

**STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS**

IN RE: BLOCK ISLAND POWER COMPANY
Proposed Sale of Assets to the BLOCK ISLAND
UTILITY DISTRICT

DOCKET NO. D-18-24

MOTION TO INTERVENE OF THE TOWN OF NEW SHOREHAM

The Town of New Shoreham (the “Town”) hereby moves to intervene in the Petition of Sara McGinnes for Declaratory Relief and for an Investigation of Proposed Utility Asset Sale (“Petition”).

In support of this motion, the Town states as follows:

1. The Town own two-thirds of the issued and outstanding shares of the Block Island Power Company (“BIPCO”).
2. The Town is a defendant in that certain action which is presently pending in the Superior Court WC 2018-0212, which is assigned to the business calendar and which is entitled: Sara McGinnes v. Town of New Shoreham, by and through its Town Council Members, KENNETH C. LACOSTE, MARTHA BALL, ANDRE BOUDREAU, CHRISTOPHER WILLI AND SVEN RISOM; BLOCK ISLAND POWER COMPANY; BLOCK ISLAND UTILITY DISTRICT by and through its BOARD OF UTILITY COMMISSIONERS, BARBARA MacMULLAN, WILLIAM PENN, EVERETT SHOREY, JACK SAVOIE AND MARY JANE BALSER (the “Superior Court Litigation”).

3. The issues raised by the plaintiff Sara McGinnes in the Superior Court Litigation and by the petitioner Sara McGinnes in the Petition which has been filed with the Division are virtually identical. Moreover, a motion for partial summary judgment as to the issue of whether the plaintiff has dissension rights under the law is pending in the Superior Court.
4. The Town has a substantial interest in the outcome of these proceedings and claims a right to intervene as well as interests of such nature that intervention is necessary or appropriate.
5. The Town's interests will be directly affected.
6. The Town is not adequately represented by existing parties and the Town may be bound by the Division's action in the proceeding.
7. Intervention by the Town is in the public interest. Presently, BIPCO is negotiating an asset purchase agreement with the Block Island Utility District. The Superior Court has rejected the petitioner's request that the sale be enjoined and has not appointed a special master as requested by the plaintiff in the Superior Court Litigation.
8. Copies of all notices, pleadings, correspondence and other filings should be served upon the following:

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For the reasons above, the Town requests that the Division grant its Motion to Intervene.

Respectfully submitted,
TOWN OF NEW SHORHAM
By its attorneys,
Merolla, Accetturo & Lough

/s/ Katherine A. Merolla
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CERTIFICATE OF SERVICE

I hereby certify that on September 12, 2018, I filed and served this document electronically on the individuals listed on the service list for this matter.

/s/ Katherine A. Merolla