

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. A-41, Sub 21

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of Village of Bald Head Island,
c/o Village Manager, 106 Lighthouse Wynd,
Bald Head Island, North Carolina 28461,

Complainant,

PETITION TO INTERVENE

v.

Bald Head Island Transportation, Inc., and
Bald Head Island Limited, LLC,

Respondents.

NOW COMES the Bald Head Island Club (“BHI Club” or “Petitioner”) and petitions the Commission, pursuant to Commission Rule R1-19, for leave to intervene in this proceeding.

In support of its petition, the BHI Club states the following:

1. The name and mailing address of the Petitioner is:

Bald Head Island Club
P.O. Box 3070
Bald Head Island, NC 28461

2. The name and address of Petitioner's attorney is:

Daniel C. Higgins
Burns, Day & Presnell, P.A.
P.O. Box 10867
Raleigh, N.C. 27605

3. The BHI Club is a North Carolina non-profit corporation, organized for social and recreational purposes on Bald Head Island.

4. The BHI Club requests that any notices, filings or other communications with respect to this Petition be served on the following:

Daniel C. Higgins
Burns, Day & Presnell, P.A.
P.O. Box 10867
Raleigh, NC 27605
dhiggins@bdppa.com

and

David Sawyer
Chief Executive Officer
Bald Head Island Club
PO Box 3070
Bald Head Island, NC 28461
dsawyer@bhiclub.net

5. On February 16, 2022, the Village of Bald Head Island (“Village”) filed a Complaint and Request for Determination of Public Utility Status against Bald Head Island Transportation, Inc. (“BHIT”), and Bald Head Island Limited, LLC (“BHIL”) in this docket. The Village’s Complaint states that it seeks, at a minimum, the Commission’s threshold determination that: (1) the parking lot operations at the Deep Point Marina terminal owned and operated by BHIL are an integral and essential part of the public utility ferry services offered by BHIT and, thus, the parking operations are subject to the Commission’s regulatory authority; and (2) the barge owned and operated by BHIL provides a common carrier service under Chapter 62 that is also subject to the Commission’s regulatory authority.

6. The BHI Club’s facilities include restaurants, a golf course, tennis courts, a swimming pool and other sports and social facilities. The BHI Club has over 1,250 member families, representing over 4,000 member individuals. The Commission’s action on the Village’s Complaint will directly impact the BHI Club and its members. The BHI Club purchases thousands of ferry tickets from BHIT each year to transport Club employees to and from work on Bald Head Island, and pays for those employees’ parking in BHIL’s parking lots at Deep Point Marina. Likewise, as is the case with all users of BHIT’s ferry service, members of the BHI Club park their

vehicles in BHIL's parking lots at Deep Point Marina in order to catch the BHIT ferry, and they also pay the parking rates charged by BHIL. The BHI Club thus has a direct and substantial interest in the outcome of this proceeding and the rates to be charged to it, and its members, in connection with the services which are the subject of the Village's Complaint.

7. In addition, the BHI Club is a significant user of the barge services offered by BHIL for transporting goods and supplies from the mainland to Bald Head Island. The BHI Club has no other means for transporting the goods, equipment, and supplies that are required for its operations.

8. For the foregoing reasons, the BHI Club respectfully requests the Commission to permit it to intervene in this docket with all rights attendant thereto.

9. No other party can adequately represent the interests of the BHI Club and its members, and the BHI Club's participation in this docket would be in the public interest.

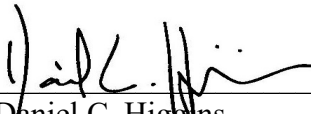
10. Petitioner agrees to accept electronic service of all filings in this docket.

WHEREFORE, the Bald Head Island Club moves the Commission for entry of its Order providing as follows:

1. That Petitioner be permitted to intervene and to become a party to this docket;
2. That Petitioner be permitted to file comments and other papers, call and examine witnesses, cross-examine opposing witnesses and be heard on all matters relative to the issues involved in this docket; and
3. For such other and future relief as the Commission deems just and proper.

This the 15th day of March, 2022.

BURNS, DAY & PRESNELL, P.A.

By: 
Daniel C. Higgins
P.O. Box 10867
Raleigh, North Carolina 27605
Telephone: (919)782-1441
Email: dhiggins@bdppa.com
Attorneys for the BHI Club

OFFICIAL COPY

Mar 15 2022

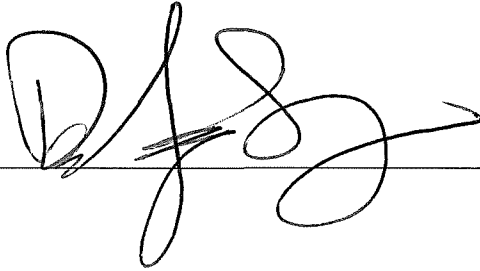
NORTH CAROLINA

BRUNSWICK COUNTY

VERIFICATION

David Sawyer, being first duly sworn, deposes and says that he is Chief Executive Officer of the Bald Head Island Club, the Petitioner, that he has read the foregoing Petition and that the same is true of his own knowledge, except as to those matters and things therein alleged upon information and belief, which he believes to be true.

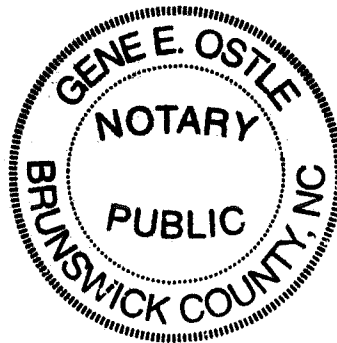
This the 8 day of March, 2022.



Sworn to and subscribed before me
this the 8 day of March, 2022.

Gene E. Ostle
Notary Public

My Commission expires: 9/3/2023



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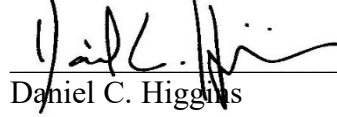
Mar 15 2022

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing document, has been served on all counsel of record for all parties in this docket, if any, and the Public Staff, by either depositing same in a depository of the United States Postal Service, first-class postage prepaid and mailed by the means specified below, or by electronic delivery.

This the 15th day of March, 2022.

BURNS, DAY & PRESNELL, P.A.

A handwritten signature in black ink, appearing to read "Daniel C. Higgins", is written over a horizontal line.

Daniel C. Higgins
Post Office Box 10867
Raleigh, NC 27605

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Mar 15 2022