

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. A-41, SUB 22

In the Matter of		
Joint Amended Application of Bald Head)	
Island Transportation, Inc., and Bald Head)	VILLAGE OF BALD HEAD
Island Ferry Transportation, LLC, for)	ISLAND'S MOTION FOR
Approval of Transfer of Common Carrier)	EXTENSION OF TIME TO FILE
Certificate to Bald Head Island Ferry)	POST-HEARING BRIEFS AND
Transportation, LLC, and Permission to)	PROPOSED ORDERS
Pledge Assets)	

The Village of Bald Head Island (the "Village"), through counsel and pursuant to Rule R1-7 of the Rules of Practice and Procedure of the North Carolina Utilities Commission ("Commission"), hereby moves the Commission for a seven-day extension of time, to and including Monday, May 22, 2023, for all parties to file Post-Hearing Briefs and Proposed Orders. In support of this motion, the Village states the following:

1. At the close of the hearing in this matter, the Presiding Commissioner issued an oral ruling requiring the submission of post-hearing briefs and proposed orders thirty days after the delivery of the hearing transcripts.
2. On April 13, 2023, the Commission, through the Clerk's Office, issued a Notice of Due Date for Proposed Orders and/or Briefs setting Monday, May 15, 2023 as the due date for post-hearing submissions.
3. Notwithstanding the issuance of the Notice of Due Date, Confidential Exhibit Volume transcripts were not delivered to the parties until April 16, 2023.
4. Late in the afternoon of May 10, 2023,¹ effectively two business days before

¹ VBHI was served with a copy of the Settlement Agreement at 4:54 p.m. on Wednesday afternoon.

the post hearing submission due date, Bald Head Transportation, Inc. (“BHIT”), Bald Head Limited, LLC (“BHIL”), and Bald Head Island Ferry Transportation, LLC (“BHIFT”) (collectively, the “Applicants”) together with the Public Staff filed a Settlement Agreement and Stipulation with Regulatory Conditions (the “Settlement Agreement and Stipulation”).

5. The Settlement Agreement and Stipulation involves new positions, agreements, and stipulations not previously raised or addressed during the hearing and not addressed in witness testimony presented to the Commission. Neither the Village, the BHI Club, nor the BHA were party to these settlement discussions and they are not a party to that agreement. *See* Settlement Agreement ¶ I.J (discussing process by which proposal was negotiated, which did not include Village, the BHI Club, nor the BHA).

6. Counsel for the Village requires additional time to review these new materials and positions, discuss the same with their client, and address, as necessary, in the post-hearing submissions.

7. Based on preliminary review, it is apparent that the Settlement Agreement and Stipulation includes a number of material revisions to the prior positions of the Applicants, including on key issues such as acquisition premium, establishment of rate base, the future availability of parking, lease agreements, permitted distributions to SharpVue and its affiliates, service quality, and permitted rate increases for parking and barge services. Each of these positions by the Applicants set forth in the newly filed agreement will require careful analysis, consideration, potentially additional legal research, and consultation with client representatives and consultants to evaluate the impact on the Village’s interests and positions.

8. Given that the parties to the Settlement Agreement and Stipulation have raised these new positions for the first time, only a few days before the deadline for submission of briefs and proposed orders, counsel for the Village, as a matter of procedural equity and the orderly conduct of this proceeding, reasonably require additional time to review the new positions, confer with Village representatives and consultants as needed, and incorporate responses in their post-hearing brief and proposed order necessary and appropriate in light of this development.

9. In light of these factors, counsel respectfully requests a seven-day extension of time, to and including Monday, May 22, 2023, for all parties to submit post-hearing briefs and proposed orders. Neither the Applicants nor the Public Staff will be prejudiced from the brief requested extension of time, which the Village is requesting to apply to all parties.

10. Counsel for the Village has consulted with counsel for all other parties to this proceeding and is authorized to represent that the Public Staff, BHI Club and BHA do not object to this motion and that the Applicants will not oppose the motion.

WHEREFORE, the Village respectfully requests that the Commission grant its motion for extension of time, up to and including May 22, 2023, in which all parties may submit Post-Hearing Briefs and Proposed Orders in this proceeding.

Respectfully submitted, this the 11th day of May, 2023.

BROOKS, PIERCE, McLENDON,
HUMPHREY & LEONARD, L.L.P.



By: _____

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Attorneys for Village of Bald Head Island

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing MOTION FOR EXTENSION OF TIME 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.

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This the 11th day of May, 2023.

By: /s/ Marcus Trathen