

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. A-41, SUB 23

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of		
Application of Bald Head Island	)	ORDER SCHEDULING HEARINGS,
Transportation, Inc., for Approval of	)	ESTABLISHING PROCEDURAL
Revisions to Regular Passenger Ferry	)	AND FILING REQUIREMENTS,
Schedules to 45-Minute Departures	)	AND REQUIRING PUBLIC NOTICE

BY THE CHAIR: On February 19, 2024, Bald Head Island Transportation, Inc. (BHIT), filed an Application for Approval of Revisions to Regular Passenger Ferry Schedules to 45-Minute Departures (Application) pursuant to Commission Rules R1-5 and R1-7 and N.C. Gen. Stat. § 62-32(b) requesting approval for a revision to its main passenger ferry schedules. Attached to the Application are the following exhibits: current passenger ferry and tram schedules for summer and winter (Exhibits 1 and 2); proposed passenger ferry and tram schedules for summer and winter including the 45-minute turnaround for the passenger ferry (Exhibits 3 and 4). BHIT seeks to change the passenger ferry schedule from a 30-minute turnaround schedule to a 45-minute turnaround schedule so that trips depart from each destination point every 90 minutes rather than the current 60 minutes.

On February 27, 2024, Bald Head Island Academy LLC, and Bald Head Island Academy Foundation Inc. (collectively, the Academy) filed a petition with the Commission seeking to intervene in the above-captioned docket. On March 5, 2024, Bald Head Island Club (BHI Club) also filed a petition with the Commission seeking to intervene in the matter.

On March 8, 2024, BHIT filed a response stating that it does not object to the petitions to intervene. On March 11, 2024, the Academy filed a reply to BHIT's response. The Commission issued an order allowing the intervention of the Academy and BHI Club on March 18, 2024.

On March 20, 2024, Village of Bald Head Island (the Village) also filed a petition with the Commission seeking to intervene in the docket. The Commission issued an order allowing the intervention of the Village on March 27, 2024.

In its Application, BHIT requested that the new ferry schedules be effective May 1, 2024. However, on April 4, 2024, BHIT filed a letter stating that “[a]s a practical matter, BHIT (1) would like to be able to provide at least 30-days advance notice to its customers of the changes to its schedule, and (2) believes that changing its schedule in the middle of the busy summer season would create confusion for its customers and complications

for its reservations system and operations. Therefore, its current target date for implementation is no longer May 1 but rather is now October 1, 2024.”

Based upon a review of BHIT’s Application and the record, the Chair finds good cause to set BHIT’s Application for hearing, establish procedural and filing requirements for BHIT and other parties, and require BHIT to provide public notice of its Application.

The guidelines regarding discovery in this docket, subject to modification for good cause shown, are as follows:

1. Any deposition shall be taken before the deadline for the filing of the Public Staff and other intervenor prefiled direct testimony. Notice of deposition shall be served on all parties at least seven calendar days prior to the taking of the deposition. Notice of deposition and all other discovery notices, requests and motions shall be served on the appropriate parties by hand delivery or facsimile, or by electronic delivery if the receiving party has agreed to receipt by electronic delivery.

2. Any motion for subpoena of a witness to appear at the expert witness hearing shall be filed with the Commission before the deadline for the filing of the Public Staff and other intervenor testimony, shall be served on the person sought to be subpoenaed at or before the time of filing with the Commission, and shall make a reasonable showing that the evidence of such person will be material and relevant to an issue in the proceeding. See N.C.G.S. § 62-62. Unless an objection is filed, the Chief Clerk shall issue the requested subpoena within 2 business days after such a motion is filed.

3. Formal discovery requests related to the Application and BHIT’s prefiled direct and supplemental testimony shall be served on BHIT no later than 14 calendar days prior to the filing of the Public Staff and other intervenor direct testimony. The party served shall have up to ten calendar days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than ten calendar days prior to the deadline for the filing of the Public Staff and other intervenor testimony.

4. Formal discovery requests related to the Public Staff and other intervenor prefiled direct testimony shall be served no later than five calendar days after such testimony is filed. The party served shall have up to three business days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than nine calendar days after the filing of the Public Staff or other intervenor direct testimony.

5. Formal discovery requests related to BHIT’s prefiled rebuttal testimony shall be served no later than three business days after such testimony is filed. The party served shall have up to three calendar days to file with the Commission objections to the discovery requests on an item-by-item basis, but in no event shall objections be filed later than three business days after the filing of BHIT’s rebuttal testimony. Discovery related to rebuttal testimony shall be limited to new material introduced in such rebuttal testimony and will be

carefully scrutinized upon objection that such discovery should have been sought during the initial period of discovery.

6. Discovery requests need not be filed with the Commission when served; however, any party filing objections shall attach a copy of the relevant discovery request to the objections. Each discovery request, or part thereof, to which no objection is filed shall be answered by the time objections are due, subject to other agreement of the affected parties or other order of the Commission. Upon the filing of objections, the party seeking discovery shall have two calendar days to file with the Commission a motion to compel, and the party objecting to discovery shall have 1 calendar day thereafter to file a response. All objections, motions to compel, and responses shall be served on the other affected party at or before the time of filing with the Commission.

7. A party shall not be granted an extension of time to pursue discovery due to that party's late intervention or other delay in initiating discovery.

The Chair urges all parties to work in a cooperative manner and to attempt to accommodate discovery within the time available. Discovery in most proceedings before the Commission is typically conducted without the need for Commission involvement or enforcement of the guidelines. The guidelines established in this Order are without prejudice to the parties' conducting informal discovery or exchanging information by agreement at any time with the understanding that such will not be enforceable by the Commission if outside the guidelines.

IT IS THEREFORE, ORDERED as follows:

1. That a hearing for the purpose of receiving public witness testimony on BHIT's Application shall be, and is hereby scheduled for Tuesday, August 13, 2024, at 7:00 p.m. in Courtroom 2, Brunswick County Courthouse, 310 Government Center Drive NE, Bolivia, North Carolina, 28422;

2. That the public witness hearing will be conducted solely for the purpose of receiving the testimony of public witnesses in accordance with Commission Rule R1-21(g). The Commission reserves the right to limit testimony at the public witness hearing pursuant to Commission Rule R1-21(g)(5);

3. That a hearing for the purpose of receiving expert witness testimony on BHIT's Application is scheduled to begin at 2:00 p.m. on Tuesday, August 27, 2024, and continue as necessary until conclusion. The hearing will be held in Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina;

4. That the parties shall comply with the discovery guidelines established herein and shall work in a cooperative manner as to discovery;

5. That BHIT's direct testimony and exhibits shall be filed on or before Friday, June 28, 2024;

6. That petitions to intervene in this proceeding shall be filed pursuant to Commission Rules R1-5 and R1-19 not later than Thursday, July 18, 2024;

7. That the Public Staff and other intervenors' direct testimony and exhibits shall be filed on or before Thursday, July 18, 2024;

8. That BHIT's rebuttal testimony and exhibits, if any, shall be filed on or before Wednesday, August 7, 2024;

9. That all parties filing supporting exhibits in Excel or PDF format shall provide to the Commission electronic versions of the exhibits filed in native format via email at NCUCexhibits@ncuc.gov, including all of the supporting tabs and formulas, within three days of the filing of such exhibits (or within three days of issuance of this Order if already filed with the Commission). That BHIT and all other parties filing exhibits and workpapers that include tables of numbers and calculations shall provide the Public Staff and any other party upon request an electronic version of all such exhibits and workpapers, with formulas intact;

10. That BHIT shall consult with all other parties and file, not later than Thursday, August 22, 2024, a list of witnesses to be called at the expert witness hearing, the order of witnesses, and each party's estimated time for cross-examination of each witness. If the parties cannot reach agreement, the remaining parties shall, not later than noon on Monday, August 26, 2024, make a filing indicating their points of disagreement with BHIT's filing;

11. That BHIT shall, no later than two days after the date of this Order, post a copy of the Notice to Customers, attached hereto as Appendix A, at the Deep Point and Bald Head Island ferry terminals located in Southport, North Carolina;

12. That BHIT shall, at its own expense and no later than ten days after the date of this Order, publish the Notice to Customers in a newspaper having general coverage in its service area. The Notice to Customers shall cover no less than one-sixth of a page; and

13. That BHIT shall file no later than August 13, 2023 an affidavit of publication and certificate of service showing that it provided notice as required herein.

ISSUED BY ORDER OF THE COMMISSION.

This the 15th day of April, 2024.

NORTH CAROLINA UTILITIES COMMISSION



Tamika D. Conyers, Deputy Clerk

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. A-41, SUB 23

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of  
Application of Bald Head Island )  
Transportation, Inc. for Approval Of Revisions ) NOTICE TO CUSTOMERS  
To Regular Passenger Ferry Schedules To )  
45-Minute Departures )

NOTICE IS HEREBY GIVEN that on February 19, 2024, Bald Head Island Transportation, Inc. (BHIT), filed an Application for Revisions to Ferry Schedules (Application) pursuant to Commission Rules R1-5 and R1-7 and N.C. Gen. Stat. § 62-32(b) requesting approval for a revision to its main passenger ferry schedules. Attached to the Application are the following exhibits: current passenger ferry and tram schedules for summer and winter (Exhibits 1 and 2); proposed passenger ferry and tram schedules for summer and winter including the 45-minute turnaround for the passenger ferry (Exhibits 3 and 4). BHIT seeks to change the passenger ferry schedule from a 30-minute turnaround schedule to a 45-minute turnaround schedule so that trips depart from each destination point every 90 minutes rather than the current 60 minutes.

The application, as well as prefiled testimony and exhibits of the parties, hearing transcripts, post-hearing briefs and proposed orders, may be viewed as they become available on the Commission's website at [www.ncuc.gov](http://www.ncuc.gov), by clicking on "Docket Search" and typing in Docket No. "A-41 Sub 23."

Notice is given that a public witness hearing on the application is scheduled for Tuesday, August 13, 2024, at 7:00 p.m., in Courtroom 2, Brunswick County Courthouse, 310 Government Center Drive NE, Bolivia, North Carolina, 28422. The public witness hearing will be conducted solely for the purpose of receiving the testimony of public witnesses in accordance with Commission Rule R1-21(g). The Commission reserves the right to limit testimony at the public witness hearing pursuant to Commission Rule R1-21(g)(5).

The hearing on the application will resume in Raleigh, North Carolina, beginning at 2:00 p.m. on Tuesday, August 27, 2024, and continue as necessary until conclusion, for the purpose of receiving expert witness testimony of the Applicants, the Public Staff, and other intervenors. The hearing will be held in Commission Hearing Room 2115, Dobbs Building, 430 North Salisbury Street, Raleigh, North Carolina.

Persons having an interest and desiring to intervene in the matter as formal parties of record may file their petitions to intervene no later than Thursday, July 18, 2024, and in accordance with Rules R1-5, and R1-19 of the Commission's Rules and Regulations.

The Public Staff is authorized by statute to represent consumers in proceedings before the Commission. Written statements to the Public Staff should include any information that the writers wish to be considered by the Public Staff in its investigation of the matter. Such statements should be addressed to Mr. Christopher J. Ayers, Executive Director, Public Staff – NCUC, 4326 Mail Service Center, Raleigh, North Carolina 27699-4300.

The Attorney General is also authorized by statute to represent consumers in proceedings before the Commission. Statements to the Attorney General should be addressed to The Honorable Josh Stein, Attorney General, c/o Consumer Protection-Utilities, 9001 Mail Service Center, Raleigh, North Carolina, 27699-9001. Written statements may be emailed to [utilityAGO@ncdoj.gov](mailto:utilityAGO@ncdoj.gov).

Persons desiring to present testimony for the record should appear at the public witness hearing. Persons desiring to send written statements to inform the Commission of their positions in the matter should address their statements to the North Carolina Utilities Commission, 4325 Mail Service Center, Raleigh, North Carolina 27699-4300 and reference Docket No. A-41, Sub 23. However, such written statements cannot be considered competent evidence unless those persons appear at the public witness hearing and testify concerning the information contained in their written statements. Persons may also email the Commission a statement about the application via the Commission's website at [www.ncuc.gov/contactus.html](http://www.ncuc.gov/contactus.html). In either case, consumer statements will be placed in Docket No. A-41, Sub 23, and may be accessed by searching for that docket number via the Commission's website.

This the 15th day of April, 2024.

NORTH CAROLINA UTILITIES COMMISSION

A handwritten signature in cursive script that reads "Tamika D. Conyers".

Tamika D. Conyers, Deputy Clerk