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October 11, 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
Village of Bald Head Island v. Bald Head Island Transportation, Inc.
and Bald Head Island Limited, LLC;
NCUC Docket No. A-41, Sub 21
Stipulation Commitments

Dear Ms. Dunston:

On behalf of Bald Head Island Transportation, Inc., Bald Head Island Limited, LLC, SharpVue Capital, LLC and affiliates, as requested at the hearing in the above-referenced docket on October 10, 2022, attached are Stipulation Commitments in lieu of Preliminary Injunction.

Thank you in advance for your assistance with this filing. If you should have any questions concerning this submittal, please contact me.

Sincerely,

/s/ M. Gray Styers, Jr.
M. Gray Styers, Jr.

/s/ David P. Ferrell
David P. Ferrell

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: NC Public Staff
Commission Staff
Counsel and Parties of Record

Stipulation Commitments

1. The Parties (Bald Head Island Transportation, Inc. and Bald Head Island Limited, LLC and SharpVue Capital, LLC and its Affiliates) to the Asset Purchase Agreement (“APA”) shall not buy or sell any of the unregulated parking or barge assets subject to that APA on or before November 18, 2022;
2. The Parties to the APA will provide to the Commission at least 10-days written notice filed in Docket No. A-41, Sub 21 prior to the closing date of any purchase or sale of any of the unregulated parking or barge assets subject to that APA prior to a final determination on the complaint in Docket No. A-41, Sub 21;
3. The Parties to the APA shall provide to the Commission at least 10-days written notice filed in Docket No. A-41, Sub 21 prior to the execution of any proposed waiver, modification, or amendment of any material terms of the APA, specifically including, but not limited to, any provisions contained in Articles 3, 5, 7, 8 or Schedule 7.5 of the APA;
4. The Parties to the APA shall file confidentially in Docket No. A-41, Sub 22 any tolling agreement executed by the Parties tolling or extending any date under the APA, including without limitation, the “Outside Date.”