

Schacht & McElroy

Michael R. McElroy
Leah J. Donaldson

Attorneys at Law

Michael@McElroyLawOffice.com
Leah@McElroyLawOffice.com

Members of the Rhode Island
and Massachusetts Bars

21 Dryden Lane
Post Office Box 6721
Providence, RI 02940-6721

(401) 351-4100
fax (401) 421-5696

August 17, 2015

Luly E. Massaro, Clerk
Division of Public Utilities and Carriers
89 Jefferson Boulevard
Warwick, RI 02888

RE: RHODE ISLAND FAST FERRY, INC.
Docket No. D-13-51

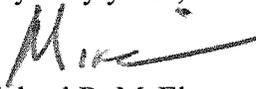
Dear Luly:

As you know, this office represents intervenor Interstate Navigation Company (Interstate) in this matter.

Enclosed for filing in this matter are an original and five copies of Interstate's Objection to Rhode Island Fast Ferry, Inc.'s Motion for clarification to correct Order and to adjust procedural schedule.

If you have any questions, please feel free to call.

Very truly yours,



Michael R. McElroy

MRMc:tmg
cc: Service List

Interstate/Donadio/Objection

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC. : DOCKET No. D-13-51

**OBJECTION OF INTERSTATE NAVIGATION COMPANY D/B/A THE BLOCK ISLAND
FERRY TO RHODE ISLAND FAST FERRY, INC.'S MOTION FOR CLARIFICATION TO
CORRECT ORDER AND TO ADJUST PROCEDURAL SCHEDULE**

On August 11, 2015, the Division issued an Order in this matter requiring Rhode Island Fast Ferry, Inc. (RIFF), by August 28, 2015, to “submit a written declaration to the Division identifying the dock it is proposing to use on Block Island (in furtherance of its proposed ferry services) and offer proof of the dock’s availability.” (Order No. 22030, at 6-7).

RIFF has filed a two-part motion. The first part seeks to correct the Order to change a typographical error on page 2, line 6. The reference to “September” on that line clearly should be “October.” Interstate Navigation Company (Interstate) has no objection to clarifying the correct date.

However, the second part of RIFF’s motion seeks to adjust the procedural schedule in this matter by changing the August 28, 2015 submission date for its declaration and proof regarding the dock to September 28, 2015. RIFF appears to be arguing that the Hearing Officer must have been confused by the typographical error on page 2 when the Hearing Officer stated three times on page 7 that the Division was reserving final decision on the Town’s motion until August 28 and therefore RIFF had to submit its written declaration and proof regarding the dock by that date. Interstate objects to this part of the motion.

There is nothing in the Order to indicate that the Division Hearing Officer was in any way confused or that the Division Hearing Officer was in any linking the August 28 dates on page 7 to the typographical error on page 2. Moreover, moving RIFF’s submission date to September 28 as requested would make it impossible for the parties to properly conduct discovery on whatever docking arrangements are identified by RIFF in its docking declaration. The hearing would take

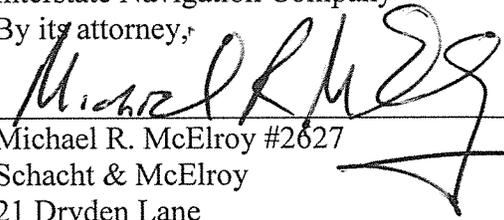
place a little over a week after the extended September 28 submission date, which obviously is not enough time for the parties to conduct discovery on this crucial issue. Also, Interstate (and presumably the other parties) and their witnesses (including experts) have cleared their schedules for the October 7 and 8 hearing dates.¹

RIFF has known that it would need to identify a docking location in this matter since this matter was filed by RIFF on July 2, 2013, over two years ago. Moreover, the necessity for the identification of a docking location was re-emphasized by the Hearing Officer during a status conference in this docket on May 15, 2015, over three months ago. In addition, Mr. Donadio, the owner of RIFF, has known for years through his involvement in a previous CPCN proceeding that identification of a docking location was a crucial consideration in a CPCN filing. Now, after having failed for over two years to locate and identify a docking location, RIFF is seeking additional time to do so. Interstate objects to any extension of the August 28 date.

The attorney for the Town of New Shoreham is on vacation, but Interstate's attorney has spoken to the Town's attorney who had asked Interstate to represent to the Division that the Town joins in Interstate's objection.

Dated: August 17, 2015

Respectfully submitted,
Interstate Navigation Company
By its attorney,


Michael R. McElroy #2627
Schacht & McElroy
21 Dryden Lane
P.O. Box 6721
Providence RI 02940-6721
Phone: (401) 351-4100
Fax: (401) 421-5696
Michael@McElroyLawOffice.com

¹ Counsel for RIFF in its email dated August 14, 2015 stated that the parties had “inform[ed] us that they may be requesting additional time for discovery after the filing and before public hearings.” That is not what Interstate told counsel for RIFF. Interstate said it had no objection to correcting the typographical error, but that it objected to changing the August 28 submission date.

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of August, 2015, I sent a true copy of the foregoing to the attached service list.



Theresa Gallo

Rhode Island Fast Ferry (RIFF) – CPCN Application Docket No. D-13-51
Updated 11/7/14

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