

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DIVISION OF PUBLIC UTILITIES AND CARRIERS  
89 JEFFERSON BOULEVARD  
WARWICK, RHODE ISLAND 02888**

IN RE: Interstate Navigation Company – Plan to utilize the M/V *Islander*, which normally provides seasonal fast ferry services between Newport and Block Island, to provide additional passenger-carrying capacity between Point Judith and Block Island.

**DOCKET NO. D-20-08**

**ORDER**

**Whereas:** On June 19, 2020, the Interstate Navigation Company (“Interstate”) notified the Rhode Island Division of Public Utilities and Carriers (“Division”) that “due to the COVID-19 emergency” and related “obstacles to providing adequate service” to Block Island, including a voluntary reduction in “passenger capacities to about 50% to conform with the state’s social distancing guidelines for ferries... [and] because of shipyard delays caused by the effects of COVID-19 [on] the repowering and rehabilitation of the M/V *Anna C*,” it [Interstate] needed to “add another vessel to fill these schedule gaps to meet the demand for passengers.”

**Whereas:** In order to meet this need, Interstate notified the Division that it is “planning to run the fast ferry M/V *Athena* and to also temporarily add the fast ferry M/V *Islander*, which usually operates on the non-lifeline discretionary run from Newport to Block Island, to the vessels that run out of Point Judith.” Interstate indicates that it plans to run the M/V *Islander*

“opposite the M/V *Athena*... [so that] we will have more departures at peak travel times.”<sup>1</sup>

Interstate provided the following additional information and explanation in its notification:

Normally the M/V *Block Island* holds 1,000 passengers, the M/V *Carol Jean* holds 1,110 passengers, the M/V *Anna C* holds 1,150 passengers, and the M/V *Athena* holds 250 passengers. With the COVID-19 restrictions, the M/V *Block Island* will only be able to carry about 500 passengers, the M/V *Carol Jean* only about 555 passengers, and the M/V *Athena* only about 125 passengers. The M/V *Anna C* is out of the mix for the time being, probably until late July. The M/V *Islander* will be able to carry about 185 additional passengers.

We do not want to cancel the discretionary Newport fast ferry run for the 2020 season. However, we need to delay the start of the Newport run for now in order to provide sufficient capacity from Point Judith. We will reassess the Newport run when the M/V *Anna C* returns to service. At that time, we will evaluate the status of the COVID-19 crisis and capacity restrictions which may exist and then determine whether the M/V *Islander* should return to Newport or whether she will need to stay at Point Judith for the remainder of the summer of 2020.

We want to emphasize that this is a temporary, emergency solution to the COVID-19 emergency capacity restrictions imposed by the state’s ferry guidelines. Those guidelines state that ferries may operate additional vessels on the routes to deal with the capacity restrictions (copy enclosed).<sup>2</sup>

**Whereas:** Due to the fact Interstate’s plan contains a suspension of fast ferry services between Newport and Block Island, the Division has established

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<sup>1</sup> See Interstate’s June 19, 2020 Notification

<sup>2</sup> *Id.*

the instant docket for the purpose of deciding whether the suspension of such service is appropriate and, if so, how long the suspension should last.

**Whereas:** After receiving Interstate's notification, the Division requested that Interstate provide the Division with evidence that neither the Town of New Shoreham (Block Island) nor the City of Newport had any objections to Interstate's plan in the aggregate. The Division has since received written communications from both municipalities that they are aware of Interstate's plan and that neither municipality has any objection to Interstate's proposal.<sup>3</sup>

**Whereas:** Because New Shoreham and Newport have expressed no objections to Interstate's plan and due to the exigent circumstances surrounding Interstate's need for additional passenger capacity to Block Island, the Division has determined that it will not be necessary to conduct a public hearing on the matter at this time.

#### Findings

As an initial finding, the Division is deeply troubled by Interstate's decision to simply notify the Division of its decision to unilaterally suspend the seasonal start of its fast ferry services between Newport and Block Island rather than presenting its plan to the Division in the form of a petition or motion. Any significant reduction in authorized ferry services must be approved by the Division – in advance – and Interstate knows that.

With respect to Interstate's plan to transfer the M/V *Islander* to Point Judith until the M/V *Anna C* is back in service, the Division shall approve this

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<sup>3</sup> See July 2, 2020 email sent on behalf of Newport City Manager, Joseph J. Nicholson, Jr.; and July 1, 2020 letter from James A. Kern, Interim Town Manager, Town of New Shoreham.

request through the end of July. The Division does not accept Interstate's proposal to self-reassess the use of the *M/V Islander* after the *M/V Anna C* returns to service. Interstate shall be directed to seek and receive Division approval to keep the *M/V Islander* at Point Judith after July 30, 2020, if Interstate believes that keeping the *M/V Islander* at Point Judith is in the public interest.

Now, therefore, it is

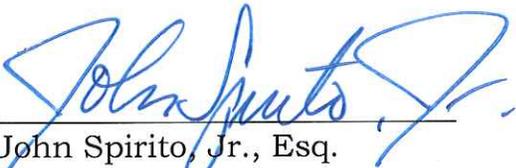
(23860) ORDERED:

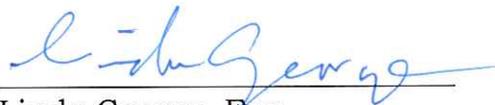
1. That Interstate's plan to suspend the start of fast ferry service between Newport and Block Island for the 2020 summer season in order to utilize the *M/V Islander* to augment passenger-carrying services between Point Judith and Block Island is hereby approved up to and including Friday, July 31, 2020.
2. Starting on Saturday, August 1, 2020, the Division expects that the *M/V Islander* will be available to resume fast ferry services between Newport and Block Island.
3. Interstate is directed to seek and receive Division approval if it wishes to keep the *M/V Islander* operating between Point Judith and Block Island beyond July 31, 2020. The Division reserves the right to conduct a public hearing on such a request.
4. Interstate is hereby placed on notice that in the absence of vessel mechanical difficulties, the Division requires Interstate to seek and receive Division approval before significantly delaying the seasonal start

or significantly interrupting authorized fast ferry services between Newport and Block Island.

5. That Interstate shall continue to adhere to the COVID-19 related social distancing guidelines established by the Rhode Island Department of Health.

Dated and Effective at Warwick, Rhode Island on July 2, 2020.

  
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John Spirito, Jr., Esq.  
Hearing Officer

APPROVED:   
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Linda George, Esq.  
Administrator