

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

IN RE: **DOCKET NO. D-09-10**

FITNESS HEARING IN THE CASE OF PRUDENCE FERRY,
INC., CHURCH STREET WHARF, BRISTOL, RHODE ISLAND
02809 – CPCN NO. W-9.

ORDER

Whereas: On March 26, 2009, the Rhode Island Division of Public Utilities and Carriers (“Division”) provided written notice to Prudence Ferry, Inc. (“PFI”) that the Division would be conducting a “fitness hearing” to address several alleged violations committed by Company. The notice delineated the following alleged violations:

“R.I.G.L. 39-1-24 – Certification, collection, and deposit of assessments:

Specifically, the Division contends that PFI has failed to remit payment of assessments billed in calendar years 2007 and 2008 within 30 days from the date of receipt of the assessment as required by statute.

R.I.G.L. 39-3-11 – Notice of change in rates – suspension of change – hearings:

Specifically, the Division contends that PFI has been charging rates in excess of its approved tariff, without providing notice to, and receiving approval from, the Public Utilities Commission as required by statute, including, but not limited to the fares charged for transportation of adults, children and/or vehicles.

R.I.G.L. 39-12-13(c): Alteration of common carrier rates by the Administrator:

Specifically, the Division contends that PFI has been imposing a fuel surcharge inconsistent with that established under this statute through Division Report & Order No. 16701.

Violation of Public Utilities Commission Rules:

Rule III (a) of the Rules and Regulations Governing the Filing of Annual Reports by Water Carriers:

Specifically, the Division contends that PFI has failed to file its annual report in conformance with the above rule for 2003, 2004, 2005, 2006 and 2007.”¹

The March 26, 2009 notice of hearing additionally directed a representative of PFI to appear at an April 22, 2009 hearing at the Division’s offices at 89 Jefferson Boulevard in Warwick.

Whereas: At the outset of the April 22, 2009 hearing, counsel for PFI, Cort Chappell, Esq., and counsel for the Division’s Advocacy Section, William Lueker, Esq., jointly requested a postponement of the hearing in order to discuss the possibility of a settlement agreement in the matter. The hearing officer granted this request, and the matter was rescheduled to May 20, 2009.

Whereas: Subsequently, on May 12, 2009, the parties submitted an executed settlement agreement to the Division for consideration under Rule 27 of the Division’s *Rules of Practice and Procedure*. The proposed settlement offer is attached to this order and incorporated by reference.

Whereas: The Division has examined the proposed settlement agreement and finds the agreement to be reasonable and an appropriate resolution to the regulatory matters in dispute.

¹ See March 26, 2009 Notice of Hearing.

Accordingly, it is

(19651) ORDERED:

1. That the settlement agreement proffered by the parties in this docket, which is attached to this order and incorporated by reference, is hereby approved and adopted as a dispositive resolution to the instant “fitness” matter.
2. That PFI is placed on notice that a failure to adhere to the provisions of the approved settlement agreement shall result in further regulatory action by the Division.

Dated and Effective at Warwick, Rhode Island on May 21, 2009.

John Spirito, Jr., Esq.
Hearing Officer

APPROVED: _____
Thomas F. Ahern, Administrator