF NEW SHOREHAM AND INTERSTATE  
NAVIGATION COMPANY d/b/a THE BLOCK ISLAND FERRY TO  
RHODE ISLAND FAST FERRY, INC.'S OBJECTION TO INTERVENORS' MOTION  
TO MODIFY PROCEDURAL SCHEDULE**

As set forth in the Motion to Modify, the Town of New Shoreham ("Town") and Interstate Navigation Company ("Interstate") believe that it is necessary to engage in discovery regarding the matters asserted in the Donadio and Filippi affidavits of September 11, 2015. The preliminary information available to the Town and Interstate leads to the conclusion that the submitted Lease Option Agreement with Bluewater, LLC is merely a sham which is designed to purportedly comply with the Division's order that the Rhode Island Fast Ferry, Inc. ("RIFF") "submit a written declaration to the Division identifying the dock it is proposing to use on Block Island (in furtherance of its proposed ferry service) and offer proof of the dock's availability," and to buy time for RIFF to actually locate a dock.

The available, preliminary information demonstrates, among other things, the following:

According to the secretary of state's records, Bluewater, LLC ("Bluewater") was formed a little over a year ago in June of 2014. Although the address of its principal office is listed as 42 Water Street, Block Island, Rhode Island, this is the same address as Ballard's Inn and there is no indication that Bluewater does any business from this address. In addition, an Internet search does not yield any information regarding Bluewater or any business conducted by it.

A search of the New Shoreham tax assessor data base indicates that Bluewater does not

own any real estate whatsoever on Block Island. Furthermore, a search of the New Shoreham tax assessor data base indicates that Paul Filippi does not own any real estate on Block Island. Accordingly, neither Bluewater nor Mr. Filippi owns any property which could be used as a staging area for a wharf or pier.

The Filippi affidavit states that Bluewater has acquired from the riparian owners of Plat 6, Lot 158, Plat 6, Lot 159, and Plat 7, Lot 23, "the right to wharf out at two locations, the first being the Northerly Ell of the stone jetty at the Inner Basin and the second being at the former location of the Mount Hope Pier adjacent to the Easterly Breakwater." An examination of these statements leads to the conclusion that they are highly suspect for the following reasons:

1. Plat 7, Lot 23 is owned by Ballard's Inn Realty, LLC. (See Exhibit A). The member of Ballard's Inn Realty LLC authorized to sign on its behalf is Marion Filippi (See Exhibit B).

2. Plat 6, Lot 158 is owned by T&C Holdings, LLC. (See Exhibit C). The member of T&C Holdings, LLC authorized to sign on its behalf is Marion Filippi (See Exhibit D).

3. Plat 6, Lot 159 is owned by Ballard's Wharf Realty, LLC. (See Exhibit E). The manager of Ballard's Wharf Realty LLC is Blake Filippi (See Exhibit F).

4. By email dated September 11, 2015, Steven C. Filippi notified the New Shoreham Town Manager that "Ballards Inn, Marion Filippi, Blake Filippi and myself do not support the Bluewater project. Additionally, it is also clear that no riparian rights have been obtained at any property." (See Exhibit G).

5. The right to "wharf out" at the Northerly Ell of the stone jetty at the Inner Basin does not belong to Bluewater, but rather is held by the Town through a fifty-year lease agreement dated April 1, 2013 between the Town and the Coastal Resources Management Council.

In its objection, RIFF states that the issue is: "whether there exists a bona fide plan to dock the RIFF ferry in Old Harbor." The Town and Interstate submit that the information available to date clearly suggests that no such bona fide plan exists; accordingly, this is an issue to be determined by the Division and the Town and Interstate require discovery in this regard.

With respect to RIFF's objection to the deposition of Paul Filippi, this deposition is clearly permitted by Division Rule of Practice and Procedure 21(b) which provides that the testimony of any witness may be taken by deposition at any time before the hearing is closed. Furthermore, Rule 21(a)(1) states that it is the Division's policy to encourage the timely use of discovery as a means toward effective presentations at hearing and avoidance of the use of cross-examination at hearing for discovery purposes. Rule 21(b)(2) states that depositions are permitted in the same manner and pursuant to the same procedures as govern depositions in the Superior Court in the State of Rhode Island.

Counsel for the Town represents that counsel for Interstate has authorized the filing of this memorandum.

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

/s/Katherine A. Merolla, Esq.  
Katherine A. Merolla, Esq.  
No. 2344  
469 Centerville Road  
Suite No. 206  
Warwick, RI 02886  
401-739-2900, x306  
401-739-2906 (fax)

CERTIFICATION

I hereby certify that, on September 16, 2015, I served this document via e-mail on the individuals listed on the attached service list.

/s/Katherine A. Merolla, Esq.

SCHEDULE A

<b>Name/Address</b>	<b>E-mail Address</b>	<b>Phone</b>
Alan Shoer, Esq. (for RIFF) James Hall, Esq. Adler Pollock & Sheehan One Citizens Plaza, 8 <sup>th</sup> Floor Providence, RI 02903-1345	<a href="mailto:Ashoer@apslaw.com">Ashoer@apslaw.com</a>	401-274-7200
	<a href="mailto:Jhall@apslaw.com">Jhall@apslaw.com</a>	
Charles A. Donadio, Jr., President RI Fast Ferry	<a href="mailto:Charlie@vineyardfastferry.com">Charlie@vineyardfastferry.com</a>	401-295-4040
Leo Wold, Esq. (for Division) Christy Hetherington, Esq. Dept. of Attorney General 150 South Main St. Providence, RI 02903	<a href="mailto:Lwold@riag.ri.gov">Lwold@riag.ri.gov</a>	401-222-2424
	<a href="mailto:Chetherington@riag.ri.gov">Chetherington@riag.ri.gov</a>	
	<a href="mailto:Imunoz@riag.ri.gov">Imunoz@riag.ri.gov</a>	
	<a href="mailto:Dmacrae@riag.ri.gov">Dmacrae@riag.ri.gov</a>	
Michael McElroy, Esq. (for Interstate Navigation) Schacht & McElroy PO Box 6721 Providence, RI 02940-6721	<a href="mailto:Michael@McElroyLawOffice.com">Michael@McElroyLawOffice.com</a>	401-351-4100
	<a href="mailto:nspd2000@yahoo.com">nspd2000@yahoo.com</a>	
	<a href="mailto:emazze@verizon.net">emazze@verizon.net</a>	
	<a href="mailto:jlg@BlockIslandFerry.com">jlg@BlockIslandFerry.com</a>	
	<a href="mailto:MVManitou@aol.com">MVManitou@aol.com</a>	
	<a href="mailto:wedge@beconsulting.biz">wedge@beconsulting.biz</a>	
	<a href="mailto:Megan@BlockIslandFerry.com">Megan@BlockIslandFerry.com</a> <a href="mailto:suel@BlockIslandFerry.com">suel@BlockIslandFerry.com</a>	
Katherine A. Merolla, Esq. (for New Shoreham) Merolla & Accetturo Kent Office Bldg. 469 Centerville Rd., Suite 206 Warwick, RI 02886	<a href="mailto:KAMLAW2344@aol.com">KAMLAW2344@aol.com</a>	401-739-2900
Nancy Dodge, Town Manager Town of New Shoreham PO Drawer 120 Block Island, RI 02807	<a href="mailto:kpson@aol.com">kpson@aol.com</a>	401-466-3211
Richard LaCapra 5 Carmine Street New York, New York 10014	<a href="mailto:rlacpra@lacapra.com">rlacpra@lacapra.com</a>	212-675 - 8123
<b>File original &amp; four (4) copies w/:</b> Luly E. Massaro, Clerk Division of Public Utilities & Carriers 89 Jefferson Boulevard Warwick, RI 02888	<a href="mailto:Luly.massaro@puc.ri.gov">Luly.massaro@puc.ri.gov</a>	401-780-2107
	<a href="mailto:John.spirito@dpuc.ri.gov">John.spirito@dpuc.ri.gov</a>	
	<a href="mailto:Thomas.kogut@dpuc.ri.gov">Thomas.kogut@dpuc.ri.gov</a>	
	<a href="mailto:Terry.mercer@dpuc.ri.gov">Terry.mercer@dpuc.ri.gov</a>	
<b>Interested Parties:</b>		
Elizabeth Dolan, Town Council President Jeannette Alyward, Town Clerk Town of North Kingstown	<a href="mailto:ldolan@northkingstown.org">ldolan@northkingstown.org</a>	401-294-3331
	<a href="mailto:jalyward@northkingstown.org">jalyward@northkingstown.org</a>	

# EXHIBIT A

## Assessors Online Database

### For New Shoreham, RI

[New Search](#)[Print](#)[Google Map](#)[Log Out](#)

#### 42 WATER STREET

[Click to enlarge](#)

**Map-Lot-Unit :** 07 / / 023 / / /

**Location:** 42 WATER STREET

**Owner Name:** BALLARDS INN REALTY LLC

**Account Number:** 021780

SEARCH FOR SIMILAR  
SALE PROPERTIES



#### Parcel Value

Item	Assessed Value
Buildings	2,244,000
Extra Building Features	29,100
Outbuildings	14,500
Land	3,075,200
<b>Total:</b>	<b>5,362,800</b>



#### Owner of Record

BALLARDS INN REALTY LLC



#### Ownership History

Owner Name	Book/Page	Sale Date	Sale Price
BALLARDS INN REALTY LLC	361/ 309	8/4/2006	0
FILIPPI, PAUL A EST	91/ 170	12/1/1987	0



#### Land Use [\(click here for a list of codes and descriptions\)](#)

Land Use Code	Land Use Description
333C	LG BUS MDL 94



#### Land Line Valuation

Size	Zone	Assessed Value
1.10 AC	OHC	3,075,200

# EXHIBIT B

RI SOS Filing Number: 201449314680 Date: 11/01/2014 5:08 PM



## State of Rhode Island and Providence Plantations Office of the Secretary of State

Fee: \$50.00

Division Of Business Services  
148 W. River Street  
Providence RI 02904-2615  
(401) 222-3040

### Limited Liability Company Annual Report

Filing Period: September 1 - November 1

In accordance with R.I.G.L. 7-16-66(d), each limited liability company failing or refusing to file its annual report within thirty (30) days after the time prescribed by law (R.I.G.L. 7-16-66(b&c)) is subject to a penalty fee of \$25.00.

**ANNUAL REPORT YEAR:** 2014

**1. ID No.** 000505751

**2. Exact Name of the Limited Liability Company** Ballard's Inn Realty, LLC

**3. State of Formation**

State: DE

**4. Brief Description of the Character of the Business Which is Actually Conducted in Rhode Island**

REAL ESTATE BUSINESS

**5. Principal Office Address**

No. and Street: 1092 GREAT ROAD

City or Town: LINCOLN State: RI Zip: 02865 Country: USA

**6. Mailing Address of Limited Liability Company and Name or Title of Contact Person:**

Contact Name: Contact Title:

No. and Street: 1092 GREAT ROAD

City or Town: LINCOLN State: RI Zip: 02865 Country: USA

**7. Name and Address of Each Manager of the Limited Liability Company, if Applicable.  
DO NOT LIST MEMBERS**

Title	Individual Name	Address
	First, Middle, Last, Suffix	Address, City or Town, State, Zip Code, Country

**8. RESIDENT AGENT IN RHODE ISLAND - DO NOT ALTER  
Changes Require Filing of Form 642 - R.I.G.L. 7-16-11**

**Signed this 1 Day of November, 2014 at 5:10:43 PM by the authorized person.** *This electronic signature of the individual or individuals signing this instrument constitutes the affirmation or acknowledgement of the signatory, under penalties of perjury, that this instrument is that individual's act and deed or the act and deed of the company, and that the facts stated herein are true, as of the date of the electronic filing, in compliance with R.I. Gen. Laws § 7-16.*

By MARION C. FILIPPI  
Signature of Authorized Person

Form No. 632  
Revised 09/07

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# EXHIBIT C

## Assessors Online Database

### For New Shoreham, RI

[New Search](#)
[Print](#)
[Google Map](#)
[Log Out](#)

#### OLD HARBOR LAND



**Map-Lot-Unit :** 06 / 158 / //

**Location:** OLD HARBOR LAND

**Owner Name:** T&C HOLDING LLC

**Account Number:** 200100

SEARCH FOR SIMILAR  
SALE PROPERTIES



#### Parcel Value

Item	Assessed Value
Buildings	0
Extra Building Features	0
Outbuildings	10,400
Land	341,800
<b>Total:</b>	<b>352,200</b>



#### Owner of Record

T&C HOLDING LLC



#### Ownership History

Owner Name	Book/Page	Sale Date	Sale Price
T&C HOLDING LLC	391/ 89	5/9/2008	0
FILIPPI, MARION	88/ 296	10/1/1987	0



#### Land Use [\(click here for a list of codes and descriptions\)](#)

Land Use Code	Land Use Description
3371	PARK LOT



#### Land Line Valuation

Size	Zone	Assessed Value
0.25 AC	OHC	341,800



# EXHIBIT D

RI SOS Filing Number: 201446553280 Date: 09/23/2014 3:45 PM



## State of Rhode Island and Providence Plantations Office of the Secretary of State

Fee: \$50.00

Division Of Business Services  
148 W. River Street  
Providence RI 02904-2615  
(401) 222-3040

### Limited Liability Company Annual Report

Filing Period: September 1 - November 1

In accordance with R.I.G.L. 7-16-66(d), each limited liability company failing or refusing to file its annual report within thirty (30) days after the time prescribed by law (R.I.G.L. 7-16-66(b&c)) is subject to a penalty fee of \$25.00.

**ANNUAL REPORT YEAR:** 2014

**1. ID No.** 000361071

**2. Exact Name of the Limited Liability Company** T&C Holdings, LLC

**3. State of Formation**

State: RI

**4. Brief Description of the Character of the Business Which is Actually Conducted in Rhode Island**

Manage and maintain parking lot

**5. Principal Office Address**

No. and Street: 1092 GREAT ROAD

City or Town: LINCOLN

State: RI

Zip: 02865

Country: USA

**6. Mailing Address of Limited Liability Company and Name or Title of Contact Person:**

Contact Name: MARION FILIPPI Contact Title:

No. and Street: 1092 GREAT ROAD

City or Town: LINCOLN

State: RI

Zip: 02865

Country: USA

**7. Name and Address of Each Manager of the Limited Liability Company, if Applicable.  
DO NOT LIST MEMBERS**

Title	Individual Name	Address
	First, Middle, Last, Suffix	Address, City or Town, State, Zip Code, Country

**8. RESIDENT AGENT IN RHODE ISLAND - DO NOT ALTER  
Changes Require Filing of Form 642 - R.I.G.L. 7-16-11**

**Signed this 23 Day of September, 2014 at 3:49:36 PM by the authorized person. This electronic signature of the individual or individuals signing this instrument constitutes the affirmation or acknowledgement of the signatory, under penalties of perjury, that this instrument is that individual's act and deed or the act and deed of the company, and that the facts stated herein are true, as of the date of the electronic filing, in compliance with R.I. Gen. Laws § 7-16.**

By MARION FILIPPI  
Signature of Authorized Person

Form No. 632  
Revised 09/07

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# EXHIBIT E

## Assessors Online Database

### For New Shoreham, RI

[New Search](#)[Print](#)[Google Map](#)[Log Out](#)

#### 432 WATER STREET

[Click to enlarge](#)

**Map-Lot-Unit :** 06 / 159 / //

**Location:** 432 WATER STREET

**Owner Name:** BALLARD'S WHARF REALTY LLC

**Account Number:** 021720

SEARCH FOR SIMILAR  
SALE PROPERTIES



#### Parcel Value

Item	Assessed Value
Buildings	17,800
Extra Building Features	0
Outbuildings	16,800
Land	301,200
<b>Total:</b>	<b>335,800</b>



#### Owner of Record

BALLARD'S WHARF REALTY LLC



#### Ownership History

Owner Name	Book/Page	Sale Date	Sale Price
BALLARD'S WHARF REALTY LLC	335/ 296	12/29/2004	1
FILIPPI, MARION	81/ 174	12/1/1986	0



#### Land Use [\(click here for a list of codes and descriptions\)](#)

Land Use Code	Land Use Description
3333	LG BUS MDL 96



#### Land Line Valuation

Size	Zone	Assessed Value
0.18 AC	OHC	301,200

# EXHIBIT F

RI SOS Filing Number: 201449315100 Date: 11/01/2014 5:22 PM



## State of Rhode Island and Providence Plantations Office of the Secretary of State

Fee: \$50.00

Division Of Business Services  
148 W. River Street  
Providence RI 02904-2615  
(401) 222-3040

### Limited Liability Company Annual Report

Filing Period: September 1 - November 1

In accordance with R.I.G.L. 7-16-66(d), each limited liability company failing or refusing to file its annual report within thirty (30) days after the time prescribed by law (R.I.G.L. 7-16-66(b&c)) is subject to a penalty fee of \$25.00.

**ANNUAL REPORT YEAR:** 2014

**1. ID No.** 000141439

**2. Exact Name of the Limited Liability Company** Ballard's Wharf Realty, LLC

**3. State of Formation**

State: RI

**4. Brief Description of the Character of the Business Which is Actually Conducted in Rhode Island**

BUSINESS OF ACQUIRING, DEVELOPING, IMPROVING, MANAGING, LEASING,  
MARKETING & SELLING REAL ESTATE PROPERTY

**5. Principal Office Address**

No. and Street: 1092 GREAT ROAD

City or Town: LINCOLN

State: RI

Zip: 02865

Country: USA

**6. Mailing Address of Limited Liability Company and Name or Title of Contact Person:**

Contact Name: Contact Title:

No. and Street: 1092 GREAT ROAD

City or Town: LINCOLN

State: RI

Zip: 02865

Country: USA

**7. Name and Address of Each Manager of the Limited Liability Company, if Applicable.  
DO NOT LIST MEMBERS**

Title	Individual Name First, Middle, Last, Suffix	Address Address, City or Town, State, Zip Code, Country
MANAGER	BLAKE A. FILIPPI	1092 GREAT ROAD LINCOLN, RI 02865 USA

**9. This report must be executed by an authorized person pursuant to R.I.G.L. 7-16-66 (b).**

**Signed this 1 Day of November, 2014 at 5:24:43 PM by the authorized person.** *This electronic signature of the individual or individuals signing this instrument constitutes the affirmation or acknowledgement of the signatory, under penalties of perjury, that this instrument is that individual's act and deed or the act and deed of the company, and that the facts stated herein are true, as of the date of the electronic filing, in compliance with R.I. Gen. Laws § 7-16.*

By BLAKE FILIPPI  
Signature of Authorized Person

Form No. 632  
Revised 09/07

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# EXHIBIT G

-----Original Message-----

From: Steve Filippi  
[<mailto:sfilippi@ballardsinn.com>]  
Sent: Friday, September 11, 2015 6:11  
PM  
To: Nancy Dodge  
Subject: RIFF

Nancy - I hate to bother you on a Friday night but we were shocked by the news of with Bluewater, LLC project and affidavit.

Out of the highest respect for you and your position I feel the need to let you know that Ballards Inn, Marion Filippi, Blake Filippi and myself do not support the Bluewater project. Additionally, it also clear that no riparian rights have been obtained at any property.

If you have any questions, please call me at anytime 401.744.2230.

Thank you and have good weekend,

Steven C. Filippi  
401.744.2230