

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. A-41, SUB 23

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Application of Bald Head Island
Transportation, Inc. for Approval of
Revisions to Regular Passenger Ferry
Schedules to 45-Minute Departures

PETITION TO INTERVENE OF
BHI ACADEMY LLC AND
BHI ACADEMY FOUNDATION INC.

NOW COME Bald Head Island Academy LLC (“BHI Academy”) and Bald Head Island Academy Foundation Inc. (“BHI Academy Foundation”) (together with BHI Academy, the “Academy”)¹, pursuant to Commission Rules R1-5 and R1-19, and file this petition to intervene. In support of this petition, the Academy shows unto the North Carolina Utilities Commission (the “Commission” or “NCUC”) as follows:

1. BHI Academy is a private school located on Bald Head Island, North Carolina, which enrolls students from kindergarten to eighth grade. BHI Academy provides children of all socioeconomic and health backgrounds with a State- and federally-compliant K-8 grade education (children 5-14 years of age), emphasizing earth sciences and maritime environmental preservation. In the current student body, BHI Academy includes students with disabilities, including hearing impairment and cognitive disorders like attention-deficit/hyperactivity disorder (ADHD). BHI Academy deploys a whole-child approach referred to as “the c-squared e-squared approach:

¹ More information may be accessed at the Academy’s website: <https://bhiacademy.org/> and <https://bhiacademy.org/teaching-staff/>.

child-centric eco-education.” BHI Academy offers a unique STEA+M (science, technology, English/languages, art, athleticism, and math) curriculum. BHI Academy employs teachers and paid staff, in addition to relying upon volunteer staff and third-party vendors. BHI Academy also has a robust summer intern program, where young leaders of tomorrow are able to work, be exposed to elementary education at its finest, and hone leadership and teaching skills.

2. Some BHI Academy students, leaders, employees, and staff reside on Bald Head Island, while several others, including summer interns, reside elsewhere.
3. BHI Academy Foundation is a 501(c)(3) charitable entity responsible for school oversight and fundraising efforts benefiting BHI Academy and its students. The mission of BHI Academy Foundation is to ensure education equity and access to children ages five to fourteen, regardless of socioeconomic and personal background. One way the BHI Academy Foundation accomplishes its purpose is by enabling BHI Academy to charge tuition only for those students whose families can afford to pay it. Full-ride scholarships, including tuition, fees, and ferry tickets, are provided free of charge to underprivileged students at BHI Academy.
4. BHI Academy was started in 2022 and is completing its full curriculum inaugural year (started September 2023). Any major change, deviation, and/or shift in operations, especially caused by external parties or circumstances, jeopardize the Academy’s inclusive curriculum, growth, fundraising, trajectory, and even its existence.

5. Petitioners' mailing address is:

BHI Academy
P.O. Box 3499
Bald Head Island, NC 28461

6. The name and contact information of Petitioners' attorney in this docket are:

Christina D. Cress
Partner
Bailey & Dixon, LLP
P.O. Box 3027
Bald Head Island, NC 28461
Phone: (919) 607-6055
Fax: (919) 828-6592
ccress@bdixon.com

7. Copies of all notices, pleadings, filings, and/or other communications with respect to this docket should be served upon:

Louis Vaickus, MD, FACP
Life Sciences Curriculum and Board Chair
BHI Academy Foundation
P.O. Box 3499
Bald Head Island, NC 28461
L.Vaickus@aktapd.com

Christina D. Cress
Partner
Bailey & Dixon, LLP
P.O. Box 3027
Bald Head Island, NC 28461
Phone: (919) 607-6055
Fax: (919) 828-6592
ccress@bdixon.com

8. On February 19, 2024, Bald Head Island Transportation, Inc. ("BHIT") filed in the above-captioned docket an Application for Revisions to Ferry Schedules to 45-Minute Departures ("Application").

9. By BHIT’s own admission,² the Application seeks a reduction in ferry service between Deep Point Marina and Bald Head Island. Illogically, BHIT’s Application proposes a reduction in ferry service and no change to the number of ferry/tram staff (boat crew, luggage handlers, tram operators) while simultaneously referencing data points like increasing year-over-year ridership with sustained growth and increased system stress, which should lead one to draw the opposite conclusion—to the extent any changes are needed, there should be an *increase* in ferry service and/or an *increase* in the number of ferry/tram staff.
10. Petitioners are deeply concerned that BHIT does not appear to have any logical plan to accommodate future growth of the Island, let alone growth of the Academy.
11. Upon information and belief, BHIT’s Application is unsupported by any capacity studies, design studies, or third-party analyses.
12. Referring to the proposed changes in ferry schedules as “45-minute schedules” is misleading and inaccurate. In reality, the proposed new ferry schedules will have ferries arriving on and departing from the Island every 90 minutes, rather than every 60 minutes.
13. Petitioners take issue with the extremely limited stakeholder outreach conducted by BHIT in advance of the filing of its Application. Indeed, Petitioners were not made aware of BHIT’s plans to seek these changes to the

² See Application at Paras. 21 & 22 (stating that under the current ferry schedule, “the ferries will travel 24 to 27 one-way runs per day[;]” but under the proposed new ferry schedule, “the ferries will make 19 to 20 one-way runs per day[.]”).

ferry schedule until after BHIT had filed the Application. Moreover, Petitioners learned from an email distribution list managed by the Village of Bald Head Island that the Application had been filed.

14. By necessity, the Academy is reliant upon the ferry and tram systems operated by BHIT to safely transport the Academy's minor age children (with chaperoning provided by the Academy), employees, and volunteers who reside off Island to and from the Academy year-round, as the Academy has a traditional school program plus a summer series. The Commission's action on the Application will directly—and, if the Application is granted as filed, negatively—impact the Academy and its students, leaders, employees, summer interns, and volunteers.
15. For example, the Academy's school schedule will be severely and negatively impacted by the proposed reduction in ferry service and schedule changes contained in the Application.
16. Under the proposed new schedules, students, employees, and volunteers who reside off Island will now have no viable options for ferry service to the Island during traditional school hours. Thus, the proposed ferry schedule changes are unreasonably burdensome and unsustainable for the Academy. The proposal offers only the following:
 - a. Option #1 – Students, teachers, and volunteers who reside off island ride the 7:30 a.m. ferry from Deep Point to the Island. This means they would have to arrive at Deep Point Marina early enough before 7:30 a.m. to secure their place in line lest they be “bumped” to the next

ferry, which would mean a 90-minute wait and/or loss of a school day. Then, on board, those students must be supervised by Academy teachers and volunteers, thus causing a downstream impact to the entire classroom if a “bump” occurs. In addition, Academy students, teachers, and volunteers use inside seating for safety and proper supervision. Moreover, Academy students must then otherwise be accommodated from the time they arrive on Island at approximately 7:50 a.m. until all teachers and staff arrive and the Academy’s doors open at 8:50 a.m. for a 9 a.m. start time.

- b. Option #2 – Students, teachers, staff, and volunteers who reside off Island ride the 9 a.m. ferry from Deep Point to the Island, meaning they will arrive at the Academy just before 10 a.m., which is too late for a reasonable school day, and this option offers no supervision by Academy teachers or volunteers.

17. Neither option is practical or viable for the Academy’s students or their parents, who rely on the current ferry schedule to ensure their child(ren) is/are properly supervised until they board the ferry, at which point the Academy’s teachers or volunteers provide supervision, enabling the parents to get to work themselves before they have to return to Deep Point Marina to pick up their child(ren) at the end of each school day. Nor is either option workable for the Academy’s leadership, which is able to attract the best teachers, support staff, and volunteers possible in part due to the flexibility of the current ferry schedule and shorter time frames between ferry runs.

18. The contractor ferry is not an appropriate, safe, or suitable alternative for the Academy's students because the inside seating on the contractor boat is limited and packed with contractors and their gear/equipment. The contractor ferry is always packed full and never a safe and viable option for the Academy.
19. The Academy respectfully requests that the Commission schedule this matter for a public hearing to be held on Bald Head Island—ideally during peak season between Memorial Day and Labor Day—followed by an evidentiary hearing to be held in Raleigh.
20. BHIT's ferry and tram services, including the adequacy, quality, reliability, safety, schedule, and terms of such services, are critically important to the operation of the Academy, Bald Head Island's only school. Such services are vital year-round to all the Academy's students, leaders, employees, summer interns, and volunteers, regardless of whether they reside on Island or off Island. The Academy thus has a real, direct, and substantial interest in the outcome of this proceeding and in the future terms of service and schedules of BHIT's ferry and tram systems.
21. As customers of BHIT and frequent passengers on BHIT's ferry and trams, Petitioners and their students, leaders, employees, summer interns, and volunteer staff have real, direct, and substantial interests in the operation, schedules, reliability, safety, adequacy, and quality of BHIT's ferry and tram services.
22. No other party can adequately represent Petitioners' unique interests in this docket, and their participation in this docket is in the public interest. Petitioners

respectfully request the Commission to permit their intervention in this docket, with all rights attendant thereto.

23. Pursuant to Commission Rule R1-39, Petitioners consent to electronic service of all pleadings and other papers filed in this docket.

WHEREFORE, Petitioners respectfully move the Commission for entry of an Order:

1. Allowing Petitioners to intervene and fully participate as an intervenor in this proceeding;
2. Allowing Petitioners to otherwise exercise all rights of a party to this proceeding, including filing comments and other papers, calling and examining witnesses, cross-examining opposing witnesses, and being heard on all matters relative to the issues involved in this docket; and
3. For such other and further relief as the Commission deems just and proper.

Respectfully submitted, this the 27th day of February, 2024.

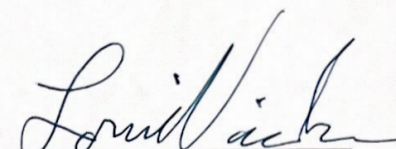
BAILEY & DIXON, LLP

/s/ Christina D. Cress
Christina D. Cress
N.C. State Bar No. 45963
P.O. Box 3027
Bald Head Island, NC 28461
(919) 607-6055
ccress@bdixon.com
Counsel for Petitioners

VERIFICATION

Louis Vaickus, MD, FACP, first being duly sworn, deposes and says: 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 things 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 BHI Academy and BHI Academy Foundation.

This the 27th day of February, 2024.

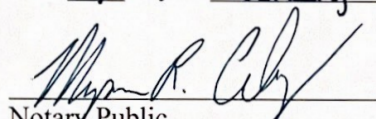

Louis Vaickus, MD, FACP

STATE OF NORTH CAROLINA

COUNTY OF BRUNSWICK

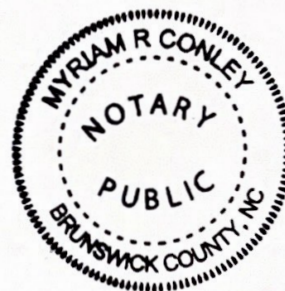
Sworn to and subscribed before me

This ^{27th}~~27~~ day of ~~Feb~~^{MC} February, 2024, by Louis Vaickus, MD, FACP


Notary Public

Myriam R. Conley
Typed or Printed Notary Public Name

My Commission Expires: 9/25/2028



CERTIFICATE OF SERVICE

The undersigned hereby certifies that she caused the foregoing *Petition to Intervene* to be served upon all parties of record to this proceeding via electronic mail by consent.

This the 27th day of February, 2024.

/s/ Christina D. Cress
Christina D. Cress

OFFICIAL COPY

Feb 27 2024