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November 29, 2022

Ms. A. Shonta Dunston
Chief Clerk
North Carolina Utilities Commission
430 N. Salisbury Street
Room 5063
Raleigh, NC 27603

Re: In the Matter of
Joint Application of Bald Head Island Transportation, Inc. and Bald Head Island
Ferry Transportation, LLC for Approval of Transfer of Common Carrier Certificate to
Bald Head Island Ferry Transportation, LLC, and Permission to Pledge Assets
NCUC Docket No. A-41, Sub 22
*Bald Head Island Transportation's Comments in Support of SharpVue Capital's
Response to Village of Bald Head Island's Motions to Compel*

Dear Ms. Dunston:

Attached for filing in the above referenced docket are Bald Head Island Transportation's
Comments in Support of SharpVue Capital's Response to Village of Bald Head Island's
Motions to Compel.

If you should have any questions concerning this submittal, please contact me.

Sincerely,

/s/ M. Gray Styers, Jr.

M. Gray Styers, Jr.

A Pennsylvania Limited Liability Partnership

California Colorado Delaware District of Columbia Florida Georgia Illinois Minnesota
Nevada New Jersey New York North Carolina Pennsylvania South Carolina Texas Washington

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Enclosure

cc: All Parties and Counsel of Record
Christopher J. Ayers - NC Public Staff
Elizabeth Culpepper – NC Public Staff
William E. H. Creech – NC Public Staff
Jessica Heironimus – NC Public Staff

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

Docket No. A-41, Sub 22

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Joint Application of Bald Head)	
Island Transportation, Inc., and Bald)	
Head Island Ferry Transportation,)	
LLC, for Approval of Transfer of)	
Common Carrier Certificate to Bald)	
Head Island Ferry Transportation,)	
LLC, and Permission to Pledge)	
Assets)	

**BALD HEAD ISLAND
TRANSPORTATION'S COMMENTS
IN SUPPORT OF SHARPVUE
CAPITAL'S RESPONSE TO VILLAGE
OF BALD HEAD ISLAND'S MOTIONS
TO COMPEL**

Bald Head Island Transportation, Inc. ("BHIT"), by and through its undersigned counsel, submits these brief Comments below in Support of SharpVue Capital's Response in opposition to the Village of Bald Head Island ("the Village")'s Second and Third Motions to Compel ("the Motions").

First, BHIT makes the general observation that private equity financing is becoming an increasingly important (and necessary) source of funding for utility and infrastructure expansion and acquisitions in the United States. The management of Bald Head Island Limited ("BHIL") evaluated numerous options for the acquisition of the Bald Head Island ferry and tram assets after the Bald Head Island Transportation Authority ("BHITA") could not receive approval for its financing to purchase the ferry. Public debt (even investment-grade public debt) is becoming increasingly difficult to issue, as evidenced by what has happened to BHITA's efforts. Acquisitions by large publicly-traded corporations are still occurring, but usually only in industries where the purchaser already has investments (and they thus have no interest in unusual, one-off operations such as

BHIT). Therefore, private equity often becomes the best available source of capital when assets need to be sold and/or capital investments need to be made.

Second, with regards to SharpVue specifically, BHIL assumed that the Commission's consideration of the certificate transfer to SharpVue would be straightforward based upon (1) the utility's ownership by the George Mitchell estate that is selling the system and will not be making any further capital investments; (2) the thorough due diligence over the past four years by BHITA; and (3) the reputation and credibility of SharpVue's managers and their ability to raise capital. If SharpVue refuses to move forward with this acquisition because of the Village's litigation tactics, including extensive discovery and this latest request to disclose investor identities and financing details to a competing purchaser, it will have a chilling effect on the market and discourage, or remove altogether, other potential purchasers, who will have the similar concerns as SharpVue.¹ Leaving the future of the ferry in a state of limbo and ownership in the hands of an estate that wants to sell it is not in the interest of the general consuming public or the specific passengers that the Village purports to be concerned about.

WHEREFORE, for the reasons stated herein, BHIL supports the opposition of SharpVue to the Village's Motions to Compel.

Respectfully submitted this 29th day of November, 2022,

FOX ROTHSCHILD LLP

/s/ M. Gray Styers, Jr.

M. Gray Styers, Jr.
Elizabeth Sims Hedrick

¹ The decision-makers regarding the sale of BHIL's assets are unequivocal that they will not under any circumstances sell any of the assets to the Village.

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Counsel for Bald Head Island Transportation, Inc.

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served the foregoing Comments of Bald Head Island Transportation in Support of SharpVue Capital's Response to Village of Bald Head Island's Motion to Compel upon all parties and counsel of record and North Carolina Public Staff by electronic mail and / or by depositing a copy of same in the U.S. Mail, with appropriate First Class postage affixed.

This the 29th day of November, 2022.

/s/ M. Gray Styers, Jr.

M. Gray Styers, Jr.