

September 20, 2017

Via E-mail/Federal Express Delivery

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

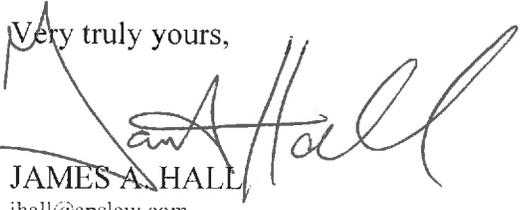
In re: Rhode Island Fast Ferry, Inc. – Docket No. D-13-51

Dear Luly:

On behalf of Rhode Island Fast Ferry, Inc., please find enclosed an original and four (4) copies of the Order of the Rhode Island Superior Court, dated September 12, 2017. The Order remands this case to the Rhode Island Division of Public Utilities and Carriers (“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.”

Please let us know how the Division would like the parties to proceed regarding this remand proceeding.

Very truly yours,


JAMES A. HALL
jhall@apslaw.com

Enclosure

cc: Service List

CONSOLIDATED CASES

STATE OF RHODE ISLAND
PROVIDENCE, SC

SUPERIOR COURT

TOWN OF NEW SHOREHAM

v.

C.A. No. PC-2016-4758

RHODE ISLAND FAST FERRY, INC.
and RHODE ISLAND DIVISION OF
PUBLIC UTILITIES AND CARRIERS,
MACKY MCCLEARY, ADMINISTRATOR

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

INTERSTATE NAVIGATION COMPANY
d/b/a THE BLOCK ISLAND FERRY

v.

C.A. No. PC-2016-4804

RHODE ISLAND FAST FERRY, INC.
and RHODE ISLAND DIVISION OF
PUBLIC UTILITIES AND CARRIERS,
MACKY McCLEARY, ADMINISTRATOR

STATE OF RHODE ISLAND
PROVIDENCE, SC

SUPERIOR COURT

TOWN OF NEW SHOREHAM

v.

C.A. No. PC-2017-3405

RHODE ISLAND FAST FERRY, INC.
and RHODE ISLAND DIVISION OF
PUBLIC UTILITIES AND CARRIERS,
MACKY MCCLEARY, ADMINISTRATOR

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

INTERSTATE NAVIGATION COMPANY
d/b/a THE BLOCK ISLAND FERRY

v.

C.A. No. PC-2017-3409

RHODE ISLAND FAST FERRY, INC.
and RHODE ISLAND DIVISION OF
PUBLIC UTILITIES AND CARRIERS,
MACKY McCLEARY, ADMINISTRATOR

ORDER

This matter came on for hearing in the above-referenced consolidated cases on August 15, 2017 before Judge Licht on the Joint Motion of Petitioners Town of New Shoreham and Interstate Navigation Company d/b/a The Block Island Ferry to remand this case to the Rhode Island Division of Public Utilities and Carriers ("Division"). After hearing thereon and consideration thereof, it is hereby ORDERED:

The Petitioners' Motion to Remand is granted 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."

The parties shall have the right to present evidence and to make arguments on the record to the Division at a hearing to be conducted in accordance with the Administrative Procedures Act and the Division's Rules of Practice and Procedure. The Division shall retain discretion to

permit or limit discovery in accordance with the APA and the Division's Rules of Practice and Procedure. The Division's decision shall include findings of fact.

The Division's order of June 23, 2017 is vacated.

All proceedings in these consolidated administrative appeals are stayed pending the final order of the Division pursuant to this remand.

ENTER:



PER ORDER:



Dated:

9/12/2017

Dated:

9/12/2017

Presented By:

/s/ Katherine A. Merolla
Katherine A. Merolla, Esq., No. 2344
Kent Office Building
469 Centerville Road, Suite 206
Warwick, RI 02886
401-739-2900
401-739-2906 (fax)

CERTIFICATE OF SERVICE

I hereby certify that on the 12 day of September, 2017, I filed and served this document through the electronic filing system on the following:

Michael R. McElroy	michael@mcelroylawoffice.com
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The document electronically filed and served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

/s/ Katherine A. Merolla