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Via Electronic Filing

Shonta Dunston, Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, NC 27699-4300

Re: Docket No. A-41, Sub 21
Village of Bald Head Island - Errata to Wright Rebuttal
Testimony

Dear Ms. Dunston:

I am transmitting for filing in the above-referenced proceeding on behalf of the Village of Bald Head Island errata pages to the prefiled Rebuttal Testimony of Dr. Julius A. Wright.

Dr. Wright's prefiled Rebuttal Testimony was filed with the Commission on September 28, 2022. Subsequent to the filing, an error relating to the identification of a ferry referenced in the rebuttal testimony and a typographic error have been identified. These errors affect pages 12-13, 23, and 28 of the testimony. Enclosed herewith are errata pages showing the corrections to these pages.

Should any questions arise in connection with this matter, please do not hesitate to contact this office.

Very truly yours,

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cc: All parties

1 of a competitive parking operation at this time is not tethered to reality.

2 **Q. PLEASE DISCUSS YOUR CONCERN WITH MR. FULTON'S**
3 **TESTIMONY REGARDING HIS CLAIM THAT THE BARGE SERVICE IS**
4 **NOT USED IN A MANNER THAT PEOPLE MAY HAVE EXPERIENCED**
5 **IN OTHER PARTS OF THE COUNTRY.**

6 A. In his direct testimony (page 6, lines 15-17), Mr. Fulton is asked, "*So, the barge*
7 *cannot be used in a manner that many people might have experienced with car*
8 *ferries that operate in various parts of the country?"* Mr. Fulton answers, "*That's*
9 *correct.*" I am not sure what Mr. Fulton means with this question and answer
10 because he doesn't explain why the barge service is different from other ferry
11 services. What I can say is that there are many instances where ferry services
12 transport vehicles of all types, including trucks and moving vans, along with cars
13 and passengers, and all on the same ferry boat. Consider the following examples:

- 14 • A North Carolina Ferry, Cape Lookout Cabins and Camps, provides
15 *passenger and vehicle service on the same ferry and having a Common*
16 *Carrier Certificate from the NCUC – See Rebuttal Exhibit JAW-1, Docket*
17 *No. A-66, Sub 0 and Sub 2. (This provider appears to offer two separate routes*
18 *with passenger and vehicle service under this certificate.)*
- 19 • A second North Carolina Ferry, Davis Shore Ferry Services, provides
20 *passenger and vehicle service on the same ferry and having a Common*
21 *Carrier Certificate from the NCUC – See Rebuttal Exhibit JAW-2, Docket*
22 *No. A-65, Sub 0.*
- 23 • ~~A third North Carolina Ferry, Morehead Ferry Service, provides passenger~~

1 ~~*and vehicle service on the same ferry and having a Common Carrier*~~
2 ~~*Certificate from the NCUC – See*~~ Rebuttal Exhibit JAW-3, Docket No. A-
3 ~~76, Sub 0.~~

- 4 • A ~~forth~~^{third} North Carolina Ferry, Morris Marina ferry, provides *passenger and*
5 *vehicle service on the same ferry and having a Common Carrier*
6 *Certificate from the NCUC – See* Rebuttal Exhibit JAW-4, Docket No. A-
7 26, Sub 4.
- 8 • Several NC-Department-of-Transportation-run ferries, including those to
9 Cedar Island, Ocracoke, Swan Quarter, and Fort Fisher (with one
10 exception), carry both passengers and vehicles of all sizes. *See* Rebuttal
11 Exhibit JAW-5.
- 12 • As one example of ferry services outside the state, Rebuttal Exhibit JAW-6
13 provides tariff sheets from a Rhode Island ferry between Bristol and
14 Prudence Island, and this tariff clearly shows that both passengers and
15 vehicles of all sizes ride the same ferry.
- 16 • *Thirty percent of the ferry services* surveyed by Mr. Leonard (Leonard
17 Direct Testimony Table J) *allow both passengers and vehicles, including*
18 *trucks*, on the same ferry. *See* Rebuttal Exhibit JAW-7.0.

19 In summary, Mr. Fulton's claim that the Bald Head Island barge service
20 (transporting vehicles and their driver passengers) is somehow different from
21 services provided by other ferries, is simply wrong. The fact that the Village issues
22 permits for vehicle usage on the Island has no effect on the nature of the barge's

JAW REBUTTAL TABLE 1: Ferry Service Parking Survey Results					
Ferry terminal	A	B	C	D	E
	Is parking provided at the terminal or very close (across street usually) by ferry or municipality?	Average number of parking facilities within approximately 300 yards ³ of the ferry terminal* –	Average of number of parking facilities less than 3 miles away**	The number of ferry services that provide parking instructions and/or directions to parking on its web site	Are ferry terminal parking rates regulated?
Deep Point Terminal	yes	1	1	1 out of 1	no
41 Ferry Services surveyed by Mr. Leonard	Yes, for 36 out of 41 at terminal; 4 more that have close-by municipal parking, and 2 don't have "terminal parking" but provides a free shuttle service to parking and offer valet service	> 2.6	>4.9	All but one	Some - approximately 11 out of 42 41 are, either by state, a state authorized authority, or a municipality

* This is the approximate distance from the Deep Point Terminal to the back of the Deep Point parking lot.

** Indigo Plantation, mentioned as an alternative parking facility, is a 3.6 mile drive from the Deep Point terminal.

1 JAW Rebuttal Table 1 provides additional information that better highlights the
 2 relevance (or lack thereof) of the out-of-state ferry and parking examples cited by
 3 Mr. Leonard in his Exhibit J. In fact, with the additional information summarized
 4 in Table 1, it is evident that many of Mr. Leonard's examples actually support the
 5 conclusions of my Direct Testimony.

6 The key takeaways from my analysis are:

7 (1) As shown in JAW Rebuttal Table 1, Columns B and C, the Deep Point

³ It is difficult to calculate an exact number because several of the ferry terminal web sites just said "several" parking facilities or just used plural terms to indicate what I would term "walking distance" parking.

1 typical telephone service and while the yellow pages were an important service,
2 they were not an essential service on which the provision of actual
3 telecommunications were dependent. But, as the Public Staff has admitted, the
4 provision of parking is an essential service upon which the passenger ferry is
5 dependent— absent parking, the passenger ferry will shut down (at least until other
6 parking services are offered). In addition, the net revenues in issue from the
7 parking operation greatly exceed those of the regulated entity.

8 **Q. WHAT WOULD YOU LIKE TO ADDRESS REGARDING THE PUBLIC**
9 **STAFF’S COMMENTS ON THE BARGE SERVICE?**

10 A. On pages 8-11, the Public Staff appears to present the argument that the barge
11 service is not a common carrier because it doesn’t fall under the scope of the
12 regulated services prescribed under the Maximum Rate Tariff No. 1. While I
13 cannot offer a legal opinion on this issue, in my earlier comments contained herein
14 I pointed out that this Commission, with the approval of the Public Staff, has
15 granted a Common Carrier certification to at least ~~four~~ **three** different ferry services in
16 North Carolina that carry both passengers and vehicles, including trucks of all
17 different sizes carrying all types of goods, and these passengers and vehicles are
18 carried on the same ferry boat. *See* Rebuttal Exhibits ~~JAW-7.1, -7.2, -7.3, and -7.4.~~ **JAW-1, -2, and -4.**
19 As I stated earlier, if these other ferry services and their rates for both passengers
20 and vehicles of all types and sizes can be regulated under the common carrier
21 statutes, it is inconsistent to now declare a similar service to Bald Head Island
22 exempt from such a designation.