

**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
INTRASTATE NAV. COMPANY**

Now comes Intrastate Nav. Company (“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, the intervention of Movant is necessary and appropriate so that Movant can protect its property interests in its ferry terminal in Old Harbor, Block Island. The grounds supporting the motion are:

1. Movant is a family-owned and operated ferry terminal that includes a wooden dock, pier, ramps, slips, a parking lot, and other on-shore facilities in Old Harbor, Block Island. Movant has operated the terminal since 1965.
2. On information and belief, RIFF plans to dock and tie up at 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 Movant’s 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. If RIFF proposal is granted, more vessels will be navigating this narrow span creating delays and the likelihood for collisions. Moreover, there is insufficient space to even tie up two ferry vessels on Filippi Dock and the eastern side of Movant’s dock at the same time.
3. Movant leases dock, pier, and ramp space for ferry vessels including those owned by Block Island Ferry Services LLC d/b/a Block Island Express (“Block Island Express”), The Interstate Navigation Company d/b/a The Block Island Ferry, and Blount Small Ship Adventures, Inc. To provide dock space for these vessels pursuant to the terms of their leases requires precise scheduling and arranging where and when each vessel can dock on its respective pier or ramp. Any disruption to this balanced docking schedule will result in service delays and cancellation of trips for the ferry providers. RIFF’s proposed use unquestionably will disrupt Movant’s docking schedule. In particular, Block Island Express docks and ties up its vessels on the eastern side of Movant’s pier, the side closest to Filippi dock. As stated above, there is insufficient space to dock and tie up two ferry vessels on Filippi Dock and

Movant's dock at the same time. Movant therefore will be constrained from offering dock space on its eastern pier at the same time as RIFF is docking or tied up on Filippi dock. As such, Movant will be forced to reduce use of its dock and will be directly affected by RIFF's proposed use.

4. RIFF's proposal also will adversely impact Movant's shore property. Movant owns a parking lot upland from its dock that is used for passengers' cars, for passenger drop-offs and pick-ups, and for queuing embarking and disembarking passengers. Filippi Dock possesses no such upland space. As such, RIFF's passengers embarking and disembarking from Filippi Dock necessarily will queue on Movant's adjacent property resulting in congestion and dissatisfaction among Movant's leasees' passengers.

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 dock schedules, Movant's leasees' ferry services, and Movant's ability for reasonable use of its dock, 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 could 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 docking on Filippi Dock, RIFF first must obtain approval from the Coastal Resources Management Council ("CRMC"). The Filippi Dock is governed by a CRMC Assent

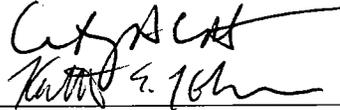
Decree dated October 5, 2005. The decree expressly prohibits “commercial vessel use.” Until RIFF actually can present a location to dock its commercial ferry vessels in Old Harbor, RIFF’s petition is far from ready for this agency’s review. As such, Movant intends to move to stay the instant proceeding so CRMC can act first, if at all.

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

For the foregoing reasons, Intrastate Nav. Company respectfully request 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.

INTRASTATE NAV. COMPANY

By its Attorneys,



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Date: August 30, 2013

CERTIFICATION

I hereby certify that I emailed, and mailed or hand-delivered where required, a true copy of the within ““Motion to Intervene of Intrastate Nav. Company” on this 30th day of August, 2013, upon the following:

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