

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. A-41, SUB 22

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	)	<b>PETITION TO</b>
Certificate to Bald Head Island Ferry	)	<b>INTERVENE</b>
Transportation, LLC, and Permission to	)	
Pledge Assets	)	

Pursuant to North Carolina Utilities Commission (“Commission”) Rules R1-5, R1-7, and R1-19, the Village of Bald Head Island (the “Village”), by and through its undersigned counsel, hereby respectfully petitions for leave to intervene in the above-referenced docket. In support of the petition, the Village provides the following information:

1. The Village is a municipal corporation with all the powers, duties and rights conferred by its charter and the laws of the State of North Carolina. The address for the Petitioner is Village of Bald Head Island, c/o Village Manager, 106 Lighthouse Wynd, Bald Head Island, North Carolina 28461.

2. The Village’s attorneys in this matter, to whom all communications and pleadings should be addressed, are:

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3. As a barrier island, Bald Head Island is solely situated between the waters of the State and is accessible only by boat. There is no bridge or road to the Island, and the only means of general public access is by the ferry exclusively operated by Bald Head Island Transportation, Inc., under color of a common carrier certificate issued by the Commission in Docket No. A-41.

4. The Island has over 1,000 private residences, with approximately 295 full-time residents. In addition to the full-time residents, there are many more people who spend a considerable portion of the year on the Island. These range from families who spend virtually every weekend on the Island to retired couples who spend entire seasons there, and every variation in between. There are also visitors who rent property on the Island, as well as “day trippers”—people who travel to the Island for the day to bike, walk, enjoy the beach, visit the Old Baldy Lighthouse, visit the Bald Head Island Conservancy, hike the Maritime Forest, or enjoy a meal. Additionally, almost the entire workforce that provides public safety, water and waste water utilities, solid waste management, road maintenance, as well as those who work in island restaurants, home construction, home maintenance, housekeeping take the ferry to and from the Island every day. In combination, these activities account for extensive travel to and from the Island, particularly during

spring and summer months, and the daily population of the Island can exceed 7,000 persons during peak periods.

5. The Joint Application of Bald Head Island Transportation, Inc., and Bald Head Island Ferry Transportation, LLC, filed July 14, 2022 in the above-referenced proceeding (the “Application”) seeks approval of the transfer of the common carrier certificate held by Bald Head Island Transportation, Inc. to Bald Head Island Ferry Transportation, LLC.

6. Bald Head Island Ferry Transportation, LLC is, on information and belief, a newly created limited liability company owned by Pelican Legacy Holdings, LLC, which, in turn, is managed by SharpVue Capital, LLC (“SharpVue”), a private equity firm based in Raleigh.

7. SharpVue has no known experience in owning or managing a ferry system and no known ties to Bald Head Island.

8. The Application represents that the proposed transaction is in furtherance of the liquidation of the assets held in the estate of the original developer of the Island. In this regard, if this transfer is approved it will be the first time that Island utility assets will be owned by an entity which is not associated with the Island’s developer or the Village. The commonality of interest and purpose that has existed between the developer and those who visit, live or work on the Island will cease to exist. One critical common interest was in the creation and maintenance of a system of transportation to serve the public—necessary both for development and for occupation and enjoyment of the Island.

9. The Village has a substantial and direct interest in the operation of the ferry services, which cannot be adequately represented by any other party in the proceeding.

The Village is a consumer of the ferry services itself, as many of the Village's employees make daily trips to and from the Island. It is also the governmental entity, acting through its elected Village Council, representing the interests of the residents of the Island and responsible for ensuring, protecting, and enhancing the Island's unique qualities so that it remains an accessible and enjoyable place to live, visit and work.

10. The Village previously was granted the right to intervene as a party in the general rate case initiated by Bald Head Island Transportation, Inc., on May 5, 2010, in Docket No. A-41, Sub 7. *See* Order Establishing General Rate Case, Suspending Rates, Scheduling Hearings, Requiring Public Notice, and Granting Petitions for Leave to Intervene, Docket No. A-41, Sub 7 (June 3, 2010).

11. The Village is also the Petitioner/Complainant in a related proceeding in which the Village is seeking a determination of the regulatory status of certain assets (Parking Facilities and Barge) which are owned by Bald Head Island Transportation, Inc.'s parent company, Bald Head Island Limited, LLC, and operated as essential components of the transportation assets being sold to SharpVue. *See* Complaint and Request for Determination of Public Utility Status, Docket No. A-41, Sub 21 (Feb. 16, 2022). That matter is pending before the Commission.

12. Pursuant to Rule R1-39, the Village agrees to accept electronic service of all filings in this proceeding.

WHEREFORE, the Village respectfully requests that the Commission enter an order allowing it to intervene in the above-captioned proceeding, including the right to discovery and to otherwise exercise all statutory rights provided to intervenors under North Carolina law.

This 21<sup>st</sup> day of July, 2022.



By: \_\_\_\_\_

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*Attorneys for Village of Bald Head Island*

## VERIFICATION

K. Christopher McCall, first being duly sworn, deposes and says that he is the Village Manager for the Village of Bald Head Island; 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 thing 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 the Village of Bald Head Island.

This the 21<sup>st</sup> day of July, 2022.

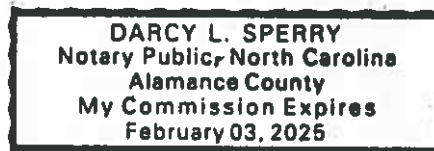


K. Christopher McCall

Sworn to and subscribed before me  
this 21 day of July, 2022.

  
Notary Public

Commission Expires: 2/3/25



**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing PETITION TO INTERVENE has been served this day upon all parties of record in this proceeding, or their legal counsel, by electronic mail or by delivery to the United States Post Office, first-class postage pre-paid.

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This the 21<sup>st</sup> day of July, 2022.

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By: /s/ Marcus W. Trathen