

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DIVISION OF PUBLIC UTILITIES AND CARRIERS**

IN RE: Rhode Island Fast Ferry, Inc. :
Application for Certificate of Public :
Convenience and Necessity (CPCN) license to :
operate a fast ferry between Quonset Point, : **Docket No. D-13-51**
North Kingstown to Old Harbor, Block Island :
:

**MOTION TO INTERVENE OF
BLOCK ISLAND FERRY SERVICES LLC D/B/A BLOCK ISLAND EXPRESS**

Now comes Block Island Ferry Services LLC d/b/a Block Island Express (“Movant”) pursuant to Rules 17 and 19 of Rhode Island Division of Public Utilities and Carriers Rules of Practice and Procedure (“Division Rules”) and moves to intervene as a full-party protestant in Docket No. D-13-51—Rhode Island Fast Ferry, Inc.’s (“RIFF”) Application for Certificate of Public Convenience and Necessity (“CPCN”).

Per Rule 17 of the Division Rules, a party claiming a right to intervene or claiming an interest of such a nature that intervention is necessary or appropriate may intervene in any proceeding before the Division. Such interest may be:

1. a right conferred by statute;
2. an interest which may be directly affected and which is not adequately represented by existing parties and is to which movants may be bound by the Commission’s action in the proceeding;
3. any other interest of such a nature that movants’ participation may be in the public interest.

Here, Movant’s intervention is necessary and appropriate so that Movant may protect its property interests as a Block Island ferry service provider and also advance the safety interests of the public. The grounds supporting the motion are:

1. Movant is a family-owned, long-time operator of fast-ferry services between New London, Connecticut and Intrastate Nav. Company's ("Intrastate Nav.") dock in Old Harbor, Block Island.
2. On information and belief, RIFF proposes to dock in Old Harbor, Block Island thereby increasing the number of large ferry vessels entering the already congested harbor at peak times.
3. Movant has a direct property interest in opposing RIFF's application. RIFF's additional vessels will impact navigation and increase congestion. As a result, RIFF's proposed use increases the likelihood of damaging collisions between vessels, including potential damage to Movant's vessels. Moreover, given the narrow entrance channel to Old Harbor, which is only wide enough to allow passage of one ferry at a time, the increased congestion will only exacerbate delays already experienced by Movant's ferries entering and exiting the harbor.
4. Movant will be particularly impacted if RIFF's application is granted. On information and belief, RIFF plans to use the dock owned by Ballards Wharf Realty f/k/a Marion C. Filippi in Old Harbor (hereinafter called "Filippi Dock"). Filippi Dock is adjacent to Intrastate Nav.'s dock. Movant docks its ferry vessels on the eastern side of Intrastate Nav.'s dock, the side closest to Filippi Dock. The docks are close together where they extend into the harbor creating a narrow, one-vessel-width span to pass. If RIFF application is granted, more vessels will be navigating this narrow span creating delays and the likelihood for collisions. Moreover, there is insufficient space to dock ferry vessels on Filippi Dock and Interstate Nav.'s dock at the same time. Movant therefore will be constrained from docking or tying up at the

same time as RIFF. As a result, Movant's service schedule will be directly affected by RIFF's proposed use.

5. Intervention and participation by Movant is in the public interest because the Movant possesses institutional knowledge on navigation to and from Block Island, issues upon which RIFF's application is necessarily related. Movant's captains are equipped to give first-hand testimony of the congestion in Old Harbor, the challenges of navigating between Filippi Dock and Interstate Nav.'s dock, and the effect and risks of harbor congestion on the public including upon recreational boaters, ferry passengers, and those on shore.

As to RIFF's application, Movant will establish:

1. There is no "public convenience and necessity" that "requires" RIFF's proposed service.
2. RIFF's application's proposed service and docking at Filippi Dock will adversely impact Movant's docking schedules and ferry services, and will increase the likelihood of collisions among vessels and congestion in Old Harbor.
3. Filippi Dock is the only possible physical location in Old Harbor where RIFF may potentially dock. On information and belief, the Town of New Shoreham already has rejected RIFF's application to dock on its pier. However, before RIFF can even propose use of Filippi Dock, RIFF first must obtain approval from the Coastal Resources Management Council ("CRMC"). The Filippi Dock is governed by a CRMC Assent Decree dated October 5, 2005. This decree expressly prohibits "commercial vessel use." Until RIFF actually can present a location to dock its commercial ferry vessels in Old Harbor, RIFF's petition is far from ready for this

agency's review. As such, Movant intends to move to stay the instant proceeding so CRMC can act first, if at all.

4. RIFF's application, if granted, will irreparably harm Movant's property interests without any gain for the public.

For the foregoing reasons, Block Island Express respectfully requests that the Division grant its motion to intervene as a full-party protestant and to afford it the opportunity to present reasoned opposition to RIFF's application.

BLOCK ISLAND FERRY SERVICES
D/B/A BLOCK ISLAND EXPRESS

By its Attorneys,



Date: August 30, 2013

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CERTIFICATION

I hereby certify that I emailed, and mailed or hand-delivered where required, a true copy of the within "Motion to Intervene of Block Island Ferry Services LLC d/b/a Block Island Express" on this 30th day of August, 2013, upon the following:

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