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

1

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

Name/Address	E-mail Address	Phone
Alan Shoer, Esq. (for RIFF)	Ashoer@apslaw.com	401-274-7200
James Hall, Esq.		
Adler Pollock & Sheehan		
One Citizens Plaza, 8 th Floor	Jhall@apslaw.com	
Providence, RI 02903-1345		
Charles A. Donadio, Jr., President	Charlie@vineyardfastferry.com	401-295-4040
RI Fast Ferry		101 222 2121
Leo Wold, Esq. (for Division)	Lwold@riag.ri.gov	401-222-2424
Christy Hetherington, Esq.	Chetherington@riag.ri.gov	
Dept. of Attorney General	Jmunoz@riag.ri.gov	
150 South Main St. Providence, RI 02903	Dmacrae@riag.ri.gov	
Michael McElroy, Esq. (for Interstate Navigation)	Michael@McElroyLawOffice.com	401-351-4100
Schacht & McElroy	nspd2000@yahoo.com	
PO Box 6721	emazze@verizon.net	
Providence, RI 02940-6721	ilg@BlockIslandFerry.com	
	MVManitou@aol.com	
	wedge@beconsulting.biz	
	Megan@BlockIslandFerry.com	
	suel@BlockIslandFerry.com	
Katherine A. Merolla, Esq. (for New Shoreham)	KAMLAW2344@aol.com	401-739-2900
Merolla & Accetturo		
Kent Office Bldg.		
469 Centerville Rd., Suite 206		
Warwick, RI 02886		
Nancy Dodge, Town Manager	kpson@aol.com	401-466-3211
Town of New Shoreham		
PO Drawer 120		
Block Island, RI 02807		
Richard LaCapra	rlacapra@lacapra.com	212-675 - 8123
5 Carmine Street		
New York, New York 10014	.	401 700 2107
File original & four (4) copies w/:	<u>Luly.massaro@puc.ri.gov</u>	401-780-2107
Luly E. Massaro, Clerk Division of Public Utilities & Carriers	John.spirito@dpuc.ri.gov	
89 Jefferson Boulevard	Thomas.kogut@dpuc.ri.gov	
Warwick, RI 02888	Terry.mercer@dpuc.ri.gov	
11 til WICK, IXI 02000		
Interested Parties:		
Elizabeth Dolan, Town Council President	ldolan@northkingstown.org	401-294-3331
Jeannette Alyward, Town Clerk		
Town of North Kingstown	jalyward@northkingstown.org	

EXHIBIT A Assessors Online Database For New Shoreham, RI

Log Out **New Search** Print Google Map

42 WATER STREET



Map-Lot-Unit:

07//023///

Location:

42 WATER STREET

Owner Name:

BALLARDS INN REALTY LLC

Account Number:

021780





Parcel Value

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



Owner of Record

BALLARDS INN REALTY LLC



Sale Price **Owner Name** Book/Page Sale Date **BALLARDS INN REALTY LLC** 361/309 8/4/2006 0

FILIPPI, PAUL A EST 91/170 12/1/1987



Land USE (click here for a list of codes and descriptions)

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



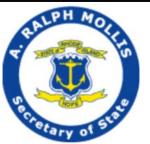
Zone **Assessed Value**

OHC 1.10 AC 3,075,200

9/16/2015 9:56 AM

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.** <u>000505751</u>

- 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 CAssessors 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

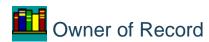
Owner Name: T&C HOLDING LLC

Account Number: 200100





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



T&C HOLDING LLC



 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



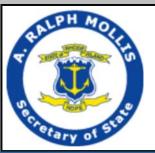
Size Zone Assessed Value

0.25 AC OHC 341,800

1 of 1 9/16/2015 10:00 AM

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.** <u>000361071</u>

- 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





Parcel Value

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



Owner of Record

BALLARD'S WHARF REALTY LLC



 Owner Name
 Book/Page
 Sale Date
 Sale Price

 BALLARD'S WHARF REALTY LLC
 335/296
 12/29/2004
 12/29/2004

 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



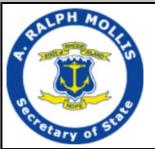
Size Zone Assessed Value

0.18 AC OHC 301,200

1 of 1 9/16/2015 10:02 AM

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.** <u>000141439</u>

- 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	Address
	First, Middle, Last, Suffix	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