

December 29, 2017

Via E-mail/Hand-Delivery

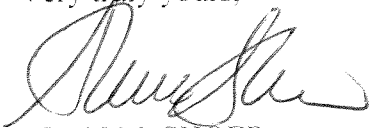
Ms. Luly Massaro
Division Clerk
Division of Public Utilities and Carriers
89 Jefferson Boulevard
Warwick, Rhode Island 02888

RE: Application by Rhode Island Fast Ferry, Inc. for Water Carrier Authority
Docket No. D-13-51

Dear Luly:

On behalf of Rhode Island Fast Ferry, Inc., please find an original and four (4) copies of the enclosed Objection of Rhode Island Ferry, Inc. to the Town of New Shoreham's Motion to Reconsider the Division's Order of December 13, 2017.

Very truly yours,



ALAN M. SHOER
ashoer@apslaw.com

Enclosure

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: APPLICATION BY RHODE ISLAND FAST
FERRY, INC. FOR WATER CARRIER AUTHORITY

DOCKET No. D-13-51

**OBJECTION OF RHODE ISLAND FAST FERRY, INC. TO THE
TOWN OF NEW SHOREHAM'S MOTION TO RECONSIDER
THE DIVISION'S ORDER OF DECEMBER 13, 2017**

Now comes Rhode Island Fast Ferry, Inc. ("RIFF") and hereby objects to the Town of New Shoreham's ("Town's") Motion to Reconsider the Division's Order of December 13, 2017 ("Town's Motion" or "Town's Motion to Reconsider"). The Town vaguely claims that the December 13, 2017 Order of the Division of Public Utilities and Carries (the "Division") "... effectively denies the Town of New Shoreham ... the ability to obtain the information requisite to obtain a full and fair hearing in this matter", which is expressly confined to "[t]he Town ... proving that RIFF (through Bluewater) does not have a realistic expectation of constructing Bluewater's planned docking facilities in Old Harbor, *irrespective of design...*" See December 13, 2007 Order, pg. 5.

The Town asks the Division to reconsider its Order. Yet, the Town entirely fails to point out or even argue why the specific information it seeks is relevant or even within the agreed-upon limited scope of discovery. Instead, the Town again seeks nothing more than the unfettered discovery that the Division has previously prohibited. The Town provides one example of the information it seeks, but, even therein, fails to itemize the type of information sought or why it is within the scope of this limited matter.

The information sought in the objected to data requests and the information the Town again seeks in its Motion to Reconsider relates to *design* and is therefore beyond the scope of this proceeding and beyond the scope of the Division's express limitations as to issues of design.

The Town may want this information, but it is not within the scope established by the Division on November 20, 2017.

The matter is before the Division for the limited purpose by the Superior Court as follows: “This case is remanded to the Division for the limited purpose of determining whether the Division will exercise its right to revisit this matter pursuant to paragraph four of the Division’s Order of December 10, 2015. Paragraph 4 states: ‘That the Division reserves the right to revisit this matter upon a showing by the Town that it has been successful in its efforts to prevent the construction of Bluewater’s planned dock before the USACE or CRMC.’” *See* Judge Licht’s Sept. 12, 2017 Order. The Division is neither situated nor does it have jurisdiction to determine issues of feasibility of design or to make value judgments as to the likelihood of the USACE/CRMC grant based upon design. The Division correctly determined it was beyond the scope of this remand matter to inquire into the design aspects of the proposed docking facilities.

The Town appears determined to unilaterally expand the scope beyond that which was ordered by the Superior Court and beyond that which was Ordered by the Division - thus using the Division to adjudicate Blue Water’s pending ACOE application.

CONCLUSION

Accordingly, for the reasons discussed above the Division should deny the Motion for Reconsideration.

RHODE ISLAND FAST FERRY, INC.,
By its Attorneys,

/s/ Alan M. Shoer

Alan M. Shoer, Esq. (#3248)

James A. Hall, Esq. (#6167)

Nicole M. Verdi, Esq. (#9370)

ADLER POLLOCK & SHEEHAN, P.C.

One Citizens Plaza, 8th Floor

Providence, RI 02903-1345

Tel: 401-274-7200

Fax: 401-351-4607

Dated: December 29, 2017

CERTIFICATE OF SERVICE

I hereby certify that on December 29, 2017, I delivered a true copy of the foregoing document via electronic mail to the parties on the attached service list.

/s/ Alan M. Shoer

Rhode Island Fast Ferry (RIFF) – CPCN Application Docket No. D-13-51
Updated 10/23/17

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