

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

Docket No. A-41, Sub 21

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

VILLAGE OF BALD HEAD ISLAND)	
)	
Complainant)	Motion of Bald Head
)	Association to Intervene
)	
v.)	
)	
BALD HEAD ISLAND TRANSPORTATION, INC., and BALD)	
HEAD ISLAND LIMITED, LLC,)	
)	
Respondents)	

NOW COMES Bald Head Island Association (“Association” or “Petitioner”) by and through the undersigned counsel and pursuant to NCUC Rule R1-15, Rule R1-16, Rule R1-19, N.C. Gen. Stat. § 62-72 and the Commission’s Order dated June 17, 2022 in this docket scheduling hearing and establishing procedures and requests an order allowing it to intervene in this docket. In support of this Petition, Petitioner shows the Commission as follows:

1. Petitioner is an association of homeowners and property owners on Bald Head Island in Brunswick County, North Carolina, an organized, incorporated, nonprofit association existing under the laws of the State or North Carolina.
2. Petitioner’s post office and street address is P.O. Box 3030, 111 Light House Wynd, Bald Head Island, North Carolina 28461

3. Petitioner's representative in this proceeding to whom all notices, pleadings and other documents related to this proceeding should be directed is:
4. Edward S Finley, Jr. PLLC
2024 White Oak Rd.
Raleigh NC, 27608
edfinley98@aol.com
919-418-4516
5. Petitioner agrees to accept electronic filing of all filings in this docket.
6. Petitioner's membership includes 1891 property owners on Bald Head Island. With the exception of approximately 100 properties in Middle Island all property owners on the island are members of the Association. Property owners on Bald Head Island are members of the Association whether or not they are residents qualified to vote in Bald Head Island Village elections.
7. On June 17, 2022 the Commission issued an Order Scheduling Hearing and Establishing Procedures. In this Order the Commission stated that on or before Thursday, September 8, 2022, any person having an interest in this matter may petition to intervene in this proceeding pursuant to Commission Rules R1-15, R1-16, R1-17 and R1-19.
8. Under the Order Respondents and any Intervenors, including the Public Staff, shall file their direct testimony and exhibits or responsive comments on or before Thursday, September 8, 2022.
9. The issue between the parties in this docket is whether the barge service and the parking facilities owned by the Respondents, current owners of the ferry system and the holder from this Commission of the certificate of public convenience and necessity, should be part of the certificated ferry service or can be sold to a third party that does not hold the certificate of public convenience and necessity from the Commission to operate the ferry service.

10. Rates and services of the Association's constituents will be affected by the Commission's decision on whether the barge and parking facilities should be regulated as part of the ferry service. This issue has arisen in the context of Respondents' rate request as far back as 2010.
11. The Association, on behalf of its constituents, wants to be sure that the facts and law that the litigants in this docket present to the Commission fairly and accurately state the relevant facts and applicable law so that the Commission will be in the best position to apply the law of North Carolina to the relevant facts and make the right decision.
12. The Association's Covenants and Articles of Incorporation authorize the Association to intervene and participate in this docket.
13. With a potential sale to SharpVue, the issue in this docket shall become more important. It is no longer possible to assume that the status quo will necessarily be maintained with a potential change in ownership.
14. The Association seeks to intervene in order to participate in this docket through discovery and through the potential submission of testimony and exhibits as required by the Commission's order.
15. While the Association at this point is not in a position to make a recommendation to the Commission on the ultimate issues in this docket, the Association requests permission to participate in order to stay abreast of the docket as an official participant as the docket proceeds, to participate as necessary, to formalize its position on the ultimate issues and to make its position known to the Commission upon apprising itself of the facts as developed over time.

WHEREFORE, Bald Head Association respectfully moves that the Commission grant its Petition to Intervene, allowing Bold Head Association to participate fully as a party in this proceeding.

Respectfully submitted this 13 day of July 2022.

/s/ Edward S. Finley Jr.
N. C. Bar No. 6149
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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing Motion to Intervene was duly served upon parties of record either by depositing same in a depository of the United States Postal Service, first class postage prepaid, or by electronic delivery.

This the 13 day of July 2022

Edward S. Finley, Jr.,

/s/ Edward S. Finley, Jr.

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