

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. A-41, SUB 23

In the Matter of	)	
Application of Bald Head Island	)	
Transportation, Inc. for Approval of	)	<b>PETITION TO</b>
Revisions to Regular Passenger Ferry	)	<b>INTERVENE</b>
Schedules to 45-Minute Departures	)	

Pursuant to North Carolina Utilities Commission (“Commission”) Rules R1-5, R1-7, and R1-19, the Village of Bald Head Island (the “Village”), by and through its undersigned counsel, hereby respectfully petitions for leave to intervene in the above-referenced docket. In support of the petition, the Village provides the following information:

1. The Village is a municipal corporation with all the powers, duties and rights conferred by its charter and the laws of the State of North Carolina. The address for the Petitioner is Village of Bald Head Island, c/o Village Manager, 106 Lighthouse Wynd, Bald Head Island, North Carolina 28461.

2. The Village’s attorneys in this matter, to whom all communications and pleadings should be addressed, are:

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3. As a barrier island, Bald Head Island (the “Island”) is solely situated between the waters of the State and is accessible only by boat. There is no bridge or road to the Island, and the only means of general public access is by the transportation system exclusively operated by Bald Head Island Transportation, Inc. (“BHIT”) and its parent, Bald Head Island Limited, LLC (“BHIL”), under color of a common carrier certificate issued by the Commission in Docket No. A-41.

4. The Island has over 1,000 private residences, with approximately 295 full-time residents, although this number is growing as development of the Island is ongoing. In addition to the full-time residents, there are many more people who spend a considerable portion of the year on the Island. These range from families who spend virtually every weekend on the Island to retired couples who spend entire seasons there, and every variation in between. There are also visitors who rent property on the Island, as well as “day trippers” seeking to enjoy the Island. Additionally, almost the entire workforce providing services on the Island is reliant on the transportation system for access to and from the Island every day. In combination, these activities account for extensive travel to and from the Island, particularly during spring and summer months, and the daily population of the Island can exceed 7,000 persons during peak periods.

5. By design of the Island’s developers, all public access to the Island is controlled by the transportation system. According to BHIT, annual round-trip ridership on the ferry in 2023 was over 782,000 persons<sup>1</sup>—meaning that, measured by utility customers, BHIT operates one of the largest utilities in the state, impacting all aspects of commercial and private life and activity on the Island.

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<sup>1</sup> See Application for Revisions to Ferry Schedules, Docket No. A-41, Sub 23 at 4 (Feb. 19, 2024).

6. In its Application for Revisions to Ferry Schedules to 45-Minute Departures (“Application”), filed in this docket on February 19, 2024, BHIT requests to solve its issues meeting on-time performance standards—not by implementing efficiency measures, adding additional ferry capacity, or hiring additional staff—but by throttling the flow of people and supplies to Bald Head Island, reducing passenger ferry service volume by over twenty-five (25) percent during the critical April to October peak ridership season.<sup>2</sup>

7. Subsequent to the filing of the Petition, the Village has become aware of the outpouring of significant public concern about the potential harmful effects of the proposed tariff change, including direct appeals from citizens that the Village seek to intervene in the proceeding to advocate for the Island’s interests. This public concern is evidenced by the remarkable number of consumer statements (over 120) filed in in this proceeding in opposition to the Application.

8. Based on its prior participation in Commission proceedings relating to the Island transportation system, its status as significant consumer of these services, and its legal status as the governmental representative of the Island, the Village has a substantial and direct interest in the operation of the transportation system, which cannot be adequately represented by any other party in the proceeding. The Village is a consumer of the ferry, tram, parking, and barge services itself, as many of the Village’s employees make daily trips to and from the Island. It is also the governmental entity, acting through its elected Village Council, representing the interests of the residents of the Island and responsible for

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<sup>2</sup> Compare Application, ¶ 21 (“Under the current 30-minute-tumaround schedule, the ferries will travel 24 to 27 one-way runs per day.”) with *id.* ¶ 22 (“Shifting to the proposed 45-minute schedule, the ferries will make 19 to 20 one-way runs per day . . .”).

ensuring, protecting, and enhancing the Island's unique qualities so that it remains an accessible and enjoyable place to live, visit and work.

9. The Village has previously been granted the right to intervene as a party in multiple dockets involving the Island transportation system, including the general rate case initiated by BHIT on May 5, 2010, in Docket No. A-41, Sub 7;<sup>3</sup> the joint request for BHIT and Head Island Ferry Transportation, LLC for approval to transfer the Common Carrier Certificate authorizing operation of passenger ferry transportation services to and from Bald Head Island;<sup>4</sup> and the Commission's pending proceeding to study of rates and charges of passenger ferry public utility services.<sup>5</sup>

10. Additionally, the Village was the Petitioner/Complainant/Appellee in a proceeding in which the Commission established regulatory authority over certain assets (Parking Facilities and Barge) owned by BHIL and operated as essential components of the ferry transportation system. *See* Order Ruling on Complaint and Request for Determination of Public Utility Status, Docket No. A-41, Sub 21 (Dec. 30, 2022), *appeal pending* No. COA23-424.

11. Pursuant to Rule R1-39, the Village agrees to accept electronic service of all filings in this proceeding.

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<sup>3</sup> *See* Order Establishing General Rate Case, Suspending Rates, Scheduling Hearings, Requiring Public Notice, and Granting Petitions for Leave to Intervene, Docket No. A-41, Sub 7 (June 3, 2010).

<sup>4</sup> *See* Order Granting Petition to Intervene of Village of Bald Head Island, Docket No. A-41, Sub 22 (Jul. 27, 2022); Application for Transfer of Common Carrier Certificate, Docket No. A-41, Sub 22 (Jul. 14, 2022).

<sup>5</sup> *See* Order Granting Petition to Intervene of VBHI, Docket No. A-100, Sub 1 (Nov. 8, 2023); Order Requiring Filing of Rates and Allowing Comments, Docket No. A-100, Sub 1 (Oct. 4, 2023).

WHEREFORE, the Village respectfully requests that the Commission enter an order allowing it to intervene in the above-captioned proceeding, including the right to discovery and to otherwise exercise all statutory rights provided to intervenors under North Carolina law.

This 20th day of March, 2024.

By: /s/ Christopher B. Dodd  
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*Attorneys for Village of Bald Head Island*

## VERIFICATION

K. Christopher McCall, first being duly sworn, deposes and says that he is the Village Manager for the Village of Bald Head Island; that he has read the foregoing Petition to Intervene and that the same is true of his personal knowledge, except as to any matters and thing therein stated on information and belief, and as to those, he believes them to be true; and that he is authorized to sign this verification on behalf of the Village of Bald Head Island.

This the 20<sup>TH</sup> day of March, 2024.



K. Christopher McCall

Sworn to and subscribed before me  
this 20<sup>TH</sup> day of March, 2024.

  
Notary Public

MICHELLE KESMODEL  
Notary Public, North Carolina  
Brunswick County  
My Commission Expires  
December 08, 2026

Commission Expires: Dec. 8, 2026

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing PETITION TO INTERVENE has been served this day upon all parties of record in this proceeding, or their legal counsel, by electronic mail or by delivery to the United States Post Office, first-class postage pre-paid.

This the 20th day of March, 2024.

By: /s/ Christopher B. Dodd