

STATE OF RHODE ISLAND  
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

**MEMORANDUM IN SUPPORT OF  
MOTION OF THE TOWN OF NEW SHOREHAM  
FOR SUMMARY DISPOSITION**

The Town of New Shoreham ("Town") has moved pursuant to Section 19(e) of the Division's Procedural Rules, for Summary Disposition on the grounds that there is no genuine issue of fact material to the decision in the above-referenced matter. In support of this motion, the Town submits the following memorandum.

Rhode Island Fast Ferry ("RIFF") filed an application in July of 2013 ("Application") for a Certificate of Public Convenience and Necessity ("CPCN") with the Division of Public Utilities and Carriers ("Division") with respect to the operation of a passenger only fast ferry service from Quonset Point, North Kingstown to Old Harbor, Block Island. Specifically, the Application states: "The proposed fast ferry service would depart from our ferry terminal located at 1347 Roger Williams Way located in Quonset Point, North Kingstown and arrive in Old Harbor, Block Island. The aluminum catamaran ferry would have a capacity of 150-300 passengers and operate between 29.5-34 knots; the 30 mile ferry route would sail down the West Passage of Narragansett Bay and along the Narragansett coastline into Old Harbor and take approximately 45-50 minutes depending on passenger/luggage loads, tides, sea & wind

conditions." Accompanying the Application is a diagram which shows the planned route from Quonset Point to Old Harbor.

In furtherance of the Application, discovery has been conducted and testimony and rebuttal testimony has been filed by RIFF, the interveners and the parties' witnesses. As all parties and the Division are aware, the Town is opposed to the issuance of the CPCN. Without limitation of the foregoing, the Town is very concerned about the planned docking site in Old Harbor for RIFF ferry service. These concerns include, among other things, those problems addressed in the prefiled testimony of the Town's harbormaster and the Town's First Warden, as well as the logistical plans that RIFF has for moving and transporting large numbers of passengers onto the island.

In order to obtain a CPCN, RIFF must prove that it is fit, willing and able to perform the services referenced in the Application and that public convenience and necessity require a new water carrier in the State of Rhode Island. In order to be "able" to perform the services, RIFF must have a dock in Old Harbor where it can land its aluminum catamaran ferry having a capacity of 150-300 passengers. In addition, notice of the location of the dock where RIFF plans to land its ferry in Old Harbor and RIFF's plans for the unloading and transportation of large numbers of passengers onto the island are crucial to the determination of whether the proposed service furthers the convenience of the public. There are only four docks in Old Harbor where a passenger ferry could land.

During a hearing in this matter on May 15, 2015 which involved certain motions and discovery, the hearing officer unequivocally advised RIFF counsel that RIFF must notify the Town and Interstate of the planned docking location prior to the commencement of a hearing before the Division on the Application. The Town solicitor so notified the Town Council and the

Town Manager and, since RIFF has filed no specific testimony with the Division with regard to a docking location in Old Harbor, the Town solicitor was authorized to conduct to the deposition of RIFF's owner to determine the nature and extent of any such plans as well as other relevant information.

The deposition of Charles Donadio was conducted on June 24, 2015. During the deposition (copy attached), it was made abundantly clear that RIFF has not arranged any type of docking location whatsoever in Old Harbor. Moreover, since RIFF does not have a docking site for its ferry on the island, there are no concrete plans for the management and transportation of passengers to the island and from the RIFF ferry onto Block Island.

There are only four docks in Old Harbor where a ferry could land. These docks are labeled in the Town's data requests to RIFF as docks 1-4 on an aerial photograph of Old Harbor. That aerial photograph was made an Exhibit at the deposition, specifically Exhibit #3. During the deposition Mr. Donadio was asked about each and every dock in Old Harbor and his testimony in this regard is discussed below.

Dock #1      Intrastate Nav. Dock

Intrastate Nav. Company is a separate corporation which owns the docks in Old Harbor from which the ferries of Interstate Navigation Company doing business as the Block Island Ferry operate. Mr. Donadio testified that he asked Adam Wronowski (an officer of Intrastate Nav. Company) in the late spring of 2013 whether RIFF could lease the Intrastate Nav. Dock for its ferry operations. Mr. Wronowski declined to allow RIFF to lease the Intrastate Nav. Dock. (Tr. Depo. pp. 26-28) Mr. Donadio acknowledged during the deposition that it is not an option for RIFF to use Dock #1. (Tr. Depo. p. 38)

Dock #2      Intrastate Nav. Dock

Intrastate Nav. also owns Dock #2. When asked whether it was fair to say that the use of Dock #2 for the RIFF ferry was also not an option, Mr. Donadio agreed that this was correct. (Tr. Depo. p. 38)

Dock #3      Ballard's Dock

Mr. Donadio testified that he had a few casual conversations with Paul Filippi regarding the possible use of Ballard's dock for RIFF's proposed ferry operations in approximately July of 2013. He further stated that he has not discussed the use of Ballard's Dock with any other representative of Ballard's and that he has had no written communication with any representative of Ballard's other than Paul Filippi. (Tr. Depo. pp. 46-48)

The only written communication which Mr. Donadio sent to Paul Filippi was an email dated June 5, 2015 wherein Mr. Donadio forwarded to Paul Filippi a proposed memorandum of understanding pertaining to RIFF's use of Ballard's dock. Neither Paul Filippi nor any representative of Ballard's ever responded to the email or even discussed the use of the Ballard's dock with Mr. Donadio in either the years 2014 or 2015. Further deposition testimony with regard to the use of the Ballard's dock follows:

"Q. Other than the e-mail that you sent to Paul Filippi regarding the memorandum of understanding, have you received any communication from any representative of Ballard's with respect to the memorandum of understanding?

A. No I have not.

Q. Do you, to your knowledge, expect to receive any response from any representative of Ballard's?

A. I have no idea.

Q. So is it fair to say that as of today's date anyway, June 24th, the Rhode Island Fast Ferry docking at Ballard's is not an option?

A. As of today, I do not have a lease for that dock. That is correct." (Tr. Depo. p. 53)

Dock #4      Town Dock

Dock #4 is owned by the Town. Mr. Donadio conceded at his deposition that he has not received consent from the Town to dock RIFF ferries at Dock #4. (Tr. Depo. p. 40)

When asked whether RIFF has any specific plans at this time to construct a dock for the use of RIFF ferries in Old Harbor, Mr. Donadio stated: "My company doesn't have any plans to construct a dock." (Tr. Depo. p. 37) He also testified that in September of 2013 his plan was to have a dock constructed with the assistance of the Town which was not interested in that plan and that: "I was hopeful that the Town would like the idea of owning their own dock to control some ferry services coming and going from the Town so I presented them with an option to help finance and pay for that dock. (Tr. Depo. pp. 29)

When asked about RIFF's plan for moving and directing passengers from the RIFF ferry to Block Island, Mr. Donadio testified: "Well, there's no plan yet because there isn't an actual determined location to dock the boat." (Tr. Depo. pp. 35)

It is quite clear based both upon RIFF's responses to the Town's data requests and Mr. Donadio's deposition testimony, that RIFF does not have a place to land its ferry in Old Harbor, that none of the four docks in Old Harbor are available for the use of RIFF, that RIFF has no plans to construct a dock in Old Harbor and that RIFF has no plan for moving and directing passengers. It is apparent that RIFF cannot establish that it is fit, willing and able to perform the

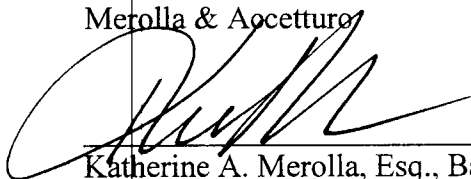
services referenced in the Application or that public convenience and necessity require a new passenger ferry to Old Harbor.

RIFF's Application has been pending for over two years since the beginning of July of 2013. RIFF has drawn out the litigation pertaining to the Application at significant expense to the parties. Moreover, since RIFF has not identified its docking location in Old Harbor, the Town has been prevented from conducting discovery or performing an evaluation with respect to the proposed site. All of this information is crucial to the determination of the Application and to go forward with a hearing on the Application in such a vacuum would not make sense. RIFF has asked for numerous continuances and extensions during the Application process. These extensions served to afford RIFF additional time to locate a docking site. Based on the deposition of Mr. Donadio, it is clear that not only does RIFF not have a dock in Old Harbor for the use of its ferry, but also that RIFF will not have a dock in the foreseeable future.

The Town respectfully submits that its Motion for Summary Disposition should be granted.

TOWN OF NEW SHORHAM

By its attorneys,  
Merolla & Accettura



Katherine A. Merolla, Esq., Bar No. 2344

Kent Office Building

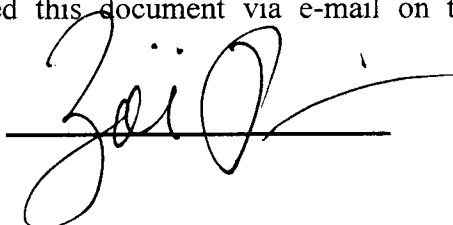
469 Centerville Road, Suite 206

Warwick, RI 02886

Phone: (401) 739-2900, ext. 304

CERTIFICATION

I hereby certify that, on July 20, 2015, I served this document via e-mail on the individuals listed on the attached Exhibit A.



## EXHIBIT A

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	<a href="mailto:jalyward@northkingstown.org">jalyward@northkingstown.org</a>	

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, SC.

DIVISION OF PUBLIC  
UTILITIES AND CARRIERS

IN RE:

RHODE ISLAND FAST FERRY, INC.: DOCKET NO. D-13-51

Deposition of CHARLES ANTHONY DONADIO, JR.,  
a Witness herein, taken on behalf of the  
Intervenors, on WEDNESDAY, JUNE 24, 2015, 1:00  
P.M., at the offices of MEROLLA & ACCETTURO, 469  
Centerville Road, Suite 206, Warwick, Rhode  
Island, before Vivian S. Dafoulas, Registered  
Merit Reporter/Certified Realtime Reporter.

Vivian S. Dafoulas, RMR-CRR

50 Fieldstone Drive

East Greenwich, RI 02818-2064

(401) 885-0992

2	4
1 APPEARANCES:	1 I N D E X
2	2 EXHIBITS PAGE
3 FOR THE APPLICANT:	3 1 Minutes of Town Council meeting of 18
4	August 5, 2013
5 ADLER POLLOCK & SHEEHAN, P.C.	4 2 Minutes of Town Council meeting of 18
6 BY: ALAN M. SHOER, ESQUIRE	5 September 18, 2013
7 JAMES A. HALL, ESQUIRE	6 3 Aerial photograph of Old Harbor 36
8 ONE CITIZENS PLAZA	7 4 Charles Donadio e-mail to Paul Filippi, 49
9 PROVIDENCE, RI 02903-1345	June 5, 2015
10	8
11 FOR THE INTERVENORS:	5 Memorandum of Understanding 52
12 MEROLLA & ACCELTURO	9
13 BY: KATHERINE A. MEROLLA, ESQUIRE	10
14 469 CENTERVILLE ROAD, SUITE 206	11
15 WARWICK, RI 02886	12
16	13
17 SCHACHT & McELROY	14
18 BY: MICHAEL McELROY, ESQUIRE	15
19 P.O. BOX 6721	16
20 PROVIDENCE, RI 02940-6721	17
21	18
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3	5
1 I N D E X	1 CHARLES ANTHONY DONADIO, JR.,
2 WITNESS PAGE	2 having been first duly sworn, was deposed and
3 CHARLES ANTHONY DONADIO, JR.	3 testified as follows:
4 EXAMINATION BY MS. MEROLLA 5	4 COURT REPORTER: Would you state your
5 EXAMINATION BY MR. McELROY 72	5 name, please.
6 EXAMINATION BY MS. MEROLLA 134	6 THE WITNESS: Charles Anthony Donadio,
7	7 Jr., D-O-N-A-D-I-O.
8	8 EXAMINATION
9	9 MS. MEROLLA: This is the deposition of
10	10 Charles Donadio in the matter currently pending
11	11 before the State of Rhode Island, Division of
12	12 Public Utilities and Carriers known as In Re:
13	13 Rhode Island Fast Ferry, Inc., Docket No. D-13-51.
14	14 Q. Mr. Donadio, I'm going to ask you a
15	15 series of questions and so will Mr. McElroy.
16	16 If at any time you don't understand one of
17	17 our questions or you would like to have the
18	18 question repeated, please do so.
19	19 Do you understand?
20	20 A. I do.
21	21 Q. Now, we do have a stenographer here
22	22 today which means that rather than nod or shake
23	23 your head, you need to speak your answers out loud
24	24 so that she can get the information. All right?
25	25 A. Okay.

<p>6</p> <p>1 MR. SHOER: That was a test.</p> <p>2 THE WITNESS: Just checking.</p> <p>3 Q. And please remember that even though</p> <p>4 she's the best stenographer that there is, she</p> <p>5 can't get us both if you're talking at the same</p> <p>6 time that I'm talking, so please try to wait until</p> <p>7 I finish my question before you respond and until</p> <p>8 Mr. McElroy finishes his question.</p> <p>9 A. Okay.</p> <p>10 Q. You understand?</p> <p>11 A. Yes.</p> <p>12 Q. What's your complete name, full name?</p> <p>13 A. Charles Anthony Donadio, Jr.</p> <p>14 Q. And where do you reside?</p> <p>15 A. Narragansett, Rhode Island.</p> <p>16 Q. What's the address there?</p> <p>17 A. 66 Ninigret Road, N-I-N-I-G-R-E-T, Road.</p> <p>18 Q. Have you ever had your deposition taken</p> <p>19 before?</p> <p>20 A. I have.</p> <p>21 Q. In what types of matters?</p> <p>22 A. I don't remember. It's been a long</p> <p>23 time.</p> <p>24 Q. How long do you think?</p> <p>25 A. Might have been a traffic -- an accident</p>	<p>8</p> <p>1 Q. All right. And background question:</p> <p>2 Have you ever been convicted of a felony within</p> <p>3 the last 10 years or a misdemeanor within the last</p> <p>4 five years?</p> <p>5 A. No, I have not.</p> <p>6 Q. Okay. After you graduated from college,</p> <p>7 where did you work?</p> <p>8 A. I was employed by the Town of</p> <p>9 Narragansett. I worked for a family business for</p> <p>10 a little while.</p> <p>11 Q. Did the business involve public utility</p> <p>12 carriers?</p> <p>13 A. No.</p> <p>14 Q. Okay. What kind of business was it?</p> <p>15 A. It was a pet health-care company.</p> <p>16 Q. How long did you work in that business?</p> <p>17 A. About one year.</p> <p>18 Q. And after that, where did you go to</p> <p>19 work?</p> <p>20 A. I purchased the Southland River Boat.</p> <p>21 Q. Say the name again.</p> <p>22 A. The Southland River Boat.</p> <p>23 Q. When did you purchase that boat?</p> <p>24 A. In 1995.</p> <p>25 Q. And what was the purpose of purchasing</p>
<p>7</p> <p>1 I was involved in regarding something. I don't</p> <p>2 remember. It was so long ago.</p> <p>3 Q. Okay. Any other depositions pertaining</p> <p>4 to public utility matters?</p> <p>5 A. I don't remember if we had any in the</p> <p>6 previous rate case -- in the previous case with</p> <p>7 Island High Speed Ferry. I don't think we</p> <p>8 actually had a deposition.</p> <p>9 Q. How long ago was that that case?</p> <p>10 A. 1998 to 2001. Several years.</p> <p>11 Q. Okay. Are you taking any type of</p> <p>12 medication today that would prevent you from</p> <p>13 understanding my questions and answering them</p> <p>14 truthfully?</p> <p>15 A. No.</p> <p>16 Q. What's your date of birth?</p> <p>17 A. August 27th, 1968.</p> <p>18 Q. And could you briefly tell us your</p> <p>19 educational background?</p> <p>20 A. Graduated from Narragansett High School</p> <p>21 in 1986 and went to University of Rhode Island.</p> <p>22 Graduated in 1992. And that's it.</p> <p>23 Q. Okay.</p> <p>24 A. Graduated a political science major,</p> <p>25 minor in history.</p>	<p>9</p> <p>1 the Southland?</p> <p>2 A. To operate it, carry passengers, and run</p> <p>3 a business.</p> <p>4 Q. All right. And did you run a business</p> <p>5 with that vessel?</p> <p>6 A. Yes, I did.</p> <p>7 Q. Where was that business located?</p> <p>8 A. In Galilee.</p> <p>9 Q. And how long did you operate that</p> <p>10 business for?</p> <p>11 A. I operated it through 2007, at which</p> <p>12 time I sold the company.</p> <p>13 Q. So was it operated continuously from</p> <p>14 1995 to 2007?</p> <p>15 A. Yes. The boat actually operated for</p> <p>16 many more years prior to that as well but I was</p> <p>17 the new owner.</p> <p>18 Q. Did that vessel carry passengers for</p> <p>19 hire?</p> <p>20 A. Yes, it did.</p> <p>21 Q. All right. Where did it operate to?</p> <p>22 A. Actually shared the dock with Interstate</p> <p>23 Navigation and toward the Great South Pond through</p> <p>24 the breachway along Galilee. It's about an</p> <p>25 eleven-mile route.</p>

<p style="text-align: right;">10</p> <p>1 Q. And at the time it was sold in 2007, 2 what points on Block Island was it operating to? 3 A. That boat never operated on Block 4 Island. 5 Q. Where did it go? 6 A. It operated around the Point Judith Pond 7 and the Harbor of Refuge. 8 Q. Okay. And after you sold that business 9 in 2007, what business did you engage in? 10 A. Well, I started up another business 11 prior to selling that one. Actually several 12 businesses prior to selling that one. 13 Q. What were those? 14 A. Island High Speed Ferry, high speed 15 ferry service to Block Island. 16 Q. Now the Island High Speed Ferry Service, 17 when did that come into being? 18 A. I think the application was around 1998. 19 Went on for several years. At least two or three 20 years, maybe four. I don't remember. It was a 21 while ago. 22 And then it went online in 2001 was -- was 23 the first year of service after building the 24 brand-new high-speed catamaran for it. 25 Q. Okay. What was the name of that</p>	<p style="text-align: right;">12</p> <p>1 Division? 2 A. Yes. 3 Q. How many ferries does Rhode Island Fast 4 Ferry own? 5 A. At this point in time, two. 6 Q. And what are those? 7 A. The Millennium and the Ava Pearl. 8 Q. What year was the Millennium built? 9 A. 1998. 10 Q. Is the Millennium currently being used? 11 A. Yes, it is. 12 Q. What does it do? 13 A. I have it under a charter with the 14 government of Bermuda. 15 Q. With the government of Bermuda you said? 16 A. Yes. 17 Q. For what period of time is that under 18 charter? 19 A. It's under charter through the end of 20 September. 21 Q. And what is your plan after the end of 22 September in terms of what you are going to do 23 with the Millennium? 24 A. I have not determined that yet. 25 Q. Okay. Then the other vessel you</p>
<p style="text-align: right;">11</p> <p>1 catamaran? 2 A. The Athena, A-T-H-E-N-A. 3 Q. And where did the Athena operate to and 4 from? 5 A. It operated from the South Dock State 6 Pier, the same dock that Interstate Navigation 7 uses, and ran into Cliff Payne's dock in New 8 Harbor. 9 Q. Did the Athena run continuously from 10 1998 to -- well, you said the application was in 11 1998, so let me strike that. 12 What years did the Athena operate? 13 A. I -- I operated it for two years and 14 then I sold my ownership interest to start another 15 company. 16 Q. Okay. 17 A. It is still operating today. 18 Q. What company did you start at that time? 19 A. In 2003 I started Rhode Island Fast 20 Ferry, Incorporated. 21 Q. Okay. And that is the same Rhode Island 22 Fast Ferry that is seeking the application before 23 the Division? 24 A. Yes. 25 Q. Seeking the certificate before the</p>	<p style="text-align: right;">13</p> <p>1 mentioned was the Ava Pearl. What year was that 2 built? 3 A. 2012. 4 Q. And when did it begin operations? 5 A. July 2012. 6 Q. And where did it operate? 7 A. It currently operates between Quonset 8 Point and the island of Martha's Vineyard. 9 Q. How long has the Ava Pearl been 10 operating in that capacity? 11 A. This is its third season. 12 Q. Is that a seasonal passenger ferry 13 service? 14 A. Yes, it is. 15 Q. When does it operate from in terms of 16 the time in the year? 17 A. It operates between May through October. 18 Q. And how often does it run to Martha's 19 Vineyard? 20 A. Anywhere from two to four round trips a 21 day. 22 Q. Is that dependent on demand? 23 A. That's dependent on seasonal demand. 24 Correct. 25 Q. And if the Division issues the</p>

<p style="text-align: right;">14</p> <p>1 certificate, are you planning on using the Ava 2 Pearl to operate to Block Island? 3 A. I haven't determined that yet. 4 Q. Okay. Are you planning on using the 5 Millennium to operate to Block Island? 6 A. I haven't determined that yet. 7 Q. You are aware of the fact that you filed 8 in response to the Town of New Shoreham's Data 9 Request certain information. You are aware of 10 that? 11 A. Yes. 12 Q. And most recently you filed a document 13 entitled Rhode Island Fast Ferry, Inc. 14 Supplemental Responses to the Town of New 15 Shoreham's First Set of Data Requests. Are you 16 aware of that? 17 A. Yes. 18 Q. Well, the first question -- what was 19 asked inquired as to: "State the following as to 20 each ferry RIFF plans to operate to Block Island." 21 And during this course of this deposition, when I 22 refer to "RIFF," you understand that I'm referring 23 to the Rhode Island Fast Ferry, correct? 24 A. Yes. 25 Q. And in your response to the question as</p>	<p style="text-align: right;">16</p> <p>1 A. Possibility of one of them being used or 2 a new boat being built for that service as well. 3 Q. And if you use or were to use the Ava 4 Pearl, would that be taken off the route to 5 Martha's Vineyard? 6 A. There could be a possibility of sharing 7 the vessels between the routes or using the 8 Millennium on the Vineyard route or using the 9 Millennium on the Block Island route. 10 Again, it depends on the timing of the 11 approval of the license, if that happens, or 12 possibly building a new boat that will be used 13 specifically for the Island, Block Island. 14 Q. Okay. If you were to build a new boat, 15 do you have an approximation as to what the 16 dimensions of that boat would be? 17 A. It would be within the parameters of 18 what those two vessels have. It wouldn't be 19 larger or smaller than the smallest boat or bigger 20 than the biggest boat. 21 Q. Now, we've just discussed the Ava Pearl 22 and the runs to Martha's Vineyard. 23 Have you operated any other ferries? 24 A. Well, I've operated the Athena. 25 Q. Okay. I'm talking about ones we haven't</p>
<p style="text-align: right;">15</p> <p>1 to which ferries are going to be operated by RIFF 2 to Block Island you gave two answers. The first 3 was the Millennium. 4 Are you testifying now that you don't know if 5 the Millennium is going to be used? 6 A. I have not determined which ferry will 7 be used because it depends on when the service or 8 if the service is approved which vessel is 9 available and the possibility of building a vessel 10 which has also been stated in the past. 11 Q. Okay. So when you were asked to state 12 each ferry RIFF plans to operate to Block Island 13 and you stated the Millennium and the Ava Pearl 14 and gave the dimensions, the number of engines, 15 the draft, the tonnage, are you saying now that 16 that might not happen that those two ferries are 17 going to be used? 18 A. Either one of them could be used. I 19 can't tell you today which one we'll actually use. 20 They both could probably share the route. Who 21 knows? It depends on when the application was 22 approved and the timing of the service starting 23 up. 24 Q. Well, is it your testimony that at least 25 one of them will be used?</p>	<p style="text-align: right;">17</p> <p>1 discussed. 2 A. No. 3 Q. What is your current job title with 4 Rhode Island Fast Ferry? 5 A. President/CEO. 6 Q. Who are the other officers? 7 A. There aren't any. 8 Q. So you are president, vice president, 9 treasurer and secretary? 10 A. Yes. 11 Q. What about the board of directors of the 12 company? Who are the directors of the company? 13 A. Me, myself and I. 14 Q. And who are the owners of the company? 15 A. Me. 16 Q. Solely? 17 A. Solely. 18 Q. How many employees does Rhode Island 19 Fast Ferry currently have? 20 A. It depends. It ranges depending on the 21 season but anywhere from 25 to 50. 22 Q. And what about right now, in June? 23 A. Probably somewhere in the 25 to 30. 24 We're still in the midst of hiring so the final 25 count...</p>

<p style="text-align: right;">18</p> <p>1 Q. Okay. I'm going to ask you some 2 questions about some presentations that were made 3 to the Block Island Town Council, and I'm 4 referring now to minutes which we'll mark as 5 Intervenor, I guess, Exhibit 1 and Intervenor 6 Exhibit 2. 7 (Whereupon, Intervenor's Exhibits No. 1 8 and No. 2 were marked.) 9 Q. Do you recall appearing before the Town 10 Council of the Town of New Shoreham on Monday, 11 August 5th, 2013? 12 A. Yes. 13 Q. And do you recall that at that time you 14 made a presentation to the council? 15 A. Yes. 16 Q. Now, at the time you made the 17 presentation, according to the minutes and tape, 18 you stated that your plan was to run a service to 19 Rhode Island docking in Old Harbor. Has that 20 changed? 21 A. Can you repeat the question? 22 MS. MEROLLA: Go ahead. 23 MR. McELROY: You said Rhode Island. 24 You meant Block Island. 25 MS. MEROLLA: I'll just repeat it.</p>	<p style="text-align: right;">20</p> <p>1 A. Fifteen to twenty minutes. 2 Q. In terms of passengers purchasing 3 tickets on the Block Island side, how do you 4 contemplate that will be accomplished? 5 A. There will not be any ticket sales on 6 Block Island. 7 Q. Where will the ticket sales come? 8 A. They will take place on the vessel. 9 Q. According to the information that you 10 provided to the council, you anticipated that the 11 ferry that would be operating would be 12 approximately 105 feet long with a beam of 32 to 13 33 feet. Has that changed? 14 A. That's the dimension of the Ava Pearl. 15 Q. And is your testimony that you 16 anticipate that whatever ferry you use will be 17 about that size? 18 A. It could be the Millennium which is 19 121 feet long. It's an extra 11 feet longer. Or 20 actually not 11 feet. Less than 10 feet longer. 21 Q. According to the information that you 22 provided, the Millennium is 110 feet long? 23 A. Oh, that's at the waterline, yes, 24 correct. You're right. 25 Q. Again, according to the information that</p>
<p style="text-align: right;">19</p> <p>1 THE WITNESS: I was a little confused. 2 Q. One of the things that you made 3 representation in your presentation to the council 4 was that you planned on running a summer-only 5 service docking in Old Harbor. Is that still your 6 plan? 7 A. Well, the -- the intent was to run into 8 Old Harbor, correct, but there's a possibility of 9 running into New Harbor as well. 10 Q. So that may change where you are going 11 to be, whether it's Old Harbor or New Harbor? 12 A. Yes. 13 Q. You also represented to the council that 14 you thought the ferry would be at the dock for 15 about an hour and a quarter per day. Has that 16 changed? 17 A. No, it has not. 18 Q. And how do you break up this hour and a 19 quarter per day? How many trips does that 20 involve? 21 A. Anywhere between two and four round 22 trips. 23 Q. How long do you anticipate that when the 24 Rhode Island Fast Ferry comes into Block Island it 25 will remain at a dock?</p>	<p style="text-align: right;">21</p> <p>1 you provided to the council, the passenger 2 capacity would be between 150 and 300 people. Has 3 that changed at all? 4 A. No. 5 Q. What is the capacity of the Millennium? 6 A. 400 passengers. 7 Q. And what is the capacity of the Ava 8 Pearl? 9 A. 150 passengers. 10 Q. So when you testified -- when you in 11 your presentation said between 150 and 300, is it 12 fair to say it could be as many as 400 passengers 13 if the Millennium is used? 14 A. No, it could not. 15 Q. Why is that? 16 A. Because when you factor in luggage and 17 passenger comfort, you don't want to go to the 18 maximum on the capacity of the vessel. 19 Q. What is the maximum capacity that you 20 would use in terms of passengers on the 21 Millennium? 22 A. Probably 300. 23 Q. And what about the Ava Pearl? 24 A. 150. 25 Q. So the same number of people as the</p>

<p style="text-align: right;">22</p> <p>1 capacity?</p> <p>2 A. Yes.</p> <p>3 Q. So there's no accounting for luggage in</p> <p>4 that calculation?</p> <p>5 A. It's a different type of boat. It was</p> <p>6 built -- custom built to handle luggage and it's</p> <p>7 extra large so it's really factored into the size</p> <p>8 of the boat.</p> <p>9 Q. What else would the Rhode Island Fast</p> <p>10 Ferry carry besides passengers to and from Block</p> <p>11 Island?</p> <p>12 A. Luggage, bikes, pets.</p> <p>13 Q. Anything else?</p> <p>14 A. No.</p> <p>15 Q. Would it carry motorcycles?</p> <p>16 A. No.</p> <p>17 Q. Would it carry freight?</p> <p>18 A. No.</p> <p>19 Q. And when you say "luggage," what would</p> <p>20 be the limit on luggage that a passenger could</p> <p>21 take?</p> <p>22 A. That's on a case-by-case basis.</p> <p>23 Q. Well, what is it now to Martha's</p> <p>24 Vineyard?</p> <p>25 A. It depends on the trip, how busy we are,</p>	<p style="text-align: right;">24</p> <p>1 would be two to three round trips per day from</p> <p>2 Memorial Day to Columbus Day. Does that continue</p> <p>3 to be your plan?</p> <p>4 A. Two to three. There could be an</p> <p>5 occasional four -- a four-round-trip day depending</p> <p>6 on peak periods.</p> <p>7 Q. And do you have a schedule of when you</p> <p>8 believe that the ferry will run?</p> <p>9 A. I have not assembled an exact schedule</p> <p>10 at this point in time, no.</p> <p>11 Q. Would there be at the Quonset Point</p> <p>12 departure place a parking facility for passengers?</p> <p>13 A. Yes.</p> <p>14 Q. And would there be an on -- on the</p> <p>15 mainland ticket terminal there?</p> <p>16 A. I don't understand the question.</p> <p>17 Q. Would they buy the tickets on the boat</p> <p>18 or in a facility at a terminable at Quonset Point?</p> <p>19 A. They will buy their tickets online</p> <p>20 and/or in person in a ticket building at Quonset</p> <p>21 Point.</p> <p>22 Q. According to the presentation you made</p> <p>23 to the council, you anticipate running down the</p> <p>24 West Passage sometimes through Newport. Does that</p> <p>25 still continue to be the plan?</p>
<p style="text-align: right;">23</p> <p>1 to be honest with you.</p> <p>2 Q. There is no weight limit?</p> <p>3 A. No.</p> <p>4 Q. Or size limit?</p> <p>5 A. No.</p> <p>6 Q. Do you charge extra for the larger</p> <p>7 packages or freight or -- well, you said not</p> <p>8 freight -- luggage?</p> <p>9 A. It's not yet -- it's not -- we will not</p> <p>10 be shipping freight per se. If it's luggage,</p> <p>11 sometimes people who go to the Island for an</p> <p>12 extended period of time might show up with a</p> <p>13 truckful of luggage and we'll take it on a</p> <p>14 case-by-case basis and may end up charging them a</p> <p>15 small surcharge for the handling of that luggage</p> <p>16 if it's not a busy trip and it's not too excess</p> <p>17 luggage for the passengers.</p> <p>18 Q. What is the current charge for</p> <p>19 additional luggage?</p> <p>20 A. We don't have a policy. It's case by</p> <p>21 case. We do not charge for luggage right now.</p> <p>22 Q. At all?</p> <p>23 A. No.</p> <p>24 Q. Now, according to the presentation that</p> <p>25 you made to the council, you estimated that there</p>	<p style="text-align: right;">25</p> <p>1 A. Yes.</p> <p>2 Q. And we're talking about the West</p> <p>3 Passage, Jamestown -- between Jamestown and</p> <p>4 Newport?</p> <p>5 A. West Passage is under the Jamestown</p> <p>6 Bridge.</p> <p>7 Q. And how long a period of time do you</p> <p>8 anticipate the trip from Quonset to Block Island</p> <p>9 will be?</p> <p>10 A. Do you mean how many minutes?</p> <p>11 Q. Yes. How many minutes?</p> <p>12 A. Approximately 50.</p> <p>13 Q. And what do you estimate the ticket</p> <p>14 price will be?</p> <p>15 A. It was in the \$50 range. I believe I</p> <p>16 put that in my testimony prior.</p> <p>17 MS. MEROLLA: Okay. This is Intervenor</p> <p>18 Town of New Shoreham 1 and this is Intervenor Town</p> <p>19 of New Shoreham 2.</p> <p>20 MR. SHOER: May I just ask -- I'll just</p> <p>21 make a point on the record. There appears to be</p> <p>22 some highlighting done on the exhibit. I don't</p> <p>23 know if that needs to be -- if that's --</p> <p>24 MS. MEROLLA: That's just the part that</p> <p>25 pertains to the ferry, so for the purpose of all</p>

<p style="text-align: right;">26</p> <p>1 of us looking at it, we don't have to read through  2 every item that was before the council.  3 MR. SHOER: Okay.  4 BY MS. MEROLLA:  5 Q. Now, do you recall being before the  6 council, Town Council of New Shoreham on  7 September 18th, 2013?  8 A. Yes, I do.  9 Q. And at that time you also made a  10 presentation; do you recall?  11 A. Yes, I do.  12 Q. Now, part of this presentation -- and  13 you made the representation that you had consulted  14 with Interstate Navigation about the use of Rhode  15 Island Fast Ferry at its docks in Old Harbor. Do  16 you remember doing that?  17 A. Yes.  18 Q. All right. And did you have a  19 conversation with Interstate Navigation regarding  20 the use of its dock at Old Harbor?  21 A. Well, I -- I called Cross Sound Ferry.  22 I didn't talk to Interstate Navigation.  23 Q. So when you say Interstate Nav will not  24 allow Rhode Island High Speed Ferry to use its  25 docks, where did that information come from?</p>	<p style="text-align: right;">28</p> <p>1 BY MS. MEROLLA:  2 Q. When did that conversation take place?  3 A. I don't recall the exact date but it was  4 probably late spring of 2013.  5 Q. Did you have any written communication  6 or was it all oral?  7 A. Telephone call.  8 Q. Just one phone call?  9 A. Yes.  10 Q. And what did Mr. Wronowski say at that  11 time?  12 A. Unfortunately I can't rent you,  13 something in those terms. I don't remember  14 exactly what he said but --  15 Q. Now, at the time that you made the  16 presentation on September 18th, 2013, do you  17 recall that you made a request to the Town with  18 respect to the Town applying for a grant?  19 A. Yes.  20 Q. And what did you ask the Town to do at  21 that time?  22 A. I said it would be in the Town of New  23 Shoreham's best interest to own their own dock,  24 which they could dock other ferries as well as  25 mine, where the old Mount Hope Dock used to be and</p>
<p style="text-align: right;">27</p> <p>1 A. That's the company from Connecticut that  2 owns the dock.  3 MR. McELROY: I think maybe it would  4 help if I put a clarification on the record.  5 MS. MEROLLA: Sure. Go right ahead.  6 MR. McELROY: Interstate Navigation  7 Company doing business as the Block Island Ferry  8 operates the ferries from Point Judith and Newport  9 to Block Island.  10 Interstate Nav which recently had its  11 name changed to Intrastate Nav is a separate  12 corporation that owns the entire acreage on Block  13 Island that includes the docking facilities on  14 Block Island. Separate business.  15 BY MS. MEROLLA:  16 Q. So for the sake of clarity, we'll refer  17 to it as Intrastate Nav. Who at Intrastate Nav  18 did you discuss the use of their dock with?  19 A. Adam Wronowski.  20 MS. MEROLLA: I'm sorry. Do you want  21 the spelling of that? Go ahead.  22 THE WITNESS: I don't know how to spell  23 it.  24 MR. McELROY: I can do it. Adam  25 Wronowski, W-R-O-N-O-W-S-K-I.</p>	<p style="text-align: right;">29</p> <p>1 we could apply as a joint applicant under my  2 company since I qualified and would qualify the  3 Town for federal funds to pay for 80 percent of a  4 dock to be built.  5 I don't remember the exact grant. It's  6 probably in the actual minutes.  7 Q. So is it fair to say at that time in  8 September of 2013, your plan was to have a dock  9 constructed with the assistance of the Town?  10 A. I was hopeful that the Town would like  11 the idea of owning their own dock to control some  12 ferry services coming and going from the Town so I  13 presented them with an option to help finance and  14 pay for that dock.  15 Q. And according to the information that  16 you have received to date, the Town is not going  17 along with that proposal, correct?  18 A. No. They decided at the meeting that  19 they didn't have any interest because at the time  20 the council members that were there -- I know it's  21 changed since then -- didn't believe that that was  22 an actual feasible option.  23 I did tell them if they didn't want to do  24 that, I was going to apply for myself, which I  25 did, and I got the grant and we're paving our</p>

<p style="text-align: right;">30</p> <p>1 entire parking lot with it which could have been 2 used to build that dock.</p> <p>3 Q. There are certain quotes in the minutes 4 from you during that presentation.</p> <p>5 According to your presentation, you related 6 that you wanted a positive relationship with the 7 Town. Do you recall saying that?</p> <p>8 A. Yes, I do. Back in early spring of 2013 9 I met in this very room with Nancy Dodge and Kim 10 Gaffett and let them know what my plan was to say 11 that my -- my hope was to have the Town support 12 this type of concept to bring in another ferry 13 service, and at the time they had led me to 14 believe that things have changed on the Island and 15 there will be some positive response to it and 16 things could be different now than they were many, 17 many years ago. So my intention was to garner 18 support of the Town Council and begin this 19 project.</p> <p>20 Q. Do you also recall representing to the 21 council that you would not go through the process 22 without the Town as a partner and that, quote, "He 23 is not going to force a ferry service on the 24 Island." Do you recall making that representation 25 to the council?</p>	<p style="text-align: right;">32</p> <p>1 by the harbormaster of the Town of New Shoreham 2 with respect to this matter?</p> <p>3 A. I read it, yes. It was a while ago.</p> <p>4 Q. Okay. Have you reviewed his concerns 5 regarding the safety of having another ferry in 6 Old Harbor?</p> <p>7 THE WITNESS: Can you point that out to 8 me?</p> <p>9 MS. MEROLLA: Let's go over what he 10 said.</p> <p>11 MR. SHOER: Do you have a copy? I have 12 a copy here with me, Kathy.</p> <p>13 MS. MEROLLA: Sure. I have it too.</p> <p>14 THE WITNESS: Can I have a copy so I can 15 look at it?</p> <p>16 MR. SHOER: Sure.</p> <p>17 Q. Okay. According to the testimony of the 18 harbormaster --</p> <p>19 MR. SHOER: Can you make a point of 20 reference for us?</p> <p>21 MS. MEROLLA: You have it. It's 6 -- 22 well, you know what? I don't have the page. It's 23 not very long. It's right after his 24 qualifications.</p> <p>25 I'm just going to quote. I think it</p>
<p style="text-align: right;">31</p> <p>1 A. I do remember making that statement, 2 yes.</p> <p>3 If I didn't have the full council -- I was 4 looking to get support from the council. I did 5 get some -- some support from the council, and 6 also support from the Tourism Council.</p> <p>7 Q. So despite the fact that the council 8 voted not to support it, you've made the 9 determination to move forward, correct?</p> <p>10 A. I have made a determination to move 11 forward based on support from the Tourism Council 12 and at the time I believed that the current 13 council didn't best represent everybody on the 14 Island, the businesses and all the residents, and 15 I had made a determination to move forward with 16 the license, yes.</p> <p>17 Q. So you changed your mind?</p> <p>18 A. Basically I've changed my mind based on 19 the facts and my business decisions.</p> <p>20 Q. Was it your intention to move forward 21 with the application regardless of what the 22 council did?</p> <p>23 A. I made a determination after the council 24 meeting. It wasn't something I predetermined, no.</p> <p>25 Q. Have you reviewed the testimony supplied</p>	<p style="text-align: right;">33</p> <p>1 would be simpler rather than read the whole thing.</p> <p>2 Q. According to the testimony of the 3 harbormaster, he has a great concern that the 4 over -- overall use of the Old Harbor and the 5 addition of another ferry in terms of safety. 6 What is your response to that concern?</p> <p>7 A. I do not agree.</p> <p>8 Q. He has a concern that another ferry 9 service will cause an already extremely busy 10 mixed-use harbor to become -- that it will pose a 11 threat to safety. Do you have a response to that?</p> <p>12 A. I do not agree. I mean, the Islander 13 started running in there two years ago and there 14 was no concern over that.</p> <p>15 Q. So you don't believe that the 16 harbormaster has made a correct assessment of the 17 safety -- of the safety concerns?</p> <p>18 A. I believe that he has not made the 19 correct statement regarding safety concerns, yes.</p> <p>20 MR. SHOER: Kathy, just for the record, 21 what page was that testimony from?</p> <p>22 MS. MEROLLA: I don't have the page.</p> <p>23 MR. SHOER: You don't have a page 24 number?</p> <p>25 MS. MEROLLA: No, I don't have a page</p>

<p style="text-align: right;">34</p> <p>1 number but it was not very long.  2 MR. SHOER: I know it was short  3 testimony.  4 Q. So when the harbormaster concludes that  5 it is my professional opinion with many years of  6 experience as a captain and as the Block Island  7 harbormaster that the addition of the RIFF ferries  8 in the Old Harbor of Block Island will pose a  9 serious public safety hazard, you don't agree with  10 that conclusion?  11 A. I do not.  12 Q. Have you had your own assessment done in  13 terms of the potential implications on the safety  14 of the harbor by having an additional ferry  15 running into Old Harbor?  16 A. The environment that I currently operate  17 in at Oak Bluffs, the harbor entrance is half as  18 wide and half the size with probably 10 times the  19 amount of boats, so my experience and my captains'  20 experience in operating in small harbors with a  21 lot of traffic -- that harbor is wide open and  22 there's plenty of room for more boats to go in  23 there.  24 Q. Okay. Listen to my question. I asked  25 if you have had an independent assessment done</p>	<p style="text-align: right;">36</p> <p>1 moving forward with finding a dock?  2 A. I'm -- I'm going -- at any point in time  3 in the future. I -- I can't tell you the exact  4 date that it may happen but I'm looking to dock  5 somewhere on the Island.  6 Q. Do you plan to have a location for the  7 boat, that being the Rhode Island Fast Ferry boat,  8 to dock prior to the hearing which the Division  9 will schedule in this matter?  10 A. I don't know.  11 MS. MEROLLA: I'm going to show you an  12 aerial photograph of Old Harbor which we will mark  13 as Intervenor's Exhibit 3 for identification.  14 (Whereupon, Intervenor's Exhibit No. 3  15 was marked.)  16 MS. MEROLLA: I know you've seen it  17 already but...  18 BY MS. MEROLLA:  19 Q. Would you take a moment just to review  20 that aerial photograph, please?  21 A. I'm very familiar with it.  22 Q. Good. So let's first establish you have  23 no plans at this time or is it fair to say that  24 you have no plans at this time to construct a dock  25 in Old Harbor, correct?</p>
<p style="text-align: right;">35</p> <p>1 regarding the safety concerns.  2 A. I have my own personal experience of  3 operating my vessels in and out of New Harbor,  4 Block Island, as well as Oak Bluffs in Martha's  5 Vineyard with much more traffic and much larger  6 vessels. That's my own assessment.  7 Q. So it's fair to say the answer to my  8 question is no, you have not had?  9 A. I have not actually hired someone to do  10 an assessment, no.  11 Q. What is your plan for moving and  12 directing passengers from the -- I'm talking now  13 on the Block Island side -- from the RIFF ferry to  14 the Island?  15 A. Well, there's no plan yet because there  16 isn't an actual determined location to dock the  17 boat.  18 Q. Okay. So it's fair to say you have no  19 plan in place because you have no dock to dock the  20 boat at at this time?  21 A. I don't physically have a lease for a  22 dock space at this time but I am planning to move  23 forward to hopefully locate a dockage for this  24 ferry going forward at some point.  25 Q. Okay. And when are you planning on</p>	<p style="text-align: right;">37</p> <p>1 A. Unless the Town wants to.  2 Q. I'm asking whether you have any specific  3 plans at this time to construct a dock for the use  4 of the RIFF ferries in Old Harbor.  5 A. My company doesn't have any plans to  6 construct a dock.  7 Q. Does your company, RIFF, have any plans  8 to construct a dock in New Harbor?  9 A. No.  10 Q. Does your company have a plan to  11 construct a dock at any location on the Island of  12 Block Island?  13 A. No.  14 Q. So with respect to Old Harbor, you said  15 you are very familiar with this. Let's take the  16 docks one at a time, and as you can see as  17 indicated on Town of New Shoreham Intervenor's  18 Exhibit 3, there are four docks labels. Do you  19 see that?  20 A. Yes.  21 Q. The one labeled No. 1, do you know what  22 dock that is?  23 A. Yes.  24 Q. Okay. What dock is that?  25 A. That's the Interstate Navigation's dock.</p>

<p style="text-align: right;">38</p> <p>1 Q. And is it fair to say that that is not 2 an option for Rhode Island Fast Ferry to dock at 3 that dock? 4 A. No. 5 Q. No, it's not fair to say? 6 A. It's not an option to dock there, no. 7 Q. So we've eliminated that dock. What is 8 the second dock? 9 A. That's also Interstate Nav dock. 10 Q. Okay. And is it fair to say as well 11 that use of that dock which is identified as No. 2 12 on Exhibit 3 for the use of RIFF ferries is also 13 not an option; is that correct? 14 A. As of last spring in 2013, that's 15 correct. 16 Q. Okay. And this dock which is identified 17 on Exhibit 3 as Dock No. 4, whose dock is that? 18 A. I think it's the Army Corps of 19 Engineers, isn't it? 20 Q. I'm just asking you. 21 A. I believe it's the Army Corps of 22 Engineers. 23 Q. And have you had any conversations with 24 the Army Corps of Engineers with respect to that 25 dock?</p>	<p style="text-align: right;">40</p> <p>1 Shoreham is the -- the -- again, I don't remember 2 the terminology he used but I'd have to get 3 consent from the Town to be able to use that dock. 4 Q. And it's fair to say that you have not 5 received consent from the Town of New Shoreham to 6 dock Rhode Island Fast Ferry ferries at Dock 7 No. 4, correct? 8 A. Correct. 9 Q. Now, Dock No. 3, how would you -- do you 10 know what that dock is? 11 A. Right here? 12 Q. Right here. Dock No. 3 on Exhibit 3. 13 A. Okay. Yes. 14 Q. Whose dock is that? 15 A. Ballard's. 16 Q. Have you had conversations with any 17 representative of Ballard's with respect to use of 18 that dock? 19 A. I put that in my testimony. 20 Q. Can you answer the question, please? 21 A. Yes, I did. I had enclosed an e-mail 22 attachment discussing the possible use of that 23 location. 24 Q. When is the first time you had -- strike 25 that.</p>
<p style="text-align: right;">39</p> <p>1 A. I did in the past, yes. 2 Q. And when did those take place? 3 A. I don't remember. It's in my testimony. 4 Q. About how long ago? 5 A. Probably sometime in 2013. 6 Q. Do you know who you spoke to at the Army 7 Corps of Engineers? 8 A. I don't remember his name, no. 9 Q. What would you do if you had to find 10 out? 11 A. I'd probably have to make some phone 12 calls to find out who I talked to but it was 13 several years ago. 14 Q. And did you request permission from the 15 Army Corps of Engineers to dock your vessels on 16 Dock No. 4 as indicated on Exhibit 3? 17 A. I asked them what would be the -- how 18 could you go about using the dock. That's what I 19 asked him. 20 Q. Did he indicate whether or not the Army 21 Corps had the ability to give consent to Rhode 22 Island Fast Ferry to use that dock? 23 A. I don't remember his exact words. 24 Q. What do you remember? 25 A. He just said that the Town of New</p>	<p style="text-align: right;">41</p> <p>1 Do you know who the actual owner of the dock 2 is? 3 A. I believe it's Ballard's. 4 Q. But you don't know anything more than 5 that in terms of who the actual owner is? 6 A. No. 7 Q. Have you had -- when was the first time 8 you had any written or oral communication with any 9 representative of Ballard's concerning the use by 10 Rhode Island Fast Ferry of Dock No. 3? 11 A. I'd have to reference my testimony 12 because I don't remember the exact date. 13 Q. Was it -- I'm not looking for the exact 14 date. Was it two years ago, a year ago? 15 Approximately when? 16 A. I would have to reference my testimony 17 to give you the exact date. This has been two 18 years ago. 19 Q. Well, there's no date in your testimony. 20 A. Then there is a date on the e-mail I 21 believe, right? 22 Q. Was the e-mail the first time you had 23 communication with a representative of Ballard's? 24 A. No. 25 Q. When was the first time approximately?</p>

<p style="text-align: right;">42</p> <p>1 A. I -- I'm friends with Paul Filippi and  2 I've been friends with him for about 12 years so I  3 talk to him quite a bit throughout the year and  4 not about docks; about other things as well.  5 Q. Well, I'm not concerned about your  6 conversations with him that are not about docks.  7 When is the first time that you had a  8 discussion with him, whether it was one year ago,  9 two years ago, 15 months ago, about the use of  10 Dock No. 3 on Exhibit 3 by Rhode Island Fast  11 Ferry?  12 A. Again, it's in my testimony. I'm not  13 going to sit here and say a date that's incorrect.  14 So we can reference it, I can give you the exact  15 date because I don't want to say it was a certain  16 month and then it comes back and say, well, you  17 said this month. I don't remember without looking  18 at my testimony.  19 Q. The only date we have is your e-mail.  20 A. Uh-huh.  21 Q. You said you had conversations with him  22 before this e-mail. When did those take place?  23 A. No, I have conversations with him quite  24 often because I'm friends with him.  25 Q. I'm asking you to focus now on</p>	<p style="text-align: right;">44</p> <p>1 conversations with Mr. Filippi in the pre-filed  2 direct testimony, correct?  3 A. Correct.  4 MR. SHOER: And that's the pre-filed  5 direct testimony, right?  6 MS. MEROLLA: Correct.  7 THE WITNESS: It might have been  8 Interstate's rebuttal data request. I don't  9 remember.  10 MS. MEROLLA: So do you happen to have  11 there the most recent document Rhode Island Fast  12 Ferry, Inc. Supplemental Responses to the Town of  13 New Shoreham's First Set of Data Requests which  14 incorporates the original responses?  15 MR. SHOER: I do.  16 MS. MEROLLA: Could you please provide  17 those to Mr. Donadio?  18 MR. SHOER: Sure.  19 A. So what the issue is -- yeah, that's the  20 other one.  21 Q. Okay. Let's just cut to the chase. I'm  22 going to refer to answer to Town of New Shoreham  23 I-116.  24 A. What page?  25 Q. That's on my Page 6. With respect to</p>
<p style="text-align: right;">43</p> <p>1 conversations --  2 A. Is this my e-mail?  3 Q. -- with Paul Filippi regarding the use  4 of Dock No. 3 as shown on Exhibit 3.  5 A. This is the wrong e-mail. It's my  6 pre-filed direct testimony. The e-mail's in that.  7 MR. SHOER: Can I show you the pre-filed  8 direct testimony?  9 MS. MEROLLA: You may do that.  10 MR. SHOER: Maybe that will help.  11 THE WITNESS: I don't know which e-mail  12 you're talking about. Now that makes it clear.  13 Q. Could you show me where in your  14 pre-filed testimony you refer to Mr. Filippi?  15 A. Was it in the data request? Wasn't it  16 in the data request?  17 Q. Take your time.  18 A. It might have been in the data request.  19 Q. Well, let's first talk about the  20 pre-filed testimony because I want to make sure I  21 have everything.  22 A. Uh-huh. It was in the data request I  23 think.  24 Q. All right. Just for the record, we're  25 going to establish there is no reference to</p>	<p style="text-align: right;">45</p> <p>1 Paul Filippi, your testimony indicates that you  2 had a few telephone -- casual telephone  3 conversations with Paul Filippi regarding possible  4 use of Ballard's pier for RIFF's proposed ferry  5 operation, and what I'm asking you is when did  6 those take place?  7 A. I can't give you exact dates but it  8 obviously took place before -- let me see here --  9 I can't find it.  10 MR. McELROY: In the interest of moving  11 this along, I will say I think the e-mail he's  12 referring to is attached to the original responses  13 to the Town's data request, and it appears to be  14 in e-mail from Paul Filippi to Mr. Donadio on  15 August 14th 2013. That's attached.  16 THE WITNESS: That's what I was looking  17 for.  18 MS. MEROLLA: I got that but I'm asking  19 about oral.  20 A. So if that was in August, it was  21 probably sometime in July.  22 Q. Of 2013?  23 A. In July of 2013. I had a couple of  24 casual conversations regarding this subject.  25 Q. Because this does -- this is prefaced by</p>

<p style="text-align: right;">46</p> <p>1 saying -- I will direct you to answer 1-16.  2 MR. McELROY: Kathy, you mean the  3 supplemental or the original?  4 MS. MEROLLA: Yes. The supplemental,  5 but they incorporate the original.  6 MR. McELROY: Okay.  7 BY MS. MEROLLA:  8 Q. I'm going to quote: "During 2012  9 Charles Donadio had a few casual telephone  10 conversations with Paul Filippi regarding possible  11 use of Ballard's pier for RIFF's proposed ferry  12 operations."  13 A. That is an error. It should be 2013.  14 Q. So it's supposed to be in 2013?  15 A. Correct.  16 Q. And were these conversations spring,  17 summer, winter, fall? When did they occur?  18 A. I believe it was in July of 2013.  19 Q. What was discussed during those  20 telephone conversations?  21 A. The possibility of docking at their  22 dock. I don't know what you call that dock.  23 Ballard's dock.  24 Q. Well, let's call it Ballard's or Dock  25 No. 3 because that's how it's identified on</p>	<p style="text-align: right;">48</p> <p>1 not permit the use of a ferry at Dock No. 3?  2 A. Presently, yes.  3 Q. Have you discussed the use of Dock  4 No. 3, that being the Ballard's dock, with any  5 other representative of Ballard's?  6 A. No.  7 Q. Have you had any written communication  8 with any other representative of Ballard's besides  9 Paul Filippi?  10 A. No.  11 Q. Now, in terms of written communications,  12 besides the e-mail, have there been any other  13 written communications?  14 A. No.  15 Q. Have you had any conversations with Paul  16 Filippi regarding the use of Dock No. 3 in the  17 year 2014?  18 A. The communication I had was sending him  19 an e-mail saying if he was interested in an MOU.  20 Q. And what -- which e-mail is that?  21 A. It's the one that's next to the one  22 that's attached to the one you gave me.  23 MR. McELROY: It's in the supplemental.  24 Q. This e-mail is from June 5th of 2015.  25 A. Correct.</p>
<p style="text-align: right;">47</p> <p>1 Exhibit 3.  2 A. Uh-huh.  3 Q. What was Mr. Paul Filippi's response to  4 your inquiry as to whether or not Rhode Island  5 Fast Ferry could dock at Dock No. 3?  6 A. I don't remember the exact conversation  7 but he had some interest.  8 Q. Okay. Without quoting exactly, what was  9 the substance of the discussion?  10 A. The substance was talking about bringing  11 a ferry in and possibly using his docking area.  12 Q. When you say Mr. Filippi had some  13 interest, what did he say that made you believe  14 that Filippi had an interest in you using Dock  15 No. 3?  16 A. I don't remember the exact language.  17 It's just the conversation was favorable.  18 Q. Did you and Mr. Filippi have a  19 conversation about CRMC approval for something  20 like that?  21 A. Yes. He mentioned that there is a  22 current assent on the books, yes.  23 Q. Was that in 2013?  24 A. Yes.  25 Q. Are you aware that the CRMC assent does</p>	<p style="text-align: right;">49</p> <p>1 Q. I'm asking now about 2014.  2 A. No.  3 Q. Did you have any written communication  4 with Mr. Filippi regarding the use of that dock in  5 2014?  6 A. No.  7 Q. Prior to June 5th of 2015, which is the  8 date of the e-mail --  9 A. Uh-huh.  10 MS. MEROLLA: And for purposes of  11 clarification, we are going to mark this as Town  12 of New Shoreham Intervenor's Exhibit No. 4.  13 (Whereupon, Intervenor's Exhibit No. 4  14 was marked.)  15 BY MS. MEROLLA:  16 Q. Prior to having this communication by  17 e-mail with Mr. Filippi on June 5th, 2015, did you  18 have any written communications with Paul Filippi  19 prior to June 5th of 2015 in the year 2015?  20 A. No.  21 Q. Have there been any other written  22 communications with Mr. Filippi in the year 2015?  23 A. No.  24 Q. Have there been any oral conversations  25 with Mr. Filippi in the year 2015?</p>

<p style="text-align: right;">50</p> <p>1 A. I've had many conversations.  2 Q. Regarding the use of Dock No. 3?  3 A. Very briefly before I sent the e-mail to  4 him.  5 Q. So you did have a conversation with him  6 in 2015, is that right, regarding Dock No. 3?  7 A. You just asked me the question if I had  8 a conversation prior to that e-mail and the answer  9 is yes.  10 Q. But that wasn't reported in your  11 responses to discovery, so please tell me when  12 that conversation happened.  13 A. It was a couple of days prior to sending  14 that e-mail.  15 Q. Did that conversation take place over  16 the phone or in person?  17 A. Over the phone.  18 Q. What prompted you to call him at that  19 time?  20 A. I asked him if I could send him a  21 document, an MOU.  22 Q. And that was --  23 A. He didn't return my call and I sent him  24 the e-mail. I left him a message.  25 Q. So did you actually speak to him?</p>	<p style="text-align: right;">52</p> <p>1 THE WITNESS: It's a little confusing.  2 BY MS. MEROLLA:  3 Q. Did Mr. Filippi ever speak to you,  4 Mr. Paul Filippi, in 2015 whether on the phone or  5 in person regarding use of Dock No. 3 by Rhode  6 Island Fast Ferry?  7 A. No.  8 MR. McELROY: Thank you.  9 Q. Have you ever submitted let's -- strike  10 that.  11 MS. MEROLLA: I'm going to mark as  12 Exhibit 5, Intervenor Town New Shoreham Exhibit  13 No. 5 a document entitled Memorandum of  14 Understanding.  15 (Whereupon, Intervenor's Exhibit No. 5  16 was marked.)  17 Q. Could you please take a look at that  18 document which we've marked as Town of New  19 Shoreham Intervenor Exhibit No. 5?  20 A. Okay.  21 Q. Have you seen that document before?  22 A. Yes, I have.  23 Q. Who wrote this document?  24 A. My attorneys.  25 Q. Did you ever have communication with</p>
<p style="text-align: right;">51</p> <p>1 A. I didn't physically talk to him about  2 that MOU. I sent -- I left him a message and  3 said, "Look, Paul, I'm going to send you an  4 e-mail, let me know what you think." And he  5 didn't respond to it.  6 Q. So is it fair to say that you have not  7 received any written communication from Paul  8 Filippi or any other representative of Ballard's  9 regarding Rhode Island Fast Ferry's use of Dock  10 No. 3 during the year 2015?  11 A. No.  12 Q. And is it fair to say that you have not  13 had any conversation, other than leaving a voice  14 mail message, with Paul Filippi or any other  15 representative of Ballard's with respect to the  16 use of Dock No. 3 in 2015?  17 A. Correct.  18 MR. McELROY: I don't mean to interrupt,  19 but the question prior to this was, is it fair to  20 say that you hadn't had any discussions, and the  21 answer was no, and I know that Mr. Donadio meant  22 he hadn't had any but the record will reflect that  23 he said no, it wasn't fair to say that.  24 So if you could reask that, I would  25 appreciate it.</p>	<p style="text-align: right;">53</p> <p>1 anyone, any representative of Ballard's,  2 concerning this document, Exhibit 5?  3 A. Can you repeat that question again?  4 Q. Other than the e-mail that you sent to  5 Paul Filippi regarding the memorandum of  6 understanding, have you received any communication  7 from any representative of Ballard's with respect  8 to the memorandum of understanding?  9 A. No, I have not.  10 Q. Do you, to your knowledge, expect to  11 receive any response from any representative of  12 Ballard's?  13 A. I have no idea.  14 Q. So it's fair to say then as of today's  15 date anyway, June 24th, the Rhode Island Fast  16 Ferry docking at Ballard's is not an option?  17 A. As of today, I do not have a lease for  18 that dock. That is correct.  19 Q. Now, with respect to Dock No. 4, that  20 being what we referred to as the Town Dock --  21 MR. SHOER: What number is that again,  22 Kathy?  23 MS. MEROLLA: What?  24 MR. SHOER: What dock number is that?  25 MS. MEROLLA: That's Dock No. 4, the</p>

<p style="text-align: right;">54</p> <p>1 Town Dock. Hold on. I'm just going to find it.  2 ( P A U S E )  3 THE WITNESS: Can I take a break?  4 MS. MEROLLA: Sure.  5 ( R E C E S S )  6 MS. MEROLLA: Okay. We're back on the  7 record.  8 BY MS. MEROLLA:  9 Q. With respect to Blake Filippi, have you  10 had any discussions with Blake Filippi concerning  11 the use of Dock No. 3?  12 A. No.  13 Q. Have you had any conversations with  14 Blake Filippi at all regarding the Old Harbor and  15 the use of the docks there?  16 A. No.  17 Q. Have you ever received any documentation  18 from Blake Filippi regarding the use of the docks  19 in Old Harbor?  20 A. No.  21 Q. Now, you filed a document with the  22 Division of Public Utilities and Carriers called  23 Rebuttal Testimony of Charles A. Donadio, Jr., and  24 you have an item No. 8 where you say: "It is my  25 understanding that although the Town was conveyed</p>	<p style="text-align: right;">56</p> <p>1 you ask the question again now?  2 Q. Are you saying that there were  3 documentation attached to this?  4 A. I didn't know what you were talking  5 about, no.  6 MR. SHOER: I think he was confused.  7 MS. MEROLLA: Okay.  8 Q. You have a numbered Item 8 here in the  9 rebuttal testimony –  10 A. Uh-huh.  11 Q. -- where you say, "It is my  12 understanding that although the Town was conveyed  13 title to the South Pier in Old Harbor by the  14 federal government, that conveyance was subject to  15 the condition that no tolls be charged to 'public  16 vessels of the United States,' which include  17 ferries 'for the use of said wharf.'"  18 Have you seen the document whereby the Town  19 was conveyed Dock No. 4, that being the Town Dock?  20 THE WITNESS: An official document?  21 MS. MEROLLA: Yes.  22 A. I have not.  23 Q. Where did you get that information from?  24 A. I supplied it to Nancy Dodge.  25 Q. Where did you get the information from?</p>
<p style="text-align: right;">55</p> <p>1 title to the South Pier in Old Harbor by the  2 federal government, that conveyance was subject to  3 the condition that no tolls be charged to, quote,  4 public vessels of the United States, end quote,  5 which includes ferries, quote, for the use of said  6 wharf."  7 Have you ever seen any documentation  8 pertaining to the conveyance by the federal  9 government to the Town of Dock No. 4?  10 A. Other than the paperwork that I  11 attached?  12 Q. What paperwork did you attach?  13 A. Let me see the -- I have to see what  14 we're talking about.  15 MR. SHOER: Could you show him the  16 testimony?  17 MS. MEROLLA: Here's your rebuttal  18 testimony. I have nothing attached to my copy.  19 A. I can't -- it's been two years.  20 MR. SHOER: Are you talking about the  21 rebuttal?  22 MS. MEROLLA: Correct.  23 MR. SHOER: This is the one that was  24 filed.  25 THE WITNESS: Got you. Number 8. Can</p>	<p style="text-align: right;">57</p> <p>1 A. It's information that was -- that was  2 readily available at the Library of Congress.  3 Q. Did you look at that, the document  4 conveying the dock to the Town before you  5 submitted the rebuttal testimony?  6 A. I don't believe I have, no.  7 Q. Well, when you were quoting from it,  8 what document did you use to quote? You've got  9 quotations which in my mind indicates you took  10 something from a document.  11 A. There's documents that are public  12 documents that I provided with Nancy Dodge.  13 Q. Listen to my question.  14 What document did you use in coming to the  15 answer to No. 8?  16 A. It was documents regarding the transfer  17 or the variable documents that are located in the  18 Library of Congress that talk about -- I don't  19 have any of this in front of me so I can't tell  20 you exactly what it is but it talks about the  21 transfer of the land from the government to the  22 Town.  23 Q. Well, your response here is very  24 specific --  25 A. Uh-huh.</p>

<p style="text-align: right;">58</p> <p>1 Q. -- in that it's quoting from a document.</p> <p>2 A. Uh-huh.</p> <p>3 Q. Where is the document that you quoted</p> <p>4 from?</p> <p>5 A. Well, I don't have it with me right now.</p> <p>6 Q. Did you have it with you when this</p> <p>7 rebuttal testimony was prepared?</p> <p>8 A. Yes.</p> <p>9 Q. What was the nature of the document?</p> <p>10 A. I told you, it was just public documents</p> <p>11 that reference the property and I supplied a</p> <p>12 packet of those documents to Nancy Dodge.</p> <p>13 Q. Do you have that packet now?</p> <p>14 A. I do not.</p> <p>15 Q. How did you get the language that you</p> <p>16 quoted from if you don't have the document?</p> <p>17 A. I don't have it with me at this very</p> <p>18 second here.</p> <p>19 Q. Where is your copy of the document?</p> <p>20 A. It would be at my office.</p> <p>21 Q. Are you making a representation that</p> <p>22 that document includes ferries?</p> <p>23 A. Yes.</p> <p>24 Q. And what representation are you making</p> <p>25 with respect to the Town's limitations involving</p>	<p style="text-align: right;">60</p> <p>1 to in response 8(A) includes specifically ferries?</p> <p>2 A. I believe so, yes.</p> <p>3 Q. Do you know?</p> <p>4 A. I'm just telling you that I believe so,</p> <p>5 yes.</p> <p>6 Q. Now, are you taking the position that a</p> <p>7 public vessel of the United States includes a</p> <p>8 private passenger ferry?</p> <p>9 A. I believe so.</p> <p>10 Q. Where are you getting that</p> <p>11 interpretation from?</p> <p>12 A. Well, it's from the documents and how</p> <p>13 they're written and we're currently looking at</p> <p>14 that now.</p> <p>15 Q. So is it fair to say that you believe</p> <p>16 that the documents of conveyance to the Town</p> <p>17 include a private passenger ferry?</p> <p>18 A. I do.</p> <p>19 MS. MEROLLA: On the record, I'm going</p> <p>20 to request, without any necessity for another data</p> <p>21 request, the copies of the documents that the</p> <p>22 deponent is referring to that refer to private</p> <p>23 passenger ferries.</p> <p>24 MR. SHOER: I'm just writing it down.</p> <p>25 MS. MEROLLA: That's all right.</p>
<p style="text-align: right;">59</p> <p>1 ferries?</p> <p>2 A. Just citing the language that came from</p> <p>3 the document.</p> <p>4 Q. Okay. Well, I noticed that in your</p> <p>5 response you quoted language from the document</p> <p>6 "public vessels of the United States for the use</p> <p>7 of said wharf," but you did not include in quotes,</p> <p>8 "which includes ferries."</p> <p>9 Could you take a look at the document,</p> <p>10 please, your response? It's No. 8.</p> <p>11 A. Okay.</p> <p>12 Q. All right. Do you see that you don't</p> <p>13 have quotes there around "which includes ferries"?</p> <p>14 A. I can see that, yes.</p> <p>15 Q. So where did you get the information</p> <p>16 from that ferries are included in any limitations</p> <p>17 regarding the use by the Town of the Town Dock</p> <p>18 No. 4?</p> <p>19 A. They came from the documents.</p> <p>20 Q. Okay. So it's your testimony that the</p> <p>21 documents specifically refer to ferries?</p> <p>22 A. I believe they refer to a bunch of</p> <p>23 different scenarios.</p> <p>24 Q. Listen to my question. Is it your</p> <p>25 testimony that the document that you're referring</p>	<p style="text-align: right;">61</p> <p>1 MR. SHOER: That refer to -- you want</p> <p>2 the documents that he's talking about in answering</p> <p>3 your question?</p> <p>4 MS. MEROLLA: Yes. And --</p> <p>5 MR. SHOER: I don't have them in front</p> <p>6 of me.</p> <p>7 MS. MEROLLA: Just to clarify, answer</p> <p>8 8(A) specifies that the conditions to the Town of</p> <p>9 the Town transfer, quote/unquote, which includes</p> <p>10 ferries, and I am making a request now, without</p> <p>11 the necessity of a formal request, for any and all</p> <p>12 documents which include that language which</p> <p>13 resulted in the interpretation that any vessels,</p> <p>14 other than public vessels of the United States,</p> <p>15 are involved in that transfer.</p> <p>16 How long do you think it will take to</p> <p>17 get those copies?</p> <p>18 MR. SHOER: I don't know. It won't take</p> <p>19 long if we can get our hands on them but could you</p> <p>20 put the request in a letter or just --</p> <p>21 MS. MEROLLA: I can put it in an e-mail.</p> <p>22 MR. SHOER: Just so we have it on</p> <p>23 record.</p> <p>24 MS. MEROLLA: But basically you have it</p> <p>25 here. 8(A) refers to a document that supposedly</p>

<p style="text-align: right;">62</p> <p>1 says, "The condition that no tolls be charged to 2 public vessels of the United States which includes 3 ferries." 4 That's the document I'm looking for. 5 The document that references ferries. 6 THE WITNESS: I believe Nancy Dodge has 7 that. 8 MR. SHOER: I understand your question. 9 I understand your reference point. Just -- just 10 if you could put it in an e-mail or -- 11 MS. MEROLLA: I will do that. 12 MR. SHOER: -- in a letter to me. 13 MS. MEROLLA: I'll just do it in an 14 e-mail. 15 MR. SHOER: So we'll have it for the 16 record and we'll respond. 17 BY MS. MEROLLA: 18 Q. Now, have you done any investigation as 19 to what it would take to get CRMC to make a change 20 in its decision with respect to the use of the 21 Ballard's dock, that being Dock No. 3? 22 A. No, I have not. 23 Q. Do you know what the limitations that 24 Coastal Resources Management Council, what those 25 limitations are that are now imposed on Dock</p>	<p style="text-align: right;">64</p> <p>1 returned. 2 Q. Have you investigated whether the 3 conditions at Dock No. 3 in terms of the rocks, 4 bottom, depth, would allow the docking of a vessel 5 such as the Millennium at Dock No. 3? 6 THE WITNESS: Have I investigated? 7 MS. MEROLLA: Yes. 8 A. I mean, that would-- that would be, I 9 believe, not my issue. It's not my dock. 10 Q. Let me rephrase that. Have you 11 investigated whether or not, in terms of the 12 physical contour of the land and water, your -- 13 either one of your vessels, the Millennium, would 14 be physically able to dock at Dock No. 3? 15 A. I have not. 16 Q. With respect to New Harbor, have you had 17 any discussions with anyone regarding docking at 18 New Harbor? 19 A. Yes. 20 Q. When did those discussions take place? 21 A. About two weeks ago. 22 Q. Was that the first time any discussion 23 took place with respect to docking in New Harbor? 24 A. Yes. 25 Q. With whom did that discussion occur?</p>
<p style="text-align: right;">63</p> <p>1 No. 3? 2 A. I don't know them off the top of my 3 head, no. 4 Q. Do you have any idea what they are? 5 A. I have -- I have sort of an 6 understanding, yes. I don't have the document in 7 front of me so I can't quote from the document. 8 Q. Are you aware that the size and nature 9 of the vessels that are allowed to dock on that 10 dock is limited by Coastal Resources Management 11 Council? 12 A. Yes. 13 Q. And you are aware of the fact that only 14 private vessels, not vessels -- commercial vessels 15 are allowed to dock there? 16 A. Yes. 17 Q. So is it fair to say that as of today, 18 June 24th, 2015, use of Dock No. 3 is not 19 available to Rhode Island Fast Ferry? 20 A. As of today I do not have a lease for 21 that dock, no. 22 Q. And as of today, there are no ongoing 23 negotiations with respect to the owners of Dock 24 No. 3 concerning RIFF's use of that dock, correct? 25 A. Other than my e-mail that hasn't been</p>	<p style="text-align: right;">65</p> <p>1 A. Cliff Payne, P-A-Y-N-E. 2 Q. What was the nature of your discussion 3 with Mr. Payne? 4 A. Casual conversation of interest of 5 bringing a vessel to his dock. 6 Q. Okay. When you say "his dock," what 7 dock are you referring to? 8 A. He owns a big dock in New Harbor. 9 Q. Do you know who -- if he actually owns 10 it or if it's owned by someone else? 11 A. I don't know the dynamics of his 12 corporation, no. 13 Q. Okay. So as you sit here today, you 14 don't know whether or not Cliff Payne actually 15 owns that dock? 16 A. I'm pretty confident that Cliff Payne 17 controls and has ownership of that dock. 18 Q. But as you sit here today, you don't 19 know if there are other parties who have an 20 ownership interest in that dock; is that right? 21 A. I don't know the makeup of his 22 ownership, no. 23 Q. And you haven't discussed this matter 24 with anyone else with respect to the use of the 25 dock which we will refer to as the Payne Dock,</p>

<p style="text-align: right;">66</p> <p>1 correct?</p> <p>2 A. Can you repeat the question?</p> <p>3 Q. You haven't discussed the use of the</p> <p>4 Payne Dock with anyone else, correct?</p> <p>5 A. No.</p> <p>6 Q. Have you had any written communication</p> <p>7 with Cliff Payne regarding the use of what</p> <p>8 we'll -- lack of a better term -- refer to it as</p> <p>9 the Payne Dock in New Harbor?</p> <p>10 A. No, I have not.</p> <p>11 Q. How many discussions have you had with</p> <p>12 Mr. Payne concerning the use of the Payne Dock?</p> <p>13 A. Two.</p> <p>14 Q. When was the last discussion?</p> <p>15 A. That was probably a week later.</p> <p>16 Q. Have you ever submitted a memorandum of</p> <p>17 understanding to Mr. Payne regarding the use of</p> <p>18 the dock?</p> <p>19 A. I have not.</p> <p>20 Q. Have you ever submitted any proposed</p> <p>21 lease or other document to Mr. Payne regarding the</p> <p>22 use of the dock?</p> <p>23 A. Back in 1999 I did.</p> <p>24 Q. And what was that regarding?</p> <p>25 A. It was for Rhode Island High Speed</p>	<p style="text-align: right;">68</p> <p>1 respect to the suitability of the use of the dock</p> <p>2 by Rhode Island Fast Ferry?</p> <p>3 A. I have not hired a consultant to tell me</p> <p>4 if my boat can dock at his dock. No, I have not.</p> <p>5 Q. If the Rhode Island Fast Ferry were to</p> <p>6 use the Payne Dock, how does the -- how do you</p> <p>7 plan on transporting passengers from the dock once</p> <p>8 they arrive at Payne's dock?</p> <p>9 A. They'll walk up a gangway and board the</p> <p>10 boat.</p> <p>11 Q. I'm referring to the disembarking</p> <p>12 passengers.</p> <p>13 A. They'll walk down the gangway and down</p> <p>14 onto the dock.</p> <p>15 Q. And what is your plan for directing the</p> <p>16 traffic from Payne's Dock onto the Island?</p> <p>17 A. It would be the same that we did back in</p> <p>18 2001.</p> <p>19 Q. Is there a written plan?</p> <p>20 A. There's no written plan, no. You</p> <p>21 wouldn't need a written plan for organizing</p> <p>22 passengers on a dock.</p> <p>23 Q. Have you done any investigation</p> <p>24 regarding parking of vehicles, people picking up</p> <p>25 passengers, as to how that would proceed?</p>
<p style="text-align: right;">67</p> <p>1 Ferry.</p> <p>2 Q. Okay. So let's just back it up. Within</p> <p>3 the last year, have you submitted any memorandum</p> <p>4 of understanding or proposed lease to Mr. Payne</p> <p>5 with respect to the use of that dock?</p> <p>6 A. No, I have not.</p> <p>7 Q. Have you conducted any investigation to</p> <p>8 determine whether or not the physical contours of</p> <p>9 the land and water at the Payne Dock would be</p> <p>10 suitable for the use of Rhode Island Fast Ferry's</p> <p>11 vessels?</p> <p>12 A. I know it would be suitable, yes.</p> <p>13 Q. Have you conducted any investigations?</p> <p>14 A. Given my experience and my investigation</p> <p>15 back in 1999 and running boats in and out of his</p> <p>16 dock, I am confident that it can dock another</p> <p>17 vessel at his dock.</p> <p>18 Q. Have you had any independent evaluation</p> <p>19 done besides your own view of the situation?</p> <p>20 A. Not required.</p> <p>21 Q. I'm asking you whether or not you've had</p> <p>22 any independent investigation done.</p> <p>23 A. I don't need one.</p> <p>24 Q. Could you listen to my question? Have</p> <p>25 you had any independent investigation done with</p>	<p style="text-align: right;">69</p> <p>1 A. I've already done it. I know how it</p> <p>2 will proceed just by running the operation for two</p> <p>3 years, and it went perfectly fine.</p> <p>4 Q. So it's fair to say that today you have</p> <p>5 no formal plan, you just would do what you did in</p> <p>6 the past; is that right?</p> <p>7 A. I would run the operation the same way</p> <p>8 it was run in the past, correct.</p> <p>9 Q. How did you leave it with Mr. Payne in</p> <p>10 terms of any future discussions or negotiations?</p> <p>11 A. It's just open ended.</p> <p>12 Q. So you have no plans to get together</p> <p>13 with him to discuss this matter further?</p> <p>14 A. As of today I don't have an appointment</p> <p>15 set up to meet with him, no.</p> <p>16 Q. Is it fair to say as of today you have</p> <p>17 no plans with Mr. Filippi or any representative of</p> <p>18 Ballard's to discuss the use of their dock?</p> <p>19 A. As of today I don't have an appointment</p> <p>20 to meet with anybody at Ballard's to discuss a</p> <p>21 lease for their dock.</p> <p>22 Q. What is your plan with respect to</p> <p>23 obtaining a place for Rhode Island Fast Ferry</p> <p>24 vessels to dock prior to the Division of Public</p> <p>25 Utilities and Carriers conducting a hearing which</p>

<p style="text-align: right;">70</p> <p>1 I believe will be in the fall?</p> <p>2 MR. SHOER: September I think.</p> <p>3 MS. MEROLLA: September.</p> <p>4 A. I'm hoping to have an MOU or a</p> <p>5 memorandum of understanding or some sort of</p> <p>6 agreement by the time the hearings take place.</p> <p>7 Q. With whom?</p> <p>8 THE WITNESS: With whom?</p> <p>9 MS. MEROLLA: Yes.</p> <p>10 A. I -- I believe you just went over all</p> <p>11 the options.</p> <p>12 Q. With whom are you planning on having a</p> <p>13 memorandum of understanding before the September</p> <p>14 hearing?</p> <p>15 A. I'm hoping to have a dock in place to</p> <p>16 use the boat at some point in the future.</p> <p>17 I am going to plan on still working and</p> <p>18 moving forward to find somewhere to dock my boat.</p> <p>19 I can't tell you exactly who that will be. I</p> <p>20 don't know which person or company or what it</p> <p>21 might be but, at some point, I'm hopeful that I</p> <p>22 will find something.</p> <p>23 Q. So it's fair to say that as today's</p> <p>24 date, there are no specific plans?</p> <p>25 A. My plan is to find a dock space.</p>	<p style="text-align: right;">72</p> <p>1 question?</p> <p>2 MS. MEROLLA: Can you read it back,</p> <p>3 please?</p> <p>4 (The *question was read by the court</p> <p>5 reporter, as requested.)</p> <p>6 A. Our -- our expert experience comes from</p> <p>7 my knowledge of running boats as well as my</p> <p>8 captains. That's where the experience comes from</p> <p>9 and the expert of -- of knowing about congestion</p> <p>10 and operating in and out of harbors.</p> <p>11 Q. So then the answer to my question is no,</p> <p>12 you don't have any plans to engage an expert,</p> <p>13 correct?</p> <p>14 A. I'm not going to hire a consultant to</p> <p>15 tell me that a harbor is safe for one of our</p> <p>16 boats, no.</p> <p>17 MS. MEROLLA: Okay. I will yield to</p> <p>18 Mr. McElroy at this time.</p> <p>19 MR. SHOER: Can we take a quick break?</p> <p>20 MS. MEROLLA: Sure.</p> <p>21 ( R E C E S S )</p> <p>22 EXAMINATION</p> <p>23 BY MR. McELROY:</p> <p>24 Q. Mr. Donadio, you know me, correct?</p> <p>25 A. Yes, I do.</p>
<p style="text-align: right;">71</p> <p>1 Q. All right. Well, is it also fair to say</p> <p>2 that as of today, the only two options are Payne's</p> <p>3 or Ballard's?</p> <p>4 A. As of today those are the three</p> <p>5 actually. You said -- you said Ballard's, Cliff</p> <p>6 and possibly the Town, the Town Dock location. We</p> <p>7 possibly have three as of today.</p> <p>8 Q. You are including the Town Dock in your</p> <p>9 possible locations?</p> <p>10 A. Yes.</p> <p>11 Q. Have you consulted with the Town Zoning</p> <p>12 official to determine whether or not use of the --</p> <p>13 of a dock by Rhode Island Fast Ferry on Block</p> <p>14 Island would require any approvals of the Town?</p> <p>15 A. I have not consulted with anyone from</p> <p>16 the Zoning Department of Block Island, no.</p> <p>17 Q. Do you have any plans in New Harbor to</p> <p>18 have a ticket booth on the Island?</p> <p>19 A. No.</p> <p>20 Q. *Although you haven't had an evaluation</p> <p>21 done, do you plan to engage the services of any</p> <p>22 expert for purposes of coming to a conclusion on</p> <p>23 the safety of operating within Old Harbor or New</p> <p>24 Harbor?</p> <p>25 THE WITNESS: Could you repeat that</p>	<p style="text-align: right;">73</p> <p>1 Q. I'm Mike McElroy for the record and I</p> <p>2 represent Interstate Navigation doing business as</p> <p>3 the Block Island Ferry.</p> <p>4 Mr. Donadio, what did you review prior to</p> <p>5 your deposition?</p> <p>6 A. Prior to this deposition?</p> <p>7 Q. Yes. In preparation for this</p> <p>8 deposition, did you review anything?</p> <p>9 A. I did not.</p> <p>10 Q. Did you talk to anybody in preparation</p> <p>11 for the deposition?</p> <p>12 A. No. Well, my attorneys.</p> <p>13 Q. Okay. And how many discussions did you</p> <p>14 have?</p> <p>15 A. One.</p> <p>16 Q. When was that?</p> <p>17 A. This morning.</p> <p>18 Q. And when you talked to your attorneys,</p> <p>19 you didn't review any documents?</p> <p>20 A. We were on the phone.</p> <p>21 MR. McELROY: Okay.</p> <p>22 MR. SHOER: You are not going to ask him</p> <p>23 what we talked about.</p> <p>24 MR. McELROY: I haven't done that yet.</p> <p>25 Q. Mr. Donadio, I'm going to try to make</p>

<p style="text-align: right;">74</p> <p>1 this easy but, you know, understand that --</p> <p>2 Well, let me just ask the question. You've</p> <p>3 already filed direct testimony and supplemental --</p> <p>4 rebuttal testimony, correct?</p> <p>5 A. Yes.</p> <p>6 Q. And you've also filed a series of data</p> <p>7 responses responding to data requests of both</p> <p>8 Interstate and the Town, correct?</p> <p>9 A. Yes.</p> <p>10 Q. And you've reviewed those responses and</p> <p>11 that testimony, correct?</p> <p>12 A. At some point I have, yes.</p> <p>13 Q. And when you prepared it, you felt that</p> <p>14 the testimony and the data responses were accurate</p> <p>15 and complete, correct?</p> <p>16 A. Yes.</p> <p>17 Q. And are you willing today to adopt those</p> <p>18 under oath?</p> <p>19 A. With the exception of that date.</p> <p>20 Q. The date. The 2012 that should have</p> <p>21 been 2013?</p> <p>22 A. Yes.</p> <p>23 Q. Has your attorney explained to you the</p> <p>24 requirement of supplementation of testimony in</p> <p>25 data responses at the Division, that if you get</p>	<p style="text-align: right;">76</p> <p>1 THE WITNESS: How did the relationship</p> <p>2 come about?</p> <p>3 MR. McELROY: The contract.</p> <p>4 A. It was an introduction through somebody</p> <p>5 and I started chartering my boat to them.</p> <p>6 Q. All right. Is there an opportunity for</p> <p>7 you to charter the boat again next year?</p> <p>8 A. I don't know from year to year.</p> <p>9 Q. How do you find out from year to year</p> <p>10 whether the opportunity will be there?</p> <p>11 A. They will have to notify me.</p> <p>12 Q. And how many years have you had it there</p> <p>13 in Bermuda?</p> <p>14 A. This will be its third year.</p> <p>15 Q. So how do they notify you at the end of</p> <p>16 the first year, regarding the second; at the end</p> <p>17 of the second, regarding the third? Approximately</p> <p>18 when did you find that they were interested in</p> <p>19 extending?</p> <p>20 A. Probably three months prior to going</p> <p>21 back down there again.</p> <p>22 Q. And you place it there in the spring?</p> <p>23 A. Usually May.</p> <p>24 Q. May. And so how do you find out? Do</p> <p>25 they call you? Do they send you an e-mail, a</p>
<p style="text-align: right;">75</p> <p>1 additional information that either changes or</p> <p>2 supplements what you previously testified to or</p> <p>3 responded to in a data response, you have to</p> <p>4 supplement it as soon as you can; are you aware of</p> <p>5 that?</p> <p>6 A. Yes. I believe we discussed that at</p> <p>7 that conference as well that if -- hypothetically</p> <p>8 if a dock were to come up or something, we would</p> <p>9 have to immediately bring it to the attention --</p> <p>10 to the hearing officer's attention and supplement</p> <p>11 the testimony.</p> <p>12 Q. And that's your intention, correct?</p> <p>13 A. Absolutely.</p> <p>14 Q. And I apologize if I'm jumping around</p> <p>15 just a little bit but these are mostly follow-ups</p> <p>16 to what Ms. Merolla was asking.</p> <p>17 With regard to the Millennium and its</p> <p>18 placement in Bermuda, do you have to do that by</p> <p>19 way of submitting a bid?</p> <p>20 A. Do I have to -- I don't understand the</p> <p>21 question.</p> <p>22 Q. You have the Millennium currently under</p> <p>23 contract to the Bermudian government, correct?</p> <p>24 A. Yes.</p> <p>25 Q. How did that come about?</p>	<p style="text-align: right;">77</p> <p>1 letter? What do they do?</p> <p>2 A. Communicate by phone.</p> <p>3 Q. Have you discussed at all the</p> <p>4 possibility of putting the Millennium there in</p> <p>5 2016?</p> <p>6 THE WITNESS: Putting the Millennium in</p> <p>7 Bermuda?</p> <p>8 MR. McELROY: Yes.</p> <p>9 A. I have not discussed with them -- repeat</p> <p>10 the question. It's a little confusing how you</p> <p>11 asked it.</p> <p>12 Q. I'm sorry. I didn't mean to make it</p> <p>13 confusing.</p> <p>14 Have you had any discussions of any kind,</p> <p>15 either oral or written, with anybody regarding</p> <p>16 placing the Millennium in Bermuda in 2016?</p> <p>17 A. They have an opportunity to charter the</p> <p>18 boat again, yes. If they want to, they have to</p> <p>19 tell me that they want to use the boat again.</p> <p>20 Q. And have you had any of those</p> <p>21 discussions?</p> <p>22 A. No.</p> <p>23 Q. What is your hope regarding the</p> <p>24 Millennium in Bermuda in 2016? Are you hoping</p> <p>25 that you'll be able to place it there again?</p>

<p style="text-align: right;">78</p> <p>1 A. I'm hoping it's operating somewhere.  2 There's no long-term contract; it's a seasonal  3 contract. So if it's not working there, it will  4 be working up here doing something else.  5 Q. If you had the opportunity to place the  6 Millennium in Bermuda again in 2016 on the same  7 financial terms that you currently have in 2015,  8 would you prefer to do that, or if you had the  9 opportunity to use it on Block Island, would you  10 prefer to use it on Block Island?  11 A. I can't make that determination right  12 now.  13 Q. Well, it's a hypothetical question. I  14 mean, which of those two do you think would be  15 more financially rewarding to Rhode Island Fast  16 Ferry?  17 A. I think I'd rather have the boat running  18 here locally. Easier to manage.  19 Q. And do you think it would be more  20 financially rewarding to have it running to Block  21 Island?  22 A. I -- I can't answer to which is more  23 financially rewarding. They're two different  24 types of services, but if it was working here in  25 Rhode Island, there would be more jobs, local</p>	<p style="text-align: right;">80</p> <p>1 I'm asking you to assume that you get it.  2 A. Okay.  3 Q. What would be your preference? A new  4 boat, the Millennium or the Ava Pearl?  5 A. I guess it would also depend on the  6 timeline too because, you know, a decision coming  7 out today for 2016 is a lot different than a  8 decision coming out in February of 2016, so again  9 I can't answer that question accurately.  10 I have -- I have options within my own  11 company to put a vessel on that run.  12 Q. All right. Then let me make the  13 hypothetical a little bit more specific. We're  14 going to have hearings approximately in September.  15 Assume for the sake of argument that you get  16 a favorable decision in October. What would your  17 preference be? A new boat, the Millennium or the  18 Ava Pearl?  19 A. It may be a mix of both.  20 Q. Both?  21 A. Both.  22 Q. That's three. A boat?  23 A. I'm sorry. Yeah. Well, one scenario  24 could be putting one vessel on while I'm building  25 a boat or mixing both boats together sharing the</p>
<p style="text-align: right;">79</p> <p>1 jobs, and easier to manage the actual asset  2 running here basically from our own dock.  3 Q. If the Millennium was -- assume for the  4 sake of argument that you received the certificate  5 to run to Block Island, and assume that Bermuda  6 does not renew its contract with you, would that  7 mean that the first year of operation would most  8 likely involve the Millennium as opposed to either  9 a new vessel or the Ava Pearl?  10 A. I can't determine that right now. It  11 depends on the timeline. Depends if I want to  12 build a new boat. You know, I -- I can't give you  13 an accurate answer about that.  14 Q. Well, what is your preference?  15 A. I -- I can't make a business decision at  16 this point in time on speculation.  17 If I get the license, at that point in time,  18 I can begin to see what works best for the  19 business model as to which boat, whether the Ava  20 Pearl, the Millennium, or build a brand-new boat  21 for the run.  22 Q. Why -- why can't you make a decision  23 based on an assumption which is the assumption as  24 you have voiced. I mean it's an on and off  25 switch. Either you have it or you don't have it.</p>	<p style="text-align: right;">81</p> <p>1 run while I'm building the boat, or one boat goes  2 on all by itself.  3 It depends on when I design the schedule on  4 what makes more sense and how they interact with  5 each other between the two islands.  6 It's not as simple as just giving you an  7 answer. There's a lot of economics behind the  8 scenes on making these schedules and determining  9 when that boat is going to leave, when that boat  10 is going to arrive, so it's not that easy.  11 Q. So you haven't done that analysis yet?  12 A. I have not designed an exact schedule as  13 of yet, no.  14 Q. Well, have you done enough of an  15 analysis of these variables to determine which  16 boat you would most likely use if you get the CPCN  17 in October?  18 A. I can just generally say it would be  19 most likely a mix of both boats in the first  20 season while hopefully we're building a new boat  21 for the run.  22 Q. And with regard to the Ava Pearl, when  23 you put her on the Martha's Vineyard run, did you  24 have a positive result in terms of increasing  25 ridership on that run after she took over for the</p>

<p style="text-align: right;">82</p> <p>1 Millennium?</p> <p>2 A. There's no correlation to the -- to the</p> <p>3 boat being brand new versus the Millennium to --</p> <p>4 to a ridership increase, no.</p> <p>5 Q. So you did not find that your customers</p> <p>6 going to Martha's Vineyard had a preference for</p> <p>7 the Ava Pearl over the Millennium?</p> <p>8 A. Well, absolutely that's a different</p> <p>9 question.</p> <p>10 People who rode our boat who saw both boats</p> <p>11 absolutely loved the Ava Pearl a lot more, yes.</p> <p>12 Completely different type of service, different</p> <p>13 type of vessel.</p> <p>14 Q. And you think putting the Ava Pearl, a</p> <p>15 better boat, had any positive benefits in terms of</p> <p>16 increased ridership to Martha's Vineyard?</p> <p>17 A. I can't correlate the ridership to the</p> <p>18 boat being new.</p> <p>19 Q. Is ridership going up every year or is</p> <p>20 it flat?</p> <p>21 A. It's up and down, cyclical, just like</p> <p>22 everything else.</p> <p>23 Q. Okay. Do you remember that you talked</p> <p>24 about -- you were talking to the Town about the</p> <p>25 possibility of applying for a grant?</p>	<p style="text-align: right;">84</p> <p>1 Island Fast Ferry and RIPTA to the federal</p> <p>2 government?</p> <p>3 A. I believe so.</p> <p>4 Q. And was it the United States Department</p> <p>5 of Transportation that administered the grant?</p> <p>6 A. I -- I don't know. My operations</p> <p>7 manager actually handled most of the application</p> <p>8 process for me.</p> <p>9 Q. Who was that?</p> <p>10 A. Ben Miller.</p> <p>11 Q. And how much was the grant?</p> <p>12 A. I believe it was -- I mean, when we</p> <p>13 applied for the grant, I was going to apply for</p> <p>14 the bulk of the dock.</p> <p>15 There was no limit to what you can apply for</p> <p>16 but I applied for less because it was for the</p> <p>17 parking lot. It wasn't going to cost as much. I</p> <p>18 think it was in the neighborhood of close to</p> <p>19 300,000 or something like that.</p> <p>20 Q. Was it a matching grant?</p> <p>21 A. Yes.</p> <p>22 Q. 80/20, 75 --</p> <p>23 A. I believe it's 20 percent. 20 or 15.</p> <p>24 Q. To your knowledge, are there any</p> <p>25 additional monies available on that grant? Did</p>
<p style="text-align: right;">83</p> <p>1 A. Yes.</p> <p>2 Q. And you said that you applied for the</p> <p>3 grant on your own and got the money to use to pave</p> <p>4 the parking lot, I assume, at Quonset?</p> <p>5 A. Correct.</p> <p>6 Q. Can you tell me a little bit more about</p> <p>7 that grant? Is it a federal grant or state?</p> <p>8 A. I don't have the exact information in</p> <p>9 front of me, so if I say something wrong, I</p> <p>10 can't -- you know, it is a federal grant that runs</p> <p>11 through RIPTA that made the Town of New Shoreham</p> <p>12 eligible for the monies because it was connecting</p> <p>13 to apparently an urban zone. Now, there was</p> <p>14 some -- some technical -- technical relation that</p> <p>15 made them eligible to accept the money through</p> <p>16 RIPTA.</p> <p>17 Q. And who is your contact at RIPTA</p> <p>18 regarding the grant?</p> <p>19 A. I don't have that name. There are</p> <p>20 several people I deal with at RIPTA.</p> <p>21 Q. This is not the Department of</p> <p>22 Transportation; this was the Rhode Island Public</p> <p>23 Transit Authority?</p> <p>24 A. Correct.</p> <p>25 Q. And was it a joint application of Rhode</p>	<p style="text-align: right;">85</p> <p>1 you apply for more?</p> <p>2 A. I have no idea. I don't believe so.</p> <p>3 Q. Well, let's assume for the sake of</p> <p>4 argument that the Town changed their mind and they</p> <p>5 said, "Mr. Donadio, we changed our mind. Is there</p> <p>6 any way you can get grant monies to help us build</p> <p>7 a dock in Old Harbor?" What would you do?</p> <p>8 A. I'd pick up the phone very quickly, call</p> <p>9 RIPTA, and ask them some questions and hopefully</p> <p>10 try to find some money.</p> <p>11 Q. But as of right now, you haven't</p> <p>12 explored that?</p> <p>13 A. I have not.</p> <p>14 Q. Okay. Again, I'm jumping around so I</p> <p>15 apologize.</p> <p>16 A. That's all right.</p> <p>17 Q. You discussed meeting in this room I</p> <p>18 assume?</p> <p>19 A. Yes.</p> <p>20 Q. With Nancy Dodge and Kim Gaffett?</p> <p>21 A. Yes.</p> <p>22 Q. Was anyone else at that meeting?</p> <p>23 A. I believe she let us in but other than</p> <p>24 that, no. It was just us three sitting --</p> <p>25 Q. "She," you mean Kathy Merolla?</p>

<p style="text-align: right;">86</p> <p>1 A. Kathy. I'm sorry.</p> <p>2 MR. SHOER: Attorney Merolla.</p> <p>3 Q. You didn't have legal counsel with you?</p> <p>4 A. No. It was more of a casual</p> <p>5 conversation.</p> <p>6 Q. And who set that meeting up?</p> <p>7 A. I called up Nancy Dodge and requested to</p> <p>8 meet with them.</p> <p>9 Q. And can you tell me, as best you can</p> <p>10 recall, the substance of the conversation that</p> <p>11 occurred?</p> <p>12 A. The substance was talking to Kim and</p> <p>13 Nancy about wanting to run a ferry service to the</p> <p>14 Island again.</p> <p>15 We joked around that it was, you know, it's</p> <p>16 been a long time since we were all together. We</p> <p>17 all just had more gray hair but they sat down and</p> <p>18 asked me some questions, and they related at the</p> <p>19 time that the air on the Island is probably</p> <p>20 different than what it was back when you were</p> <p>21 fighting the Town and that you might find a</p> <p>22 different reception, so I just discussed</p> <p>23 everything I put in my testimony as to the type of</p> <p>24 boat I want to run, the seasonal service from</p> <p>25 Quonset, all the amenities and the pluses for the</p>	<p style="text-align: right;">88</p> <p>1 the letter they submitted asking the Town Council</p> <p>2 to support this application.</p> <p>3 Q. Okay. Do you know if the Tourism</p> <p>4 Council still supports your application?</p> <p>5 A. I haven't gone back and asked them.</p> <p>6 Q. If they said that they no longer support</p> <p>7 you, would that change your mind about going</p> <p>8 forward?</p> <p>9 A. No.</p> <p>10 Q. Are you a licensed captain?</p> <p>11 A. I am not.</p> <p>12 Q. So you've never yourself operated a</p> <p>13 ferry?</p> <p>14 A. I've worked on ferry and tour boats a</p> <p>15 lot, but I don't have an actual license.</p> <p>16 Q. You've been a deckhand?</p> <p>17 A. Deckhand. Whatever you want to call it.</p> <p>18 I've done everything on a boat.</p> <p>19 Q. But you've never operated it?</p> <p>20 A. Never actually -- well, I've actually</p> <p>21 steered it before but I don't have a license. I</p> <p>22 don't operate or run the boat as a captain, no.</p> <p>23 Q. Have any of your captains ever landed a</p> <p>24 ferry in Old Harbor?</p> <p>25 THE WITNESS: Any of my current</p>
<p style="text-align: right;">87</p> <p>1 Island.</p> <p>2 And they said, you know, we'll go back to the</p> <p>3 Town and, you know, see what we can do about</p> <p>4 getting you in front of the Town Council and</p> <p>5 presenting your plan.</p> <p>6 Q. So this was before you made your first</p> <p>7 presentation to the Town?</p> <p>8 A. Yes. This was in the spring or maybe --</p> <p>9 maybe April, March or April of 2013, prior to the</p> <p>10 application going in, yes.</p> <p>11 I had a good feeling after the meeting but</p> <p>12 apparently that was incorrect.</p> <p>13 Q. One of the things you testified to</p> <p>14 earlier is that the reason you are still going</p> <p>15 forward, even though you told the Town that if</p> <p>16 they didn't want it, you wouldn't pursue it, is</p> <p>17 that the -- and if I am wrong about this, correct</p> <p>18 me -- that the Tourism Council supported you; is</p> <p>19 that correct?</p> <p>20 A. The Block Island Tourism Council</p> <p>21 supported -- I guess you would say the -- the</p> <p>22 ferry service from Quonset.</p> <p>23 Q. Okay.</p> <p>24 A. I don't know if they necessarily</p> <p>25 endorsed my company but I believe that, you know,</p>	<p style="text-align: right;">89</p> <p>1 captains?</p> <p>2 MR. McELROY: Yes.</p> <p>3 A. Yes.</p> <p>4 Q. Who?</p> <p>5 A. James Stasinos. It's hard to pronounce.</p> <p>6 Q. It's probably hard to spell.</p> <p>7 A. T-A-S-I-N-O-S (sic). And also Jordan</p> <p>8 Ryan, R-Y-A-N. They both have docked Interstate's</p> <p>9 boats in and out of that harbor hundreds, if not</p> <p>10 thousands of times.</p> <p>11 Q. They docked those boats at Interstate's</p> <p>12 docks, correct?</p> <p>13 A. Yes.</p> <p>14 Q. And they never docked at -- what I'll</p> <p>15 call the Town Dock which is number -- on the</p> <p>16 exhibit -- I forget what it was.</p> <p>17 MS. MEROLLA: 4.</p> <p>18 Q. They never docked at the Town Dock,</p> <p>19 correct?</p> <p>20 A. No.</p> <p>21 Q. And they never docked at the Filippi</p> <p>22 Marina, correct?</p> <p>23 A. Correct.</p> <p>24 Q. And they never docked at the Payne Dock,</p> <p>25 correct?</p>

<p style="text-align: right;">90</p> <p>1 A. They have not, no. Ryan -- maybe Jordan  2 has. I don't know if he's taken a different boat  3 in there but I'd have to check on that.  4 Q. You don't need to check. To the best of  5 your knowledge.  6 A. To the best of my knowledge, no.  7 Q. Again, I apologize if you've already  8 covered this in some detail but I just want to  9 get -- I want to try to put these conversations in  10 a box.  11 I'd like to break down -- start with New  12 Harbor.  13 Are there any communications of any kind,  14 oral or written, regarding the possibility of  15 landing the Rhode Island Fast Ferry in New Harbor  16 that you have not already discussed in your  17 deposition?  18 A. No.  19 Q. Same question but with regard to what  20 I'll call the Filippi Marina which I think you are  21 calling Ballard's.  22 A. Yes. I call it Ballard's.  23 Q. Any communications, oral or written,  24 that you -- that you have not discussed here  25 today?</p>	<p style="text-align: right;">92</p> <p>1 any way with Mr. DeAngelis about this?  2 A. No.  3 Q. Do you intend to?  4 A. I don't know.  5 Q. Have you ever had any conversations or  6 communications with anyone, other than that e-mail  7 with Mr. Filippi, regarding what would be  8 necessary in order to lift the restriction?  9 A. No.  10 Q. I know you testified that Mr. Filippi  11 did not get back to you after you sent him the  12 draft MOU.  13 Is it your plan to follow up with him some  14 time in the future?  15 A. Yes.  16 Q. And what are you planning to do?  17 A. Ask him why he didn't respond to my  18 e-mail.  19 Q. Okay. So your plan is to try to  20 negotiate further regarding that matter?  21 A. That -- that -- my plan is to find a  22 dock space on the Island.  23 Q. Is it also your plan to follow up  24 further with Mr. Payne?  25 A. Yes.</p>
<p style="text-align: right;">91</p> <p>1 A. No.  2 Q. Same question with regard to the Town  3 Dock. Any communications with either the Town or  4 the Army Corps of Engineers or anyone else that  5 you have not discussed here today?  6 A. No.  7 Q. Any conversations or communications with  8 anyone else regarding any other possible docking  9 locations on Block Island --  10 A. No.  11 Q. -- that you have not discussed here  12 today?  13 A. No.  14 Q. With regard to the Coastal Resources  15 Management Council, one of the things that I noted  16 in the e-mail -- and I don't have it in front of  17 me but I'm sure you'll remember it -- is that Mr.  18 Filippi suggested that you might want to contact  19 Attorney DeAngelis regarding the possibility of  20 getting the restrictions lifted; do you remember  21 that?  22 A. I'd have to look at the e-mail again.  23 It's been a couple of years.  24 Q. Well, that was the preface. Have you  25 ever had any conversations or communications in</p>	<p style="text-align: right;">93</p> <p>1 Q. Is it your plan to follow up further  2 with the Army Corps of Engineers?  3 A. Yes.  4 Q. Is it your plan to follow further with  5 the Coastal Resources Management Council?  6 A. I don't know if that's necessary.  7 Maybe. I don't know.  8 Q. Is it your plan to follow up further  9 with the Town?  10 A. In what regards?  11 Q. Regarding docking at the Town Dock.  12 A. Possibly.  13 Q. But you don't have any concrete plans?  14 A. I don't -- I don't have anything set up  15 to meet with them at this point in time.  16 Q. You haven't asked anybody for a meeting?  17 A. I have not asked them for a meeting as  18 of yet, no.  19 Q. And you don't have any plans to or you  20 do have plans to?  21 A. My plans are to get a dock on the  22 Island, so that may incorporate trying to set up  23 another meeting with the Town.  24 Q. Your company or a subsidiary of your  25 company I understand has a contract to service the</p>

<p style="text-align: right;">94</p> <p>1 Deepwater Wind project, is that correct?</p> <p>2 A. Yes.</p> <p>3 Q. Is that a subsidiary or is it a separate</p> <p>4 company?</p> <p>5 MR. SHOER: Let me just put an objection</p> <p>6 on the record.</p> <p>7 I don't know what -- what the</p> <p>8 relevance -- just for the record, I don't know the</p> <p>9 relevance of asking him about other business</p> <p>10 contracts he has or other -- other services</p> <p>11 provided to other people that are not associated</p> <p>12 with Rhode Island Fast Ferry application for a</p> <p>13 CPCN to Block Island.</p> <p>14 MR. McELROY: Okay. He can make an</p> <p>15 objection. Unless he instructs you not to answer,</p> <p>16 you can answer.</p> <p>17 MR. SHOER: I just wanted to get --</p> <p>18 A. It's not a separate company, no.</p> <p>19 Q. So it's a subsidiary or a related</p> <p>20 company to Rhode Island Fast Ferry, correct?</p> <p>21 A. Correct.</p> <p>22 Q. And is it your plan that this vessel</p> <p>23 will land on Block Island at all?</p> <p>24 A. I -- I can't discuss that stuff</p> <p>25 regarding any -- any contracts I might have with</p>	<p style="text-align: right;">96</p> <p>1 vessel?</p> <p>2 A. I can't discuss what I've talked to --</p> <p>3 it's a contract between Deepwater and myself. I</p> <p>4 can't discuss what their plans are.</p> <p>5 Q. Well, you can't discuss because you</p> <p>6 don't know or you can't discuss because you feel</p> <p>7 that it's inappropriate to discuss it?</p> <p>8 A. I can't discuss because it's their</p> <p>9 contract and I'm under a legal obligation to them.</p> <p>10 I can't discuss anything about a contract</p> <p>11 with anybody else. I don't know what their</p> <p>12 intentions are. It's their operation. I'm just a</p> <p>13 service provider.</p> <p>14 If they have an intention to run a boat out</p> <p>15 of Block Island during the construction phase or</p> <p>16 whatever, that's -- that's them. I cannot answer</p> <p>17 for them.</p> <p>18 Q. I'm not asking about any contracts that</p> <p>19 Deepwater Wind may have with other people. I'm</p> <p>20 only asking about the arrangements that you have</p> <p>21 with Deepwater.</p> <p>22 Are there any arrangements between you and</p> <p>23 Deepwater Wind, formal or informal, or</p> <p>24 communications, formal or informal, regarding</p> <p>25 landing that vessel somewhere on Block Island?</p>
<p style="text-align: right;">95</p> <p>1 Deepwater regarding the legalities of it.</p> <p>2 At this point in time, we plan on running the</p> <p>3 boat out of Quonset. I don't know what's going to</p> <p>4 happen at some point in the future.</p> <p>5 Q. Well, do you have any plans to try to</p> <p>6 land on Block Island?</p> <p>7 A. Well, as of right now we are running the</p> <p>8 vessel out of Quonset. I can't speak as to what</p> <p>9 Deepwater is going to want to do down the road.</p> <p>10 Q. Would you prefer if they run out of</p> <p>11 Block Island?</p> <p>12 A. Given the logistics it would be easier</p> <p>13 to run out of Block Island, yes.</p> <p>14 Q. Have you or Deepwater Wind explored any</p> <p>15 landing facilities on Block Island?</p> <p>16 A. Not as of yet, no.</p> <p>17 Q. But is it your plan to do so?</p> <p>18 A. I don't know.</p> <p>19 Q. Have any potential landing facilities</p> <p>20 for this vessel on Block Island been discussed by</p> <p>21 you at all?</p> <p>22 A. To anyone on Block Island?</p> <p>23 Q. To anyone on Block Island or anywhere.</p> <p>24 Have you had any communications regarding a</p> <p>25 possible Block Island landing facility for this</p>	<p style="text-align: right;">97</p> <p>1 A. Not right now, no.</p> <p>2 Q. Do you think there will be?</p> <p>3 A. I don't know.</p> <p>4 Q. But you would prefer to land on Block</p> <p>5 Island?</p> <p>6 A. That's not my decision; that's their</p> <p>7 decision. I just provide a service.</p> <p>8 Q. If they asked you for your input --</p> <p>9 A. I'm sorry. Go ahead.</p> <p>10 Q. If they asked you for your input, would</p> <p>11 you say that a landing location on Block Island</p> <p>12 would be preferable?</p> <p>13 A. They're responsible for docks, I am not,</p> <p>14 so that would be their decision.</p> <p>15 Q. When you say it would be their</p> <p>16 decision --</p> <p>17 A. I don't know what to tell you.</p> <p>18 Q. I would just like you to answer the</p> <p>19 question as to whether or not you personally feel</p> <p>20 that a landing facility on Block Island would be</p> <p>21 preferable for that operation.</p> <p>22 A. It doesn't matter to me where the boat</p> <p>23 lands. That would be their decision. It's their</p> <p>24 operation.</p> <p>25 I don't -- it doesn't matter to me where the</p>

<p style="text-align: right;">98</p> <p>1 boat lands. That's their decision. I cannot 2 answer for them. 3 Q. I'm not asking you to answer for them. 4 A. I'm just told where to go. 5 Q. I'm asking you to answer for you. Would 6 it be preferable for you and your operation to 7 land on Block Island? 8 A. It doesn't matter where we dock. 9 Q. Well, for example, are you responsible 10 for paying for the fuel? 11 A. I can't discuss that. 12 Q. You can't discuss your arrangements with 13 Deepwater Wind? 14 A. I can't discuss our contract or 15 arrangements, no, I cannot. 16 Q. Under what privilege are you asserting 17 that you can't discuss that? 18 MR. SHOER: Can we go off the record for 19 just a second? Just put the objection on the 20 record. 21 (Off-the-record discussion.) 22 MR. McELROY: Back on the record. 23 BY MR. McELROY: 24 Q. So do you pay for the fuel? 25 A. I can't answer the question. I'm under</p>	<p style="text-align: right;">100</p> <p>1 it. To get into whether he is able to do it, 2 whether there's going to be cost savings is 3 completely irrelevant, completely irrelevant, 4 beyond the scope of the deposition notice. 5 MR. McELROY: Well, I completely 6 disagree. I believe that if a company that is 7 affiliated with or a subsidiary of the company 8 that has applied for this application is working 9 to develop a landing facility on Block Island, 10 that could be shared by -- by this -- 11 MR. HALL: He has no knowledge of that. 12 THE WITNESS: Can I answer the question 13 in a different way and maybe that will put it to 14 rest? 15 MR. McELROY: Sure. 16 A. I have no intentions of developing a 17 dock for Deepwater Wind's operations. 18 Q. On Block Island? 19 A. On Block Island. 20 Q. That's good. 21 A. Is that good? 22 Q. That gets us where we gotta go. 23 A. All right. 24 Q. I believe -- and I can't recall whether 25 it was testimony or a data response -- but there</p>
<p style="text-align: right;">99</p> <p>1 a legal obligation regarding my contract. I'm not 2 allowed to discuss it with anybody for a period of 3 years. I cannot talk about the contract. 4 Q. Unfortunately you are in a deposition 5 where unless you are instructed not to answer, you 6 have to answer if you have knowledge. 7 MR. HALL: Then I'll instruct him not to 8 answer. Don't answer. 9 MR. McELROY: What is the privilege? 10 MR. HALL: It's not a privilege. I 11 think you are going down a road of being 12 harassive. I think you're going down a road of 13 trying to get information that's completely 14 irrelevant, outside of the scope of the deposition 15 notice which is with regard to the application for 16 the license through the Division. 17 This has nothing to do with it. I mean, 18 you could ask him questions about all sorts of 19 money-saving opportunities that he may have. 20 It doesn't have anything to do with 21 whether or not there is a convenience or a 22 necessity for a ferry to go from Quonset to Block 23 Island, and that's it. 24 And that's -- that's the entire scope of 25 the intervention of Interstate, by the way, that's</p>	<p style="text-align: right;">101</p> <p>1 was a question regarding -- I think it was a data 2 request -- a question regarding how the passengers 3 who land on Block Island would be serviced on that 4 site; do you recall that? 5 THE WITNESS: Are you talking about Old 6 Harbor? 7 MR. McELROY: Yes. Old Harbor. 8 A. Being serviced in what way? 9 Q. If they were getting off the ferry and 10 they were going to be meeting friends, if they 11 were having luggage that was going to have to be 12 taken care of, if they were going to take a taxi 13 tour of the Island, how that land site activity 14 was going to take place. Do you recall that? 15 A. Well, I remember -- I remember regarding 16 the Mount Hope Dock, you know, they were going to 17 be using the existing taxi stands. 18 There wasn't going to be any ticketing 19 necessities or buildings or power or electricity 20 or water or anything required on the -- past the 21 mean -- the high -- high mark -- high water tide. 22 Passengers would be cued on the dock, not on an 23 area where there's cars or vehicular traffic. 24 Luggage is always in line with the passenger. 25 There's no issues of luggage. They carry the</p>

<p style="text-align: right;">102</p> <p>1 luggage on and off the boat.</p> <p>2 MS. MEROLLA: If I can interrupt, this</p> <p>3 is at the top of this page is what you are</p> <p>4 referring to, Mike. I believe that's the data</p> <p>5 request you are referring to.</p> <p>6 BY MR. McELROY:</p> <p>7 Q. Assuming a customer is either arriving</p> <p>8 on the Island at that dock and wants to go up to</p> <p>9 Water Street or is coming to Water Street to get</p> <p>10 on your ferry to go back to the mainland, what</p> <p>11 property would they cross in order to get there?</p> <p>12 THE WITNESS: Which dock are you talking</p> <p>13 about?</p> <p>14 MR. McELROY: The Mount Hope one.</p> <p>15 THE WITNESS: Which property are they</p> <p>16 crossing?</p> <p>17 MR. McELROY: Yes.</p> <p>18 A. They walk down the Town Dock and onto</p> <p>19 the Town land. I don't know who owns that -- who</p> <p>20 owns the property. I don't know that.</p> <p>21 Q. Well, you can't reach the Town Dock from</p> <p>22 Water Street; you've got to cross some property to</p> <p>23 get there, correct?</p> <p>24 THE WITNESS: You mean down the road?</p> <p>25 MR. McELROY: Yes.</p>	<p style="text-align: right;">104</p> <p>1 nature.</p> <p>2 I mean, I don't remember exact dates or what</p> <p>3 they may have been about. I mean, I was pretty</p> <p>4 friendly with Josh up until the application went</p> <p>5 in, so I borrowed gangways. We've talked about</p> <p>6 numerous things. You know, I mean, I don't know</p> <p>7 the exact form.</p> <p>8 Q. Did you have any conversations with</p> <p>9 Interstate regarding buying Interstate?</p> <p>10 A. Yes.</p> <p>11 Q. Tell me what you remember about that.</p> <p>12 A. We had a meeting with Sue Linda, Ray</p> <p>13 Linda, and Josh. I think -- I think that's all,</p> <p>14 yes.</p> <p>15 Q. And when did that take place, to the</p> <p>16 best of your recollection?</p> <p>17 A. I believe it was -- again, dates are not</p> <p>18 good with me.</p> <p>19 Q. Approximations?</p> <p>20 A. I'm going to guess it was in the summer</p> <p>21 of 2013.</p> <p>22 Q. After this application was filed or</p> <p>23 about that time?</p> <p>24 A. It was right around that time, yes.</p> <p>25 Q. And did you contact them or did they</p>
<p style="text-align: right;">103</p> <p>1 A. Uh-huh.</p> <p>2 Q. And whose road is that?</p> <p>3 A. The Town's road.</p> <p>4 Q. The taxi stand that you are referring to</p> <p>5 at the top near Water Street --</p> <p>6 A. Yes.</p> <p>7 Q. -- that's on land owned by Intrastate</p> <p>8 Nav, correct?</p> <p>9 A. I don't know. Can I take a break?</p> <p>10 ( R E C E S S )</p> <p>11 MR. McELROY: Back on the record,</p> <p>12 please.</p> <p>13 BY MR. McELROY:</p> <p>14 Q. Mr. Donadio, have you had any</p> <p>15 conversations with Interstate Navigation or its</p> <p>16 representatives about anything in the last couple</p> <p>17 of years? Excluding conversations with me.</p> <p>18 A. With you. I've talked to Josh on</p> <p>19 numerous occasions about different things.</p> <p>20 Q. Within the last, say, three years, can</p> <p>21 you chronologically go through what conversations</p> <p>22 you've had with Josh or anybody else at Interstate</p> <p>23 other than me?</p> <p>24 A. I can't give you an exact chronological</p> <p>25 order of telephone calls or anything of that</p>	<p style="text-align: right;">105</p> <p>1 contact you?</p> <p>2 A. I contacted them.</p> <p>3 Q. And why?</p> <p>4 A. I wanted to see if they're interested in</p> <p>5 selling their business.</p> <p>6 Q. Why?</p> <p>7 A. Because I wanted to buy their business</p> <p>8 and expand my company.</p> <p>9 Q. So take me through -- where did you --</p> <p>10 did you meet, talk to the phone, exchange e-mails?</p> <p>11 What happened?</p> <p>12 A. Yes. Josh -- Josh and I talked a couple</p> <p>13 of times.</p> <p>14 Q. On the phone or in person?</p> <p>15 A. On the phone. And he suggested meeting</p> <p>16 at Java Madness.</p> <p>17 Q. In Narragansett?</p> <p>18 A. In Narragansett, yes.</p> <p>19 Q. And did you?</p> <p>20 A. Yes.</p> <p>21 Q. And what happened?</p> <p>22 A. We had coffee and a bagel and talked</p> <p>23 about the ferry industry and conversation of them</p> <p>24 wanting -- if they had any -- any inclination that</p> <p>25 they want to sell their company.</p>

<p style="text-align: right;">106</p> <p>1 Q. And what did they say?</p> <p>2 A. They said not at this time.</p> <p>3 Q. Was there any follow-up to that?</p> <p>4 A. There was some follow-up. There was a</p> <p>5 discussion of them possibly being interested in</p> <p>6 buying a -- I don't know what you would call it.</p> <p>7 Josh had some sort of -- it was -- it was --</p> <p>8 I guess you wouldn't call it a non-compete. It</p> <p>9 was sort of he was proposing to buy a period of</p> <p>10 time to keep me from moving forward on my license.</p> <p>11 Q. And was that something that he initiated</p> <p>12 or that you initiated?</p> <p>13 A. It was something that was initiated by</p> <p>14 both parties.</p> <p>15 Q. And, to the best of your recollection,</p> <p>16 what were the details of the discussions?</p> <p>17 A. It was all pretty much non-formal. I</p> <p>18 mean, there was no documents or paperwork. It was</p> <p>19 more or less just two companies talking.</p> <p>20 My intention was to see if, you know, they're</p> <p>21 interested in selling their company. I'm</p> <p>22 expanding, you know. I want -- you know, that's</p> <p>23 what companies do, they look to grow, and he asked</p> <p>24 me the same question. I said I'm not interested</p> <p>25 in doing anything right now.</p>	<p style="text-align: right;">108</p> <p>1 amount that we would be agreeable to, no.</p> <p>2 Q. Was there any discussion, regardless of</p> <p>3 whether you'd be agreeable to it, was there any</p> <p>4 discussion or any proposals regarding a monetary</p> <p>5 sum regarding not moving forward?</p> <p>6 A. No. There was no actual sum submitted</p> <p>7 to me to not move forward, no.</p> <p>8 Q. Did you submit any sums to them that</p> <p>9 would induce you not to move forward?</p> <p>10 A. No.</p> <p>11 Q. You're sure about that?</p> <p>12 A. I didn't give them an exact dollar</p> <p>13 amount, no.</p> <p>14 Q. Did you give them an approximate dollar</p> <p>15 amount?</p> <p>16 A. Well, Josh brought up an approximate</p> <p>17 dollar amount.</p> <p>18 Q. What did Josh bring up?</p> <p>19 A. I think he was -- I think he may have</p> <p>20 been south of a million bucks.</p> <p>21 Q. Okay. And what was your response to</p> <p>22 that?</p> <p>23 A. Not interested in that.</p> <p>24 Q. Because it wasn't enough?</p> <p>25 A. It's because I'm looking at a business</p>
<p style="text-align: right;">107</p> <p>1 Q. And they also talked to you about the</p> <p>2 possibility of you not moving forward with your</p> <p>3 application?</p> <p>4 A. Uh-hum.</p> <p>5 Q. Give me, to the best of your</p> <p>6 recollection, those discussions.</p> <p>7 A. I don't -- there was nothing on paper,</p> <p>8 there was nothing formally submitted or anything.</p> <p>9 There was talking about -- Josh -- it was actually</p> <p>10 just Josh talking to me. I didn't have any</p> <p>11 conversations with Susan or Linda.</p> <p>12 Q. Was it in person or on the phone or</p> <p>13 both?</p> <p>14 A. It was on the phone I believe maybe --</p> <p>15 maybe once or twice but we met -- for a second</p> <p>16 time we met at the same location. I don't</p> <p>17 remember the exact date. It may have been maybe a</p> <p>18 month later or something like that.</p> <p>19 Q. Did you or Josh make a monetary proposal</p> <p>20 regarding you not moving forward?</p> <p>21 A. No. There was no dollar put on the</p> <p>22 table, no.</p> <p>23 Q. No verbal discussions of any monies at</p> <p>24 all?</p> <p>25 A. There was no verbal discussion of an</p>	<p style="text-align: right;">109</p> <p>1 model that's going to expand my company for the</p> <p>2 future and I would not entertain that.</p> <p>3 Q. Because it wasn't enough?</p> <p>4 A. I wouldn't say that. I wouldn't say</p> <p>5 that that's the reason I said no, that it wasn't</p> <p>6 enough. I see more opportunity in growing my</p> <p>7 business, you know, for my kids, much like they do</p> <p>8 as well.</p> <p>9 Q. So did you, at any time, make any</p> <p>10 proposals, formal or informal, approximate or</p> <p>11 specific, regarding what it would take financially</p> <p>12 from Interstate for you not to move forward with</p> <p>13 your application?</p> <p>14 A. No, I never gave them a dollar amount</p> <p>15 that I would say, here, write a check and I'll</p> <p>16 walk away. No, that did not happen.</p> <p>17 Q. Did you ever talk about an annual</p> <p>18 payment to do that?</p> <p>19 A. No. You know what? Actually he brought</p> <p>20 that up. You're right. That was part of his sort</p> <p>21 of morphed proposal that he was coming up with was</p> <p>22 a certain amount of money each year for me to just</p> <p>23 sort of sit on the sideline.</p> <p>24 It was like -- I don't -- I don't remember</p> <p>25 the dollar amount. You'd have to ask him.</p>

<p style="text-align: right;">110</p> <p>1 Q. And I assume that was not satisfactory 2 to you?</p> <p>3 A. No. Again, it was not something I was 4 willing to entertain because, you know, it 5 was -- it was a weird sort of proposal, and again 6 there's more opportunity in my company to grow it 7 for my kids and -- and be a bigger company and 8 expand my services than to, you know, have someone 9 just say, here, here's some money to keep you from 10 doing something. You know, I didn't see any 11 benefit in that to my business or myself, no.</p> <p>12 Q. So your testimony is that the number 13 south of a million dollars, as you just stated, 14 was a number proposed by Josh, not proposed by 15 you?</p> <p>16 A. Yeah. He brought up the number, yeah.</p> <p>17 Q. Why is it you would be interested in 18 buying Interstate Navigation?</p> <p>19 A. Why not?</p> <p>20 Q. Well, I assume you figure it's -- it's a 21 good company, well run, makes money; is that fair 22 to say?</p> <p>23 A. I can't agree with that entire statement 24 but I -- I see the benefit to expand my ferry 25 services in Rhode Island. I mean we're both --</p>	<p style="text-align: right;">112</p> <p>1 it's a ferry running on the water. 2 I run ferries up and down the East Coast. 3 It's no different than riding it during the 4 summertime.</p> <p>5 Q. And you don't think there are any 6 special limitations to running a lifeline ferry 7 service, say, in the wintertime with regard to 8 servicing the Island population, its freight 9 needs, et cetera, in the wintertime?</p> <p>10 A. Other than weather? No.</p> <p>11 Q. How about other than operating -- having 12 to operate at a loss in the winter?</p> <p>13 A. See, that's where I differ in my opinion 14 of how the business is run.</p> <p>15 Q. What would you do to avoid operating in 16 a loss during the winter?</p> <p>17 A. I can't exactly answer that question 18 right now unless I had all of your information in 19 front of me but just from what I see from the 20 utilization and the amount of ferries that are run 21 back and forth to that island, it's very 22 underutilized for the amount of boats that are 23 being run back and forth, so the expenses are much 24 higher than they should be.</p> <p>25 Q. So you think that Interstate should cut</p>
<p style="text-align: right;">111</p> <p>1 we're the only two ferry companies in Rhode Island 2 really and looking down the road 25 years, where 3 do I want to be? I thought a perfect fit would be 4 to look at buying Interstate Navigation.</p> <p>5 Q. Well, what do you think about 6 Interstate's operation?</p> <p>7 How would you -- if somebody asked you today 8 do they run a good business, what would you say?</p> <p>9 A. No.</p> <p>10 Q. Why not?</p> <p>11 A. I don't believe they -- they run a 12 business as efficient and as -- as a business can. 13 I just -- it's my own personal opinion.</p> <p>14 I just think that the business could be run 15 better. I would run it differently, put it that 16 way.</p> <p>17 Q. All right. But you've never been 18 involved in operating a lifeline ferry service, 19 correct?</p> <p>20 A. There is no difference in running -- 21 it's a ferry service. Whether it's running in 22 December or running in August, it's a ferry 23 service running across the water so there's no 24 real difference other than if you go into the 25 regulated aspect of the rate and the cost stuff,</p>	<p style="text-align: right;">113</p> <p>1 back on its winter service?</p> <p>2 A. I did not say that. It's the summer 3 service.</p> <p>4 Q. So you think they're running too many 5 boats in the summertime?</p> <p>6 A. I think that Interstate is running too 7 many boats in the summertime, absolutely.</p> <p>8 There's no need to cut winter service when 9 it's already limited. You can run your summer 10 service much more efficiently without affecting 11 any type of demand and say you cut costs, 12 absolutely.</p> <p>13 Q. So you're not proposing any cutback of 14 winter service?</p> <p>15 A. No. The winter service is already cut 16 back. It's -- you can hardly get back and forth 17 to the Island.</p> <p>18 Q. Do you have any plans drawn up for a 19 possible new ferry that you would build?</p> <p>20 A. I don't have any actual blueprints, no.</p> <p>21 Q. Do you have any discussions regarding 22 what the ferry would look like?</p> <p>23 A. It would be similar to the two ferries 24 that I'm operating now.</p> <p>25 Q. Have you talked to any boat building</p>

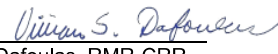
<p style="text-align: right;">114</p> <p>1 companies about it?</p> <p>2 A. I've talked to Gladding and Hearn.</p> <p>3 Q. With regard to building a new ferry, you</p> <p>4 know you need to get a slot? You've done it</p> <p>5 before, right? You've done it a couple of times?</p> <p>6 A. Yes.</p> <p>7 Q. And how far in advance right now is</p> <p>8 Gladding and Hearn booking for a slot?</p> <p>9 A. They're probably about 12 months out.</p> <p>10 Q. Have you discussed the possibility of</p> <p>11 financing the construction of a new vessel with</p> <p>12 anyone, including any financial entities?</p> <p>13 A. Yes.</p> <p>14 MR. SHOER: I'm going to object. Let me</p> <p>15 object. Just for the record, I think the</p> <p>16 questions are beyond the scope of Interstate's</p> <p>17 limited intervention. You can answer.</p> <p>18 MR. McELROY: He already did. He said</p> <p>19 yes.</p> <p>20 THE WITNESS: Yes.</p> <p>21 BY MR. McELROY:</p> <p>22 Q. These are kind of pro forma questions.</p> <p>23 Nothing tricky here.</p> <p>24 A. Can I have the information in front of</p> <p>25 me?</p>	<p style="text-align: right;">116</p> <p>1 Q. Outside of that knowledge in your own</p> <p>2 head, in doing the research to determine the</p> <p>3 demand feasibility, did you get any documents?</p> <p>4 A. No.</p> <p>5 Q. Now, when you proposed the Island High</p> <p>6 Speed Ferry service, did you do a market</p> <p>7 feasibility study?</p> <p>8 A. No. I did all the research myself.</p> <p>9 Q. Did you hire any experts?</p> <p>10 A. I only hired an expert, Larry Kunkel,</p> <p>11 the same expert who is on this one doing -- doing</p> <p>12 consulting for me on the side.</p> <p>13 Q. Did you rely on any tourism information</p> <p>14 to determine if there was a need for the fast</p> <p>15 ferry service that you propose?</p> <p>16 MR. SHOER: I'm sorry. Just for</p> <p>17 clarification, Mike, High Speed Ferry or current</p> <p>18 application?</p> <p>19 MR. McELROY: Current application.</p> <p>20 A. Did I rely upon information from a</p> <p>21 tourism office to determine whether or not there</p> <p>22 was an actual need? Is that the question?</p> <p>23 Q. Essentially, yes.</p> <p>24 A. No.</p> <p>25 Q. Did you ever prepare a business plan for</p>
<p style="text-align: right;">115</p> <p>1 MR. McELROY: It's just questions I've</p> <p>2 written out so...</p> <p>3 THE WITNESS: Okay.</p> <p>4 Q. Would you confirm that you did not</p> <p>5 conduct a market feasibility study for this</p> <p>6 proposed ferry?</p> <p>7 A. I didn't hire -- I did not hire a</p> <p>8 consultant to do a demand feasibility study for</p> <p>9 the service, no.</p> <p>10 Q. And how did you determine demand</p> <p>11 feasibility then?</p> <p>12 A. The same way I determined the demand</p> <p>13 feasibility for the island of Martha's Vineyard.</p> <p>14 I researched the market, looked at the island,</p> <p>15 looked at the -- everything that has to do with</p> <p>16 running a ferry service.</p> <p>17 Q. So you did it yourself?</p> <p>18 A. Exactly.</p> <p>19 Q. Do you have any documents related to</p> <p>20 that?</p> <p>21 A. I don't have a formal document plan, no.</p> <p>22 Just research, my own personal knowledge of</p> <p>23 running a ferry service to Block Island and</p> <p>24 developing two other ferry services. I would see</p> <p>25 myself as the expert.</p>	<p style="text-align: right;">117</p> <p>1 Rhode Island Fast Ferry for this new operation?</p> <p>2 A. I didn't physically prepare an actual</p> <p>3 book business plan but, again, I used my own</p> <p>4 personal knowledge along with my own accounting</p> <p>5 knowledge and knowledge of putting together</p> <p>6 ridership pro formas and ideas on different pieces</p> <p>7 of paper, but no actual physical plan that I could</p> <p>8 submit, no.</p> <p>9 Q. So I'm assuming most of that is in your</p> <p>10 head?</p> <p>11 A. Exactly.</p> <p>12 Q. But you did say some of it is on pieces</p> <p>13 of paper?</p> <p>14 A. Not a business plan, no, but at some</p> <p>15 point in time I've had to write stuff down, yes.</p> <p>16 Q. So you have some documents relating to</p> <p>17 your personal preparation of not a formal business</p> <p>18 plan but something that would allow you to feel</p> <p>19 comfortable moving forward with this application?</p> <p>20 A. I don't have anything on paper, no. I</p> <p>21 have worked on certain things in the past, years</p> <p>22 ago. We're talking years ago as well. So I don't</p> <p>23 have anything on paper that is in a file that</p> <p>24 supports what's in my head.</p> <p>25 Q. Have you put anything together for</p>

<p style="text-align: right;">118</p> <p>1 submission to a bank in connection with obtaining  2 financing for the new vessel you might build?  3 MR. SHOER: Objection again. Same  4 reason. Beyond the scope of limited intervention.  5 You can answer.  6 A. No.  7 MR. SHOER: Just so it's clear, just so  8 the record is clear, I'm not doing this to be  9 disruptive.  10 The intervention that Interstate was  11 allowed in specifically foreclosed -- or  12 specifically ruled that Interstate Navigation's  13 interests in Mr. Donadio's financial capabilities,  14 business acumen, and so on and so forth, were of  15 no relevance to Interstate or they may be  16 interested in it but they are not subjects that  17 Interstate Navigation has an intervention right.  18 MR. McELROY: I am not pursuing the  19 question to determine whether or not Mr. Donadio  20 or his company are fit well and able. I'm  21 pursuing it to determine whether or not they might  22 have put together some documentation either in the  23 form of a feasibility study, business plan,  24 marketing plan, et cetera, that would determine  25 whether or not there was a need for the service.</p>	<p style="text-align: right;">120</p> <p>1 no.  2 Q. Similar question, have you done any  3 financial projection during your first year of  4 operations?  5 A. What was the question again?  6 Q. Have you done any financial projections  7 for your first year of operations?  8 A. I have not done an actual pro forma --  9 the pre-filed --  10 MR. SHOER: This is the rebuttal. Do  11 you want your original?  12 THE WITNESS: Yes.  13 MR. SHOER: Mike, he wants to see a copy  14 of this.  15 MR. McELROY: Sure. No problem.  16 A. I've done some informal things here and  17 there on spreadsheets but nothing that has been  18 put together in a packet to say here's a bank,  19 here you go.  20 Q. You do have some spreadsheets that you  21 have worked on?  22 A. Over the course of the years I have  23 worked on -- I've had some information on  24 spreadsheets, yes.  25 Q. Would you be willing to provide those to</p>
<p style="text-align: right;">119</p> <p>1 Q. All right. What do you anticipate will  2 be the sources of revenue for the ferry if you are  3 given a certificate?  4 THE WITNESS: The sources of revenue?  5 MR. McELROY: Yes.  6 A. Passengers.  7 Q. Yes.  8 A. Bikes. That's it.  9 Q. Bar?  10 A. Oh, concessions, yes.  11 Q. Do you anticipate that if you build this  12 ferry that the ferry will do anything other than  13 run from Quonset to Block Island?  14 A. It potentially could, yes.  15 Q. You don't have any of that fleshed out  16 yet?  17 A. No.  18 Q. Have you made any formal or informal  19 projections for the number of passengers that you  20 will carry on the ferry if you get the license?  21 A. I made some informal projections in my  22 head as to what I think I would carry.  23 Q. Have you made any formal submission to  24 the bank or any other financial institution?  25 A. I did not submit anything to the bank,</p>	<p style="text-align: right;">121</p> <p>1 us?  2 A. I don't have them anymore.  3 MR. SHOER: Spreadsheets on what, Mike?  4 I'm sorry.  5 Q. You've deleted them from your computer?  6 MR. SHOER: I'm sorry. Spreadsheets on  7 what?  8 MR. McELROY: Financial projections.  9 MR. SHOER: For his business? For his  10 projected year of operations?  11 MR. McELROY: Yes.  12 MR. SHOER: No.  13 MR. McELROY: You don't have them?  14 MR. SHOER: No. I won't provide them.  15 MR. McELROY: And the reason for that  16 is?  17 MR. SHOER: I think -- I think it's  18 beyond the scope of Interstate's intervention.  19 MR. McELROY: So the financial  20 projections -- the money will come from  21 passengers. If you multiply your \$50 ticket by  22 the number of passengers and you come up with your  23 gross revenue, that way there we'll know how many  24 passengers he's projecting to take and then we can  25 extrapolate that to how many passengers Interstate</p>

<p style="text-align: right;">122</p> <p>1 will lose. So I think it's directly relevant.  2 And you are refusing to provide it?  3 MR. SHOER: Maybe I'm confused. I  4 thought you were looking for projections that he's  5 provided to financial institutions.  6 MR. McELROY: No. No. He said he  7 looked -- I asked him if he prepared any financial  8 projections for the first year of operations. He  9 said he did some spreadsheets but he never put it  10 together in his package, and what I'm saying is  11 I'd like to see those spreadsheets.  12 THE WITNESS: How -- how I took the  13 question was you're asking if I put together any  14 formal business-plan-type spreadsheets or packets  15 that I had submitted to the bank and I said no.  16 I answered that I have in past years --  17 I have thought about this run from the last ten  18 years by the way -- and I have worked on chicken  19 scratch on a piece of paper or on a spreadsheet on  20 a computer over the years.  21 I do not have anything informal that can  22 be submitted to say here's my three years pro  23 forma of the amount of ridership I'm going to be  24 actually taking from Interstate Navigation.  25 I believe that's going to come out in</p>	<p style="text-align: right;">124</p> <p>1 the wintertime but not in the summertime. I'm  2 sorry. In the wintertime the demand is very low  3 as opposed to the peak season during the summer.  4 Q. So what made you decide that you didn't  5 want to run in the off-season?  6 A. There wouldn't be enough ridership for  7 two different ferry companies running.  8 Q. In order for you to make enough profit?  9 A. I believe any business that runs the  10 correct way needs to be profitable.  11 Why would any business be running if they  12 are -- if you're returning a business and losing  13 money, you will be out of business at some point.  14 Q. You understand that Interstate runs in  15 the winter and loses money in the winter and in  16 the summer makes up for that with the summer  17 traffic, correct?  18 A. I look at it in a different way whereas  19 you can't separate -- you can't separate months.  20 It's a year. So you take everything as a whole  21 and look at what you're doing for the year, not at  22 what you're doing just in the winter.  23 I mean there's months that I'm -- if I look  24 at my season in the summer, I can say I'm losing  25 money in May, I'm losing money in this month and</p>
<p style="text-align: right;">123</p> <p>1 the testimony from Stephanie Costa in our rebuttal  2 testimony regarding whatever ridership you think  3 you might lose.  4 Q. In other words, that's being worked on  5 as we sit here?  6 A. No. It's been submitted.  7 Q. It's already been submitted in the  8 Stephanie Costa analysis?  9 A. Correct.  10 Q. So you don't have anything beyond that?  11 A. No.  12 Q. Why are you proposing to run only during  13 the summer season?  14 A. Because that's the demand for the  15 islands in the summer. It's the same thing with  16 Martha's Vineyard. There's, I think, seven or  17 eight ferries and only one runs in the winter and  18 the others are seasonal. I think there's four  19 high-speed ferries running to Martha's Vineyard  20 right now.  21 Q. Well, that's when the highest demand is?  22 A. Yes.  23 Q. There is a demand year-round, correct?  24 A. Yes. There's an islander and, you know,  25 somewhat of a tourist visitor demand, very low in</p>	<p style="text-align: right;">125</p> <p>1 that month, but I'm making money in this month.  2 You have to look at your year as a whole so  3 Interstate is making money on an operation as a  4 whole during the whole year.  5 They cut back their ferry service because of  6 utilization and demand. Just like the island of  7 Martha's Vineyard.  8 There are seven different ferry companies  9 running that are all privately owned, running to  10 the island during the demand season to bring the  11 tourists there and make it convenient, and then  12 during the year in the wintertime there's one  13 ferry, the freight year-round ferry that still  14 operates during the summertimes -- during the  15 wintertime.  16 Q. But you have no intention of operating  17 in the off-season?  18 A. This application is only to operate at  19 this point in time during the summer.  20 Q. How do you plan to market your ferry  21 service?  22 A. Same way I market my other services.  23 Q. What is that?  24 A. Advertising, Internet, word of mouth.  25 Q. Will there be any new marketing for this</p>

<p style="text-align: right;">126</p> <p>1 service?</p> <p>2 A. Absolutely.</p> <p>3 Q. What kind of new marketing?</p> <p>4 A. New ferry from Quonset Point. I don't</p> <p>5 know what the actual design of the ad will be at</p> <p>6 this time but there -- there will be a heavy</p> <p>7 marketing campaign for the Island, for Block</p> <p>8 Island, promoting the Island itself and the new</p> <p>9 ferry service from Quonset.</p> <p>10 Q. You have a sign on I believe -- is it</p> <p>11 Route 95 or Route 4 that directs people -- or is</p> <p>12 it both -- that directs people to Quonset Point?</p> <p>13 A. Both.</p> <p>14 Q. Have you had any discussions or</p> <p>15 communications of any kind with anybody about</p> <p>16 putting up another sign or a different sign if you</p> <p>17 got this certificate?</p> <p>18 A. No.</p> <p>19 Q. Do you plan to if you get the</p> <p>20 certificate?</p> <p>21 A. Not at this time. I don't know. I</p> <p>22 believe Interstate has several signs on the</p> <p>23 highway as well.</p> <p>24 Q. Would you concede that you will be</p> <p>25 taking away some Interstate passengers with your</p>	<p style="text-align: right;">128</p> <p>1 percentage of them in the summertime do you think</p> <p>2 you'll be getting to cross over to Quonset?</p> <p>3 A. I'd have to reference Stephanie's</p> <p>4 rebuttal testimony because she narrowed it down to</p> <p>5 a 95 percent confidence level and that's what I'm</p> <p>6 confident with as to what the crossover may be</p> <p>7 between the two companies.</p> <p>8 Q. So you don't think there will be any</p> <p>9 greater crossover other than what is in Dr.</p> <p>10 Costa's testimony?</p> <p>11 A. I do not because Interstate has been in</p> <p>12 business for eight years and I'm sure they have a</p> <p>13 following that people that want to still take that</p> <p>14 ferry service.</p> <p>15 Q. Would your marketing be directed to</p> <p>16 attempting to pull travelers to the Island off the</p> <p>17 highway and instead of going down to Galilee, to</p> <p>18 come off on the Quonset exit and head to your</p> <p>19 boat?</p> <p>20 A. Our marketing will be geared towards</p> <p>21 promoting the Island, promoting Block Island. And</p> <p>22 our location and the passenger will make their own</p> <p>23 decision as to which way they want to go but you</p> <p>24 can't -- you've got to promote the location.</p> <p>25 The destination is why they're going.</p>
<p style="text-align: right;">127</p> <p>1 new service if you get the license?</p> <p>2 A. Yes. There will be some form of</p> <p>3 crossover in the service.</p> <p>4 Q. Do you have any estimate of what that</p> <p>5 crossover would be?</p> <p>6 A. That was presented in the rebuttal</p> <p>7 testimony by Stephanie Costa.</p> <p>8 Q. So what's your best understanding of her</p> <p>9 testimony which frankly I found a little dense;</p> <p>10 maybe you found it less dense.</p> <p>11 A. I'd have to look at it. It's a lot less</p> <p>12 than what you're projecting.</p> <p>13 Q. You must have some sense from the</p> <p>14 proposed operator as to what percentage roughly of</p> <p>15 your passengers will come from the existing</p> <p>16 passenger base of Interstate?</p> <p>17 A. I wouldn't know that unless we interview</p> <p>18 them. Because if Interstate says that they own</p> <p>19 every passenger in the state of Rhode Island, you</p> <p>20 could say that every passenger that would have</p> <p>21 been an Interstate passenger, how do you know what</p> <p>22 passenger was going to be your passenger?</p> <p>23 Q. I'm not asking that question. The</p> <p>24 question I'm asking is the existing passengers</p> <p>25 that are currently using Interstate service, what</p>	<p style="text-align: right;">129</p> <p>1 They're not going because of your boat. They want</p> <p>2 to go to Block Island.</p> <p>3 You promote the Island as a whole and then</p> <p>4 they find you through the Internet, they find you</p> <p>5 through word of mouth, and they make a</p> <p>6 determination of what ferry they want to take.</p> <p>7 Q. So you're not planning to do any</p> <p>8 marketing to persuade customers that it would be</p> <p>9 easier or less time consuming for them to get off</p> <p>10 the highway at Quonset rather than driving all the</p> <p>11 way down to Galilee?</p> <p>12 A. I have no intention of a marketing</p> <p>13 campaign that would state avoid Interstate</p> <p>14 Navigation's ferry because of traffic. It's not</p> <p>15 my intention to talk about the other ferry</p> <p>16 company.</p> <p>17 Q. And I wouldn't expect that you would,</p> <p>18 but it would seem to me that everything you've</p> <p>19 submitted so far would lead me to believe that</p> <p>20 your marketing will say, avoid the summer traffic</p> <p>21 and the delays and the beach traffic; hop off and</p> <p>22 go to Quonset; you'll save time on the road. I</p> <p>23 mean, is that fair to say?</p> <p>24 A. It's fair to say that our location is</p> <p>25 ideal. We are going to promote our location, of</p>

<p style="text-align: right;">130</p> <p>1 course. Our location is another -- is a great  2 location to go to the island.  3 We have dockside parking. We have a  4 different type of ferry service. We're going to  5 promote the Island and bring -- you know, really  6 market the Island, and the service goes along with  7 it.  8 So I don't have any tag lines, I don't have  9 anything, but there's not going to be any mention  10 of Interstate Navigation, I can tell you that.  11 Q. That wasn't my question. My question is  12 are you trying to get people to come off the  13 highway to avoid the traffic?  14 A. I don't know what our marketing campaign  15 is going to be. I told you we're just going to  16 market Block Island and our service and our  17 location. We're going to market our location in  18 Quonset. And if they determine that's a great  19 location to get to, that's their determination.  20 Q. How do you believe that your proposed  21 fast ferry service will be different from  22 Interstate's existent fast ferry service, if at  23 all?  24 A. Well, I've been on both. It --  25 different type of service, different type of</p>	<p style="text-align: right;">132</p> <p>1 I've experienced myself taking the ferry ride  2 many, many times.  3 Q. Okay. And what negative experiences  4 have you had that you will be correcting in your  5 ferry?  6 A. Interstate Navigation employees are  7 smoking on the dock. Their T-shirts are untucked.  8 They're not communicating with the passengers.  9 While you're on the ferry, they're at the  10 back of the boat with their sunglasses on  11 sleeping, not interacting with the customers.  12 There's a lot of things that I saw over the  13 years that I don't -- I do completely different in  14 my operation. So there's -- there's just a lot of  15 things that I've experienced and I've seen and  16 that I wouldn't -- I would do differently than  17 what Interstate does.  18 Q. I'm trying to find out what all of those  19 differences are, so if you haven't told me what  20 you believe the differences are, add them right  21 now because now is the time.  22 A. You're talking about customer service;  23 you're talking about a newer boat versus an older  24 boat. When you walk on an old boat versus a new  25 boat, it's night and day.</p>
<p style="text-align: right;">131</p> <p>1 amenities, different type of ferry ride.  2 Q. Let's talk about service. How is the  3 service different? Aren't they both high speed  4 ferries?  5 A. I wasn't talking about the actual speed  6 of the boat. I was talking about how -- how we  7 interact with our customers and how we run our  8 service.  9 It's like when you walk into two different  10 hotels. You might walk into one hotel and you get  11 five star treatment. You might walk into another  12 hotel and it's a different kind of hotel. You  13 know, we plan on operating a very high-scale type  14 of ferry service which Interstate does not do  15 right now.  16 Q. So when you said "service," what you  17 really meant was customer service?  18 A. That's one of them as well. Also  19 on-board amenities.  20 Q. How will your on-board amenities be  21 different from Interstate's fast ferry?  22 A. Newer boat.  23 Q. Other than the fact that it's newer, how  24 would it be different?  25 A. It would be a nicer experience than what</p>	<p style="text-align: right;">133</p> <p>1 You're talking about the experience of  2 arriving at a ferry terminal and being greeted.  3 There is dockside parking. It's a different  4 experience than what you're getting down in  5 Galilee right now.  6 You've got airport connections, you've got  7 Amtrak connections. It's a different model than  8 what Interstate is doing right now.  9 Much like when the Athena started up, the  10 same questions were posed to me, what's going to  11 make your ferry different than ours? It's just  12 going to go faster.  13 Well, today you look at the Athena, it's the  14 best thing that ever happened to that island and  15 it may never have even happened if I didn't  16 actually apply for the license and run because it  17 wasn't needed. It was just somebody with an idea  18 that made it happen.  19 So I would take everything I've learned in  20 the past and bring in another upscale ferry  21 service that's going to cater to a little bit of a  22 different clientele much like we're doing in Oak  23 Bluffs right now.  24 Q. Is there anything else that would make  25 the two services different that you can think of?</p>

<p style="text-align: right;">134</p> <p>1 A. There's more time over water. You get  2 to see a nice scenic ride down the bay under the  3 Jamestown Bridge along the coastline of  4 Narragansett. Just the overall experience and  5 different ferry service.  6 Q. Anything else?  7 A. Not that I can think of right now.  8 MR. McELROY: That's all I have. Do you  9 have any more?  10 MS. MEROLLA: I just have a couple of  11 follow-up questions.  12 EXAMINATION  13 BY MS. MEROLLA:  14 Q. Is your estimate of ridership or  15 revenues for Rhode Island Fast Ferry affected by  16 whether the ferry will dock in Old Harbor or New  17 Harbor?  18 A. I haven't done any actual projections of  19 what you're saying but I don't believe there will  20 be any significant difference in the ridership  21 because I know what I carried to New Harbor for  22 the first two years with the Athena.  23 Q. So you don't think that there's any  24 difference in convenience between Old Harbor and  25 New Harbor for passengers disembarking?</p>	<p style="text-align: right;">136</p> <p>1 MR. SHOER: We're all set.  2 MS. MEROLLA: Thank you.  3 (Deposition concluded at 3:58 p.m.)  4  5  6  7  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25</p>
<p style="text-align: right;">135</p> <p>1 A. I think some passengers will find one  2 harbor more convenient than the other. It depends  3 on where they're staying and where they want to  4 go. I mean that's a decision that the customer  5 would make.  6 Q. Have you done any analysis in that  7 regard?  8 A. Just my experience.  9 Q. You haven't done any surveys of  10 passengers?  11 A. No. Just my experience of running the  12 boat there for two years.  13 Q. Now, as you know, the hearing is planned  14 for September of this year before the Division.  15 If you do not have a commitment for a dock  16 prior to that hearing, are you going to withdraw  17 your application?  18 A. No.  19 MS. MEROLLA: I don't have anything  20 further.  21 MR. McELROY: I'm done.  22 MR. SHOER: You are done?  23 Can I just confer with my colleague for  24 just a moment?  25 ( P A U S E )</p>	<p style="text-align: right;">137</p> <p>1 COURT REPORTER'S CERTIFICATE  2 I, VIVIAN S. DAFOULAS, do hereby certify that  3 I am expressly approved as a person qualified and  4 authorized to take depositions pursuant to Rules  5 of Civil Procedure of the Superior Court,  6 especially but without restriction thereto, under  7 Rules 28 and 30(b)(4) of said Rules; that the  8 witness was first sworn by me; that the transcript  9 contains a true record of the proceedings.  10  11 Pursuant to Rule 30(f) of the Rules of Civil  12 Procedure, the original transcript shall not be  13 filed in court; therefore, the original is  14 delivered and retained by deposing attorney.  15 IN WITNESS WHEREOF, I have hereunto set my  16 hand this 7th day of July, 2015.  17  18   19 Vivian S. Dafoulas, RMR-CRR  20 Notary Public  21 (401) 885-0992  22 (My commission expires 1/4/2018.)  23 EXAMINATION OF: Charles Anthony Donadio, Jr.  24 June 24, 2015  25  26 READING AND SIGNING OF THE TRANSCRIPT WAS NOT  27 REQUESTED BY THE DEPONENT OR ANY PARTIES INVOLVED  28 UPON COMPLETION OF THE DEPOSITION.  29  30  31  32  33  34  35</p>