

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. A-100, SUB 1

In the Matter of		
Study of Rates and Charges of Passenger	)	<b>PETITION TO</b>
Ferry Public Utilities	)	<b>INTERVENE</b>

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., 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. 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. The Order Requiring Filing of Rates and Allowing Comments, filed October 4, 2023 in this docket (the “Order”) requires each of North Carolina’s eight passenger ferry public utilities—including Bald Head Island Transportation, Inc., which provides ferry service to Bald Head Island—to file with the Commission copies of their current tariffs of rates and charges and timetables.

6. Bald Head Island Transportation, Inc., as the holder of the common carrier certificate issued by the Commission in Docket No. A-41 for operation of the Bald Head Island ferry, is a party to this docket. *See* Order, at 3.

7. The Order also allows any “interested parties to file comments on the Commission’s ratemaking treatment of passenger ferry rates and charges.” Order, at 3. The order

specifically requests that the parties address whether the Commission’s current ratemaking treatment of passenger ferry rates and charges complies with state law; whether lesser regulation of rates and charges is appropriate for passenger ferries, particularly those offering competitive leisure service; factors to be considered in determining whether proposed rates and charges are just and reasonable; and whether changes should be made to the Commission’s rules or procedures.

Order, at 3.

8. 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 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 previously was granted the right to intervene as a party in the general rate case initiated by Bald Head Island Transportation, Inc., on May 5, 2010, in Docket No. A-41, Sub 7. *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).

10. Additionally, the Village is the Petitioner/Complainant/Appellee in a proceeding in which the Commission established regulatory authority over certain assets

(Parking Facilities and Barge) owned by Bald Head Island Transportation, Inc.'s parent company, Bald Head Island Limited, LLC, 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). That matter is currently pending appeal before the North Carolina Court of Appeals. *See* Notice of Appeal and Exceptions of Bald Head Island Transportation, Inc., Bald Head Island Limited, LLC, and SharpVue Capital, LLC, Docket No. A-41, Sub 21 (Jan. 27, 2023).

11. The Village was also granted the right to intervene as a party in the proceeding in which Bald Head Island Transportation, Inc. and Bald Head Island Ferry Transportation, LLC sought Commission approval to transfer the Common Carrier Certificate authorizing operation of passenger ferry transportation services to and from Bald Head Island. *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).

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

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 3rd day of November, 2023.

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 26 day of October, 2023.

\_\_\_\_\_  
K. Christopher McCall

Sworn to and subscribed before me  
this 26 day of October, 2023.

  
\_\_\_\_\_  
Notary Public

DARCY L. SPERRY  
Notary Public, North Carolina  
Alamance County  
My Commission Expires  
February 03, 2025

Commission Expires: FEBRUARY 3, 2025

## 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.

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This the 3rd day of November, 2023.

By:     /s/ Christopher B. Dodd