

REDACTED

INFORMATION SHEET

PRESIDING: Commissioner Brown-Bland, Presiding; and Commissioners Clodfelter, Duffley, Hughes, and McKissick

PLACE: Dobbs Building, Raleigh, NC

DATE: Wednesday, October 12, 2022

TIME: 1:41 p.m. – 4:37 p.m.

DOCKET NOS.: A-41, Sub 21

COMPANY: Bald Head Island Transportation, Inc.

DESCRIPTION: Complaint Hearing. Village of Bald Head Island, Complainant, versus Bald Head Island Transportation, Inc., and Bald Head Island Limited, LLC, Respondents

VOLUME NUMBER: 5

APPEARANCES

(See attached)

WITNESSES

(See attached)

EXHIBITS

(See attached)

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BEFORE: Commissioner ToNola D. Brown-Bland, Presiding

Commissioner Daniel G. Clodfelter

Commissioner Kimberly W. Duffley

Commissioner Jeffrey A. Hughes

Commissioner Floyd B. McKissick, Jr.

IN THE MATTER OF:

Village of Bald Head Island,

Complainant

V.

Bald Head Island Transportation, Inc.,

and Bald Head Island Limited, LLC,

Respondents

Volume 5

A P P E A R A N C E S:

VILLAGE OF BALD HEAD ISLAND:

Marcus Trathen, Esq.

Craig Schauer, Esq.

Amanda Hawkins, Esq.

Brooks Pierce McLendon Humphrey & Leonard, LLP

Wells Fargo Capitol Center

150 Fayetteville Street, Suite 1700

Raleigh, North Carolina 27601

Jo Anne Sanford, Esq.

Sanford Law Office, PLLC

721 North Bloodworth Street

Raleigh, North Carolina 27604

FOR BALD HEAD ISLAND TRANSPORTATION, INC. and

BALD HEAD ISLAND LIMITED, LLC:

M. Gray Styers, Jr., Esq.

Bradley M. Risinger, Esq.

Fox Rothschild LLP

434 Fayetteville Street, Suite 2800

Raleigh, North Carolina 27601

A P P E A R A N C E S Cont'd.:

FOR SHARPVUE CAPITAL, LLC:

David Ferrell, Esq.

Nexsen Pruet, PLLC

4141 Parklake Avenue, Suite 200

Raleigh, North Carolina 27612

FOR BALD HEAD ISLAND CLUB:

Daniel C. Higgins, Esq.

Burns, Day & Presnell, P.A.

Post Office Box 10867

Raleigh, North Carolina 27605

FOR BALD HEAD ISLAND ASSOCIATION:

Edward S. Finley, Jr., Esq.

Edward S. Finley, Jr., PLLC

2024 White Oak Road

Raleigh, North Carolina 27608

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§ 62-3. Definitions.

As used in this Chapter, unless the context otherwise requires, the term:

- (1) "Broadband service" means any service that consists of or includes a high-speed access capability to transmit at a rate of not less than 200 kilobits per second in either the upstream or downstream direction and either (i) is used to provide access to the Internet, or (ii) provides computer processing, information storage, information content, or protocol conversion, including any service applications or information service provided over such high-speed access service. "Broadband service" does not include intrastate service that was tariffed by the Commission and in effect as of the effective date of this subdivision.
- (1a) "Broker," with regard to motor carriers of passengers, means any person not included in the term "motor carrier" and not a bona fide employee or agent of any such carrier, who or which as principal or agent engages in the business of selling or offering for sale any transportation of passengers by motor carrier, or negotiates for or holds himself, or itself, out by solicitation, advertisements, or otherwise, as one who sells, provides, furnishes, contracts, or arranges for such transportation for compensation, either directly or indirectly.
- (1b) "Bus company" means any common carrier by motor vehicle which holds itself out to the general public to engage in the transportation by motor vehicle in intrastate commerce of passengers over fixed routes or in charter operations, or both, except as exempted in G.S. 62-260.
- (2) "Certificate" means a certificate of public convenience and necessity issued by the Commission to a person or public utility or a certificate of authority issued by the Commission to a bus company.
- (3) "Certified mail" means such mail only when a return receipt is requested.
- (4) "Charter operations" with regard to bus companies means the transportation of a group of persons for sightseeing purposes, pleasure tours, and other types of special operations, or the transportation of a group of persons who, pursuant to a common purpose and under a single contract, and for a fixed charge for the vehicle, have acquired the exclusive use of a passenger-carrying motor vehicle to travel together as a group to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the chartered group after having left the place of origin.
- (5) "Commission" means the North Carolina Utilities Commission.
- (6) "Common carrier" means any person, other than a carrier by rail, which holds itself out to the general public to engage in transportation of persons or household goods for compensation, including transportation by bus, truck, boat or other conveyance, except as exempted in G.S. 62-260.
- (7) "Common carrier by motor vehicle" means any person which holds itself out to the general public to engage in the transportation by motor vehicle in intrastate commerce of persons or household goods or any class or classes thereof for compensation, whether over regular or irregular routes, or in charter operations, except as exempted in G.S. 62-260.
- (7a) "Competing local provider" means any person applying for a certificate to provide local exchange or exchange access services in competition with a local exchange company.
- (8), (9) Repealed by Session Laws 1995, c. 523, s. 1.

- (9a) "Fixed route" means the specific highway or highways over which a bus company is authorized to operate between fixed termini.
- (10) "Foreign commerce" means commerce between any place in the United States and any place in a foreign country, or between places in the United States through any foreign country.
- (11) "Franchise" means the grant of authority by the Commission to any person to engage in business as a public utility, whether or not exclusive or shared with others or restricted as to terms and conditions and whether described by area or territory or not, and includes certificates, and all other forms of licenses or orders and decisions granting such authority.
- (12) "Highway" means any road or street in this State used by the public or dedicated or appropriated to public use.
- (13) "Industrial plant" means any plant, mill, or factory engaged in the business of manufacturing.
- (14) "Interstate commerce" means commerce between any place in a state and any place in another state or between places in the same state through another state.
- (15) "Intrastate commerce" means commerce between points and over a route or within a territory wholly within this State, which commerce is not a part of a prior or subsequent movement to or from points outside of this State in interstate or foreign commerce, and includes all transportation within this State for compensation in interstate or foreign commerce which has been exempted by Congress from federal regulation.
- (16) "Intrastate operations" means the transportation of persons or household goods for compensation in intrastate commerce.
- (16a) "Local exchange company" means a person holding, on January 1, 1995, a certificate to provide local exchange services or exchange access services.
- (17) "Motor carrier" means a common carrier by motor vehicle.
- (18) "Motor vehicle" means any vehicle, machine, tractor, semi-trailer, or any combination thereof, which is propelled or drawn by mechanical power and used upon the highways within the State.
- (19) "Municipality" means any incorporated community, whether designated in its charter as a city, town, or village.
- (20) Repealed by Session Laws 1995, c. 523, s. 1.
- (21) "Person" means a corporation, individual, copartnership, company, association, or any combination of individuals or organizations doing business as a unit, and includes any trustee, receiver, assignee, lessee, or personal representative thereof.
- (21a) "Plug-in electric vehicle" [means] a four-wheeled motor vehicle that meets each of the following requirements:
 - a. Is made by a manufacturer primarily for use on public streets, roads, and highways and meets National Highway Traffic Safety Administration standards included in 49 C.F.R. § 571.
 - b. Has not been modified from original manufacturer specifications with regard to power train or any manner of powering the vehicle.
 - c. Is rated at not more than 8,500 pounds unloaded gross vehicle weight.
 - d. Has a maximum speed capability of at least 65 miles per hour.
 - e. Draws electricity from a battery that has all of the following characteristics:
 - 1. A capacity of not less than four kilowatt hours.

2. Capable of being recharged from an external source of electricity.
- (22) "Private carrier" means any person, other than a carrier by rail, not included in the definitions of common carrier, which transports in intrastate commerce in its own vehicle or vehicles property of which such person is the owner, lessee, or bailee, when such transportation is for the purpose of sale, lease, rent, or bailment, or when such transportation is purely an incidental adjunct to some other established private business owned and operated by such person other than the transportation of household goods for compensation.
- (23) a. "Public utility" means a person, whether organized under the laws of this State or under the laws of any other state or country, now or hereafter owning or operating in this State equipment or facilities for:
1. Producing, generating, transmitting, delivering or furnishing electricity, piped gas, steam or any other like agency for the production of light, heat or power to or for the public for compensation; provided, however, that the term "public utility" shall not include persons who construct or operate an electric generating facility, the primary purpose of which facility is either for (i) a person's own use and not for the primary purpose of producing electricity, heat, or steam for sale to or for the public for compensation or (ii) a person who constructs or operates an eligible solar energy facility on the site of a customer's property and leases such facility to that customer, as provided by and subject to the limitations of Article 6B of this Chapter;
 2. Diverting, developing, pumping, impounding, distributing or furnishing water to or for the public for compensation, or operating a public sewerage system for compensation; provided, however, that the term "public utility" shall not include any person or company whose sole operation consists of selling water or sewer service to less than 15 residential customers, except that any person or company which constructs a water or sewer system in a subdivision with plans for 15 or more lots and which holds itself out by contracts or other means at the time of said construction to serve an area containing more than 15 residential building lots shall be a public utility at the time of such planning or holding out to serve such 15 or more building lots, without regard to the number of actual customers connected;
 3. Transporting persons or household goods by street, suburban or interurban bus for the public for compensation;
 4. Transporting persons or household goods by motor vehicles or any other form of transportation for the public for compensation, except motor carriers exempted in G.S. 62-260, carriers by rail, and carriers by air;
 5. Transporting or conveying gas, crude oil or other fluid substance by pipeline for the public for compensation;
 6. Conveying or transmitting messages or communications by telephone or telegraph, or any other means of transmission, where such service is offered to the public for compensation.

- b. The term "public utility" shall for ratemaking purposes include any person producing, generating or furnishing any of the foregoing services to another person for distribution to or for the public for compensation.
- c. The term "public utility" shall include all persons affiliated through stock ownership with a public utility doing business in this State as parent corporation or subsidiary corporation to such an extent that the Commission shall find that such affiliation has an effect on the rates or service of such public utility.
- d. The term "public utility," except as otherwise expressly provided in this Chapter, shall not include the following:
 - 1. A municipality, county, or a city, town, or village.
 - 2. A special district, public authority, or unit of local government, as those terms are defined in G.S. 159-7(b) and that is subject to the provisions of Chapter 159, Subchapter III, Article 3 of the General Statutes.
 - 3. An electric or telephone membership corporation.
 - 4. Any person not otherwise a public utility who furnishes such service or commodity only to himself, his employees or tenants when such service or commodity is not resold to or used by others.
- d1. Any person other than a nonprofit organization serving only its members, who distributes or provides utility service to his employees or tenants by individual meters or by other coin-operated devices with a charge for metered or coin-operated utility service shall be a public utility within the definition and meaning of this Chapter with respect to the regulation of rates and provisions of service rendered through such meter or coin-operated device imposing such separate metered utility charge.
- d2. If any person conducting a public utility shall also conduct any enterprise not a public utility, such enterprise is not subject to the provisions of this Chapter.
- d3. A water or sewer system owned by a homeowners' association that provides water or sewer service only to members or leaseholds of members is not subject to the provisions of this Chapter.
- e. The term "public utility" shall include the University of North Carolina insofar as said University supplies telephone service, electricity or water to the public for compensation from the University Enterprises defined in G.S. 116-41.1(9).
- f. The term "public utility" shall include the Town of Pineville insofar as said town supplies telephone services to the public for compensation. The territory to be served by the Town of Pineville in furnishing telephone services, subject to the Public Utilities Act, shall include the town limits as they exist on May 8, 1973, and shall also include the area proposed to be annexed under the town's ordinance adopted May 3, 1971, until January 1, 1975.
- g. The term "public utility" shall not include a hotel, motel, time share or condominium complex operated primarily to serve transient occupants, which imposes charges to occupants for local, long-distance, or wide area telecommunication services when such

calls are completed through the use of facilities provided by a public utility, and provided further that the local services received are rated in accordance with the provisions of G.S. 62-110(d) and the applicable charges for telephone calls are prominently displayed in each area where occupant rooms are located.

- h. The term "public utility" shall not include the resale of electricity by (i) a campground operated primarily to serve transient occupants, or (ii) a marina; provided that (i) the campground or marina charges no more than the actual cost of the electricity supplied to it, (ii) the amount of electricity used by each campsite or marina slip occupant is measured by an individual metering device, (iii) the applicable rates are prominently displayed at or near each campsite or marina slip, and (iv) the campground or marina only resells electricity to campsite or marina slip occupants.
- i. The term "public utility" shall not include the State, the Department of Information Technology, or the Microelectronics Center of North Carolina in the provision or sharing of broadband telecommunications services with non-State entities or organizations of the kind or type set forth in G.S. 143B-1371.
- j. The term "public utility" shall not include any person, not otherwise a public utility, conveying or transmitting messages or communications by mobile radio communications service. Mobile radio communications service includes one-way or two-way radio service provided to mobile or fixed stations or receivers using mobile radio service frequencies.
- k. The term "public utility" shall not include a regional natural gas district organized and operated pursuant to Article 28 of Chapter 160A of the General Statutes.
- l. The term "public utility" shall include a city or a joint agency under Part 1 of Article 20 of Chapter 160A of the General Statutes that provides service as defined in G.S. 62-3(23)a.6. and is subject to the provisions of G.S. 160A-340.1.
- m. The term "public utility" shall not include a Ferry Transportation Authority created pursuant to Article 29 of Chapter 160A of the General Statutes.
- n. The term "public utility" shall not include a person who uses an electric vehicle charging station to resell electricity to the public for compensation, provided that all of the following apply:
 - 1. The reseller has procured the electricity from an electric power supplier, as defined in G.S. 62-133.8(a)(3), that is authorized to engage in the retail sale of electricity within the territory in which the electric vehicle charging service is provided.
 - 2. All resales are exclusively for the charging of plug-in electric vehicles.
 - 3. The charging station is immobile.
 - 4. Utility service to an electric vehicle charging station shall be provided subject to the electric power supplier's terms and conditions.

Nothing in this sub-subdivision shall be construed to limit the ability of an electric power supplier to use electric vehicle charging stations to

furnish electricity for charging electric vehicles. Any increases in customer demand or energy consumption associated with transportation electrification shall not constitute found revenues for an electric public utility.

- (24) "Rate" means every compensation, charge, fare, tariff, schedule, toll, rental and classification, or any of them, demanded, observed, charged or collected by any public utility, for any service product or commodity offered by it to the public, and any rules, regulations, practices or contracts affecting any such compensation, charge, fare, tariff, schedule, toll, rental or classification.
- (25) "Route" means the course or way which is traveled; the road or highway over which motor vehicles operate.
- (26) "Securities" means stock, stock certificates, bonds, notes, debentures, or other evidences of ownership or of indebtedness, and any assumption or guaranty thereof.
- (27) "Service" means any service furnished by a public utility, including any commodity furnished as a part of such service and any ancillary service or facility used in connection with such service.
- (27a) "Small power producer" means a person or corporation owning or operating an electrical power production facility that qualifies as a "small power production facility" under 16 U.S.C. § 796, as amended.
- (28) The word "State" means the State of North Carolina; "state" means any state.
- (29) "Town" means any unincorporated community or collection of people having a geographical name by which it may be generally known and is so generally designated.
- (30) "Panel" means a panel of three commissioners, a division of the Utilities Commission authorized for the purpose of carrying out certain functions of the Commission. (1913, c. 127, s. 7; C.S., s. 1112(b); 1933, c. 134, ss. 3, 8; c. 307, s. 1; 1937, c. 108, s. 2; 1941, cc. 59, 97; 1947, c. 1008, s. 3; 1949, c. 1132, s. 4; 1953, c. 1140, s. 1; 1957, c. 1152, s. 13; 1959, c. 639, ss. 12, 13; 1963, c. 1165, s. 1; 1967, c. 1094, ss. 1, 2; 1971, c. 553; c. 634, s. 1; cc. 894, 895; 1973, c. 372, s. 1; 1975, c. 243, s. 2; cc. 254, 415; 1979, c. 652, s. 1; 1979, 2nd Sess., c. 1219, s. 1; 1981 (Reg. Sess., 1982), c. 1186, s. 2; 1985, c. 676, s. 4; 1987, c. 445, s. 2; 1989, c. 110; 1993, c. 349, s. 1; 1993 (Reg. Sess., 1994), c. 777, s. 1(b); 1995, c. 27, ss. 2, 3; c. 509, s. 34; c. 523, s. 1; 1997-426, s. 8; 1997-437, s. 1; 1998-128, ss. 1-3; 2004-199, s. 1; 2004-203, s. 37(a); 2005-95, s. 2; 2011-84, s. 2(a); 2015-241, s. 7A.4(e); 2017-120, s. 2; 2017-192, ss. 1(a), 6(b); 2019-132, s. 1(a), (b); 2021-23, ss. 2, 25.)

Bald Head Island Limited, LLC Tug & Freight Barge (Not a regulated operation)



CONFIDENTIAL-ATTORNEYS' EYES ONLY

August 17, 2021

BHIL/IT 000772

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This content is from the eCFR and is authoritative but unofficial.

Title 46 - Shipping**Chapter I - Coast Guard, Department of Homeland Security****Subchapter A - Procedures Applicable to the Public****Part 2 - Vessel Inspections****Subpart 2.01 - Inspecting and Certifying of Vessels**

Authority: Sec. 622, Pub. L. 111-281; 33 U.S.C. 1903; 43 U.S.C. 1333; 46 U.S.C. 2103, 2110, 3306, 3703, 70034; Department of Homeland Security Delegation No. 0170.1(ii)(77), (90), (92)(a), (92)(b); E.O. 12234, 45 FR 58801, 3 CFR, 1980 Comp., p. 277, sec. 1-105.

Source: CGFR 65-50, 30 FR 16604, Dec. 30, 1965, unless otherwise noted.

Editorial Note: Nomenclature changes to part 2 appear by USCG-2009-0702, 74 FR 49223, Sept. 25, 2009, and USCG-2013-0671, 78 FR 60144, Sept. 30, 2013.

§ 2.01-7 Classes of vessels (including motorboats) examined or inspected and certificated.

- (a) The regulations in this chapter concerning inspecting and certificating vessels are applicable to vessels (including motorboats) either as indicated in the following table 2.01-7(a) or, if the vessel is a towing vessel, as provided in paragraph (b) of this section.

Table 2.01-7(a)

Method of propulsion, qualified by size or other limitation ¹	Vessels inspected and certificated under Subchapter D - Tank Vessels ²	Vessels inspected and certificated under Subchapter H - Passenger Vessels ²³⁴⁵ or Subchapter K or T - Small Passenger Vessels ²³⁴	Vessels inspected and certificated under Subchapter I - Cargo and Miscellaneous Vessels ²⁵	Vessels subject to the provisions of Subchapter C - Uninspected Vessels. ²³⁶⁷⁸	Vessels subject to the provisions of Subchapter U - Oceanographic Vessels ²³⁶⁷⁹	Vessels subject to the provisions of Subchapter O - Certain Bulk and Dangerous Cargoes ¹⁰
Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
(1) Motor, all vessels except seagoing motor vessels ≥300 gross tons	All vessels carrying combustible or flammable liquid cargo in bulk. ⁵	(i) All vessels carrying more than 12 passengers on an international	All vessels >15 gross tons carrying freight-for-hire, except those covered by columns 2 and 3. All vessels carrying	All vessels not covered by columns 2, 3, 4, and 6	None	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154,

Method of propulsion, qualified by size or other limitation ¹	Vessels inspected and certificated under Subchapter D - Tank Vessels ²	Vessels inspected and certificated under Subchapter H - Passenger Vessels ²³⁴⁵ or Subchapter K or T - Small Passenger Vessels ²³⁴	Vessels inspected and certificated under Subchapter I - Cargo and Miscellaneous Vessels ²⁵	Vessels subject to the provisions of Subchapter C - Uninspected Vessels. ²³⁶⁷⁸	Vessels subject to the provisions of Subchapter U - Oceanographic Vessels ²³⁶⁷⁹	Vessels subject to the provisions of Subchapter O - Certain Bulk and Dangerous Cargoes ¹⁰
		voyage, except recreational vessels not engaged in trade. ⁷ (ii) All vessels <100 gross tons that -	dangerous cargoes, when required by 46 CFR part 98			table 4, or unlisted cargoes that would otherwise be subject to these parts. ¹²
		(A) Carry more than 6 passengers-for-hire whether chartered or not, or				
		(B) Carry more than 6 passengers when chartered with the crew provided, or				
		(C) Carry more than 12 passengers when chartered with no crew provided, or				

Method of propulsion, qualified by size or other limitation ¹	Vessels inspected and certificated under Subchapter D - Tank Vessels ²	Vessels inspected and certificated under Subchapter H - Passenger Vessels ²³⁴⁵ or Subchapter K or T - Small Passenger Vessels ²³⁴	Vessels inspected and certificated under Subchapter I - Cargo and Miscellaneous Vessels ²⁵	Vessels subject to the provisions of Subchapter C - Uninspected Vessels. ²³⁶⁷⁸	Vessels subject to the provisions of Subchapter U - Oceanographic Vessels ²³⁶⁷⁹	Vessels subject to the provisions of Subchapter O - Certain Bulk and Dangerous Cargoes ¹⁰
		(D) Carry at least 1 passenger-for-hire and are submersible vessels. ⁷				
		(E) Carry more than 6 passengers and are ferries.				
		(iii) All vessels ≥ 100 gross tons that -				
		(A) Carry more than 12 passengers-for-hire whether chartered or not, or				
		(B) Carry more than 12 passengers when chartered with the crew provided, or				

Method of propulsion, qualified by size or other limitation ¹	Vessels inspected and certificated under Subchapter D - Tank Vessels ²	Vessels inspected and certificated under Subchapter H - Passenger Vessels ²³⁴⁵ or Subchapter K or T - Small Passenger Vessels ²³⁴	Vessels inspected and certificated under Subchapter I - Cargo and Miscellaneous Vessels ²⁵	Vessels subject to the provisions of Subchapter C - Uninspected Vessels. ²³⁶⁷⁸	Vessels subject to the provisions of Subchapter U - Oceanographic Vessels ²³⁶⁷⁹	Vessels subject to the provisions of Subchapter O - Certain Bulk and Dangerous Cargoes ¹⁰
		(C) Carry more than 12 passengers when chartered with no crew provided, or				
		(D) Carry at least 1 passenger-for-hire and are submersible vessels. ⁷				
		(E) Carry at least 1 passenger and are ferries.				
		(iv) These regulations do not apply to -				
		(A) Recreational vessels not engaged in trade.				
		(B) Documented cargo or tank vessels				

Method of propulsion, qualified by size or other limitation ¹	Vessels inspected and certificated under Subchapter D - Tank Vessels ²	Vessels inspected and certificated under Subchapter H - Passenger Vessels ²³⁴⁵ or Subchapter K or T - Small Passenger Vessels ²³⁴	Vessels inspected and certificated under Subchapter I - Cargo and Miscellaneous Vessels ²⁵	Vessels subject to the provisions of Subchapter C - Uninspected Vessels. ²³⁶⁷⁸	Vessels subject to the provisions of Subchapter U - Oceanographic Vessels ²³⁶⁷⁹	Vessels subject to the provisions of Subchapter O - Certain Bulk and Dangerous Cargoes ¹⁰
		issued a permit to carry 16 or fewer persons in addition to the crew.				
		(C) Fishing vessels not engaged in ocean or coastwise service. Such vessels may carry persons on the legitimate business of the vessel ⁶ in addition to the crew, as restricted by the definition of passenger. ⁷				
(2) Motor, seagoing motor vessels ≥300 gross tons	All vessels carrying combustible or flammable liquid cargo in bulk. ⁵	(i) All vessels carrying more than 12 passengers on an	All vessels, including recreational vessels not engaged in trade. This does not include vessels	All vessels not covered by columns 2, 3, 4, 6, and 7	All vessels engaged in oceanographic research	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or

Method of propulsion, qualified by size or other limitation ¹	Vessels inspected and certificated under Subchapter D - Tank Vessels ²	Vessels inspected and certificated under Subchapter H - Passenger Vessels ²³⁴⁵ or Subchapter K or T - Small Passenger Vessels ²³⁴	Vessels inspected and certificated under Subchapter I - Cargo and Miscellaneous Vessels ²⁵	Vessels subject to the provisions of Subchapter C - Uninspected Vessels. ²³⁶⁷⁸	Vessels subject to the provisions of Subchapter U - Oceanographic Vessels ²³⁶⁷⁹	Vessels subject to the provisions of Subchapter O - Certain Bulk and Dangerous Cargoes ¹⁰
		international voyage, except recreational vessels not engaged in trade. ⁷	covered by columns 2 and 3, and vessels engaged in the fishing industry			part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts. ¹²
		(ii) All ferries <100 gross tons carrying more than 6 passengers and all ferries ≥100 gross tons that carry at least 1 passenger.				
		(iii) These regulations do not apply to -				
		(A) Recreational vessels not engaged in trade.				
		(B) Documented cargo or tank vessels				

Method of propulsion, qualified by size or other limitation ¹	Vessels inspected and certificated under Subchapter D - Tank Vessels ²	Vessels inspected and certificated under Subchapter H - Passenger Vessels ²³⁴⁵ or Subchapter K or T - Small Passenger Vessels ²³⁴	Vessels inspected and certificated under Subchapter I - Cargo and Miscellaneous Vessels ²⁵	Vessels subject to the provisions of Subchapter C - Uninspected Vessels. ²³⁶⁷⁸	Vessels subject to the provisions of Subchapter U - Oceanographic Vessels ²³⁶⁷⁹	Vessels subject to the provisions of Subchapter O - Certain Bulk and Dangerous Cargoes ¹⁰
		issued a permit to carry 16 or fewer persons in addition to the crew.				
		(C) Fishing vessels not engaged in ocean or coastwise service may carry persons on the legitimate business of the vessel ⁶ in addition to the crew, as restricted by the definition of passenger. ⁷				
(3) Non-self-propelled vessels <100 gross tons	All vessels carrying combustible or flammable liquid cargo in bulk. ⁵	(i) All vessels that - (A) Carry more than 6 passengers-for-hire whether chartered or	All manned barges except those covered by columns 2 and 3	All barges except those covered by column 3	None	All tank barges carrying cargoes listed in Table 151.05 of this chapter or

Method of propulsion, qualified by size or other limitation ¹	Vessels inspected and certificated under Subchapter D - Tank Vessels ²	Vessels inspected and certificated under Subchapter H - Passenger Vessels ²³⁴⁵ or Subchapter K or T - Small Passenger Vessels ²³⁴	Vessels inspected and certificated under Subchapter I - Cargo and Miscellaneous Vessels ²⁵	Vessels subject to the provisions of Subchapter C - Uninspected Vessels. ²³⁶⁷⁸	Vessels subject to the provisions of Subchapter U - Oceanographic Vessels ²³⁶⁷⁹	Vessels subject to the provisions of Subchapter O - Certain Bulk and Dangerous Cargoes ¹⁰
		not, or (B) Carry more than 6 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or				unlisted cargoes that would otherwise be subject to part 151. ¹¹¹¹²
		(D) Carry at least 1 passenger-for-hire and is a submersible vessel. ⁷				
		(E) Carry more than 12 passengers on an international voyage.				
		(F) Carry more than 6 passengers				

Method of propulsion, qualified by size or other limitation ¹	Vessels inspected and certificated under Subchapter D - Tank Vessels ²	Vessels inspected and certificated under Subchapter H - Passenger Vessels ²³⁴⁵ or Subchapter K or T - Small Passenger Vessels ²³⁴	Vessels inspected and certificated under Subchapter I - Cargo and Miscellaneous Vessels ²⁵	Vessels subject to the provisions of Subchapter C - Uninspected Vessels. ²³⁶⁷⁸	Vessels subject to the provisions of Subchapter U - Oceanographic Vessels ²³⁶⁷⁹	Vessels subject to the provisions of Subchapter O - Certain Bulk and Dangerous Cargoes ¹⁰
		and are ferries.				
(4) Non-self-propelled vessels ≥100 gross tons	All vessels carrying combustible or flammable liquid cargo in bulk. ⁵	(iii) All vessels that - (A) Carry more than 12 passengers-for-hire whether chartered or not, or (B) Carry more than 12 passengers when chartered with the crew provided, or (C) Carry more than 12 passengers when chartered with no crew provided, or (D) Carry at least 1 passenger-for-hire and	All seagoing barges except a seagoing barge that is covered by column 2 or 3, or that is unmanned for the purposes of operating or navigating the barge, and that carries neither a hazardous material as cargo nor a flammable or combustible liquid, including oil, in bulk quantities of 250 barrels or more	All barges except those covered by columns 3 and 6	All seagoing barges engaged in oceanographic research	All tank barges carrying cargoes listed in Table 151.05 of this chapter or unlisted cargoes that would otherwise be subject to part 151. ¹¹¹¹²

Method of propulsion, qualified by size or other limitation ¹	Vessels inspected and certificated under Subchapter D - Tank Vessels ²	Vessels inspected and certificated under Subchapter H - Passenger Vessels ²³⁴⁵ or Subchapter K or T - Small Passenger Vessels ²³⁴	Vessels inspected and certificated under Subchapter I - Cargo and Miscellaneous Vessels ²⁵	Vessels subject to the provisions of Subchapter C - Uninspected Vessels. ²³⁶⁷⁸	Vessels subject to the provisions of Subchapter U - Oceanographic Vessels ²³⁶⁷⁹	Vessels subject to the provisions of Subchapter O - Certain Bulk and Dangerous Cargoes ¹⁰
		is a submersible vessel. ⁷				
		(E) Carry more than 12 passengers on an international voyage.				
		(F) Carry at least 1 passenger and are ferries				
(5) Sail ¹³ vessels ≤700 gross tons	All vessels carrying combustible or flammable liquid cargo in bulk. ⁵	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade. ⁷	All vessels carrying dangerous cargoes, when required by 46 CFR part 98	All vessels not covered by columns 2, 3, 4, and 6	None	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts. ¹²
		(ii) All vessels				

Method of propulsion, qualified by size or other limitation ¹	Vessels inspected and certificated under Subchapter D - Tank Vessels ²	Vessels inspected and certificated under Subchapter H - Passenger Vessels ²³⁴⁵ or Subchapter K or T - Small Passenger Vessels ²³⁴	Vessels inspected and certificated under Subchapter I - Cargo and Miscellaneous Vessels ²⁵	Vessels subject to the provisions of Subchapter C - Uninspected Vessels. ²³⁶⁷⁸	Vessels subject to the provisions of Subchapter U - Oceanographic Vessels ²³⁶⁷⁹	Vessels subject to the provisions of Subchapter O - Certain Bulk and Dangerous Cargoes ¹⁰
		<100 gross tons that -				
		(A) Carry more than 6 passengers-for-hire whether chartered or not, or				
		(B) Carry more than 6 passengers when chartered with the crew provided, or				
		(C) Carry more than 12 passengers when chartered with no crew provided, or				
		(D) Carry at least 1 passenger-for-hire and are submersible vessels. ⁷				

Method of propulsion, qualified by size or other limitation ¹	Vessels inspected and certificated under Subchapter D - Tank Vessels ²	Vessels inspected and certificated under Subchapter H - Passenger Vessels ²³⁴⁵ or Subchapter K or T - Small Passenger Vessels ²³⁴	Vessels inspected and certificated under Subchapter I - Cargo and Miscellaneous Vessels ²⁵	Vessels subject to the provisions of Subchapter C - Uninspected Vessels. ²³⁶⁷⁸	Vessels subject to the provisions of Subchapter U - Oceanographic Vessels ²³⁶⁷⁹	Vessels subject to the provisions of Subchapter O - Certain Bulk and Dangerous Cargoes ¹⁰
		(E) Carry more than 6 passengers and are ferries.				
		(iii) All vessels ≥100 gross tons that -				
		(A) Carry more than 12 passengers-for-hire whether chartered or not, or				
		(B) Carry more than 12 passengers when chartered with the crew provided, or				
		(C) Carry more than 12 passengers when chartered with no crew provided, or				

Method of propulsion, qualified by size or other limitation ¹	Vessels inspected and certificated under Subchapter D - Tank Vessels ²	Vessels inspected and certificated under Subchapter H - Passenger Vessels ²³⁴⁵ or Subchapter K or T - Small Passenger Vessels ²³⁴	Vessels inspected and certificated under Subchapter I - Cargo and Miscellaneous Vessels ²⁵	Vessels subject to the provisions of Subchapter C - Uninspected Vessels. ²³⁶⁷⁸	Vessels subject to the provisions of Subchapter U - Oceanographic Vessels ²³⁶⁷⁹	Vessels subject to the provisions of Subchapter O - Certain Bulk and Dangerous Cargoes ¹⁰
		(D) Carry at least 1 passenger-for-hire and are submersible vessels. ⁷				
		(E) Carry at least 1 passenger and are ferries.				
		(iv) These regulations do not apply to -				
		(A) Recreational vehicles not engaged in trade.				
		(B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew.				

Method of propulsion, qualified by size or other limitation ¹	Vessels inspected and certificated under Subchapter D - Tank Vessels ²	Vessels inspected and certificated under Subchapter H - Passenger Vessels ²³⁴⁵ or Subchapter K or T - Small Passenger Vessels ²³⁴	Vessels inspected and certificated under Subchapter I - Cargo and Miscellaneous Vessels ²⁵	Vessels subject to the provisions of Subchapter C - Uninspected Vessels. ²³⁶⁷⁸	Vessels subject to the provisions of Subchapter U - Oceanographic Vessels ²³⁶⁷⁹	Vessels subject to the provisions of Subchapter O - Certain Bulk and Dangerous Cargoes ¹⁰
		(C) Fishing vessels, not engaged in ocean or coastwise service. Such vessels may carry persons on the legitimate business of the vessel ⁶ in addition to the crew, as restricted by the definition of passenger. ⁷				
(6) Sail ¹³ vessels >700 gross tons	All vessels carrying combustible or flammable liquid cargo in bulk. ⁵	(i) All vessels carrying passengers or passengers-for-hire, except recreational vessels. ⁷ (ii) All ferries that carry at least 1 passenger	All vessels carrying dangerous cargoes, when required by 46 CFR part 98	All vessels not covered by columns 2, 3, 4, and 6	None	All vessels carrying cargoes in bulk that are listed in part 153, Table 1, or part 154, Table 4, or unlisted cargoes that would otherwise be subject

Method of propulsion, qualified by size or other limitation ¹	Vessels inspected and certificated under Subchapter D - Tank Vessels ²	Vessels inspected and certificated under Subchapter H - Passenger Vessels ²³⁴⁵ or Subchapter K or T - Small Passenger Vessels ²³⁴	Vessels inspected and certificated under Subchapter I - Cargo and Miscellaneous Vessels ²⁵	Vessels subject to the provisions of Subchapter C - Uninspected Vessels. ²³⁶⁷⁸	Vessels subject to the provisions of Subchapter U - Oceanographic Vessels ²³⁶⁷⁹	Vessels subject to the provisions of Subchapter O - Certain Bulk and Dangerous Cargoes ¹⁰
						to these parts. ¹²
(7) Steam, vessels ≤19.8 meters (65 feet) in length	All vessels carrying combustible or flammable liquid cargo in bulk. ⁵	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade. ⁷	All tugboats and towboats. All vessels carrying dangerous cargoes, when required by 46 CFR part 98	All vessels not covered by columns 2, 3, 4, and 6	None	All vessels carrying cargoes in bulk that are listed in part 153, table 1, or part 154, table 4, or unlisted cargoes that would otherwise be subject to these parts. ¹²
		(ii) All vessels <100 gross tons that-				
		(A) Carry more than 6 passengers-for-hire whether chartered or not, or				
		(B) Carry more than 6 passengers when chartered				

Method of propulsion, qualified by size or other limitation ¹	Vessels inspected and certificated under Subchapter D - Tank Vessels ²	Vessels inspected and certificated under Subchapter H - Passenger Vessels ²³⁴⁵ or Subchapter K or T - Small Passenger Vessels ²³⁴	Vessels inspected and certificated under Subchapter I - Cargo and Miscellaneous Vessels ²⁵	Vessels subject to the provisions of Subchapter C - Uninspected Vessels. ²³⁶⁷⁸	Vessels subject to the provisions of Subchapter U - Oceanographic Vessels ²³⁶⁷⁹	Vessels subject to the provisions of Subchapter O - Certain Bulk and Dangerous Cargoes ¹⁰
		with the crew provided, or				
		(C) Carry more than 12 passengers when chartered with no crew provided, or				
		(D) Carry at least 1 passenger-for-hire and are submersible vessels. ⁷				
		(E) Carry more than 6 passengers and are ferries.				
		(iii) All vessels ≥100 gross tons that-				
		(A) Carry more than 12 passengers-for-hire whether				

Method of propulsion, qualified by size or other limitation ¹	Vessels inspected and certificated under Subchapter D - Tank Vessels ²	Vessels inspected and certificated under Subchapter H - Passenger Vessels ²³⁴⁵ or Subchapter K or T - Small Passenger Vessels ²³⁴	Vessels inspected and certificated under Subchapter I - Cargo and Miscellaneous Vessels ²⁵	Vessels subject to the provisions of Subchapter C - Uninspected Vessels. ²³⁶⁷⁸	Vessels subject to the provisions of Subchapter U - Oceanographic Vessels ²³⁶⁷⁹	Vessels subject to the provisions of Subchapter O - Certain Bulk and Dangerous Cargoes ¹⁰
		chartered or not, or				
		(B) Carry more than 12 passengers when chartered with the crew provided, or				
		(C) Carry more than 12 passengers when chartered with no crew provided, or				
		(D) Carry at least 1 passenger-for-hire and are submersible vessels. ⁷				
		(E) Carry at least 1 passenger and are ferries.				
		(iv) These regulations				

Method of propulsion, qualified by size or other limitation ¹	Vessels inspected and certificated under Subchapter D - Tank Vessels ²	Vessels inspected and certificated under Subchapter H - Passenger Vessels ²³⁴⁵ or Subchapter K or T - Small Passenger Vessels ²³⁴	Vessels inspected and certificated under Subchapter I - Cargo and Miscellaneous Vessels ²⁵	Vessels subject to the provisions of Subchapter C - Uninspected Vessels. ²³⁶⁷⁸	Vessels subject to the provisions of Subchapter U - Oceanographic Vessels ²³⁶⁷⁹	Vessels subject to the provisions of Subchapter O - Certain Bulk and Dangerous Cargoes ¹⁰
		do not apply to -				
		(A) Recreational vessels not engaged in trade.				
		(B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew.				
		(C) Fishing vessels not engaged in ocean or coastwise service. Such vessels may carry persons on the legitimate business of the vessel ⁶ in addition to the crew,				

Method of propulsion, qualified by size or other limitation ¹	Vessels inspected and certificated under Subchapter D - Tank Vessels ²	Vessels inspected and certificated under Subchapter H - Passenger Vessels ²³⁴⁵ or Subchapter K or T - Small Passenger Vessels ²³⁴	Vessels inspected and certificated under Subchapter I - Cargo and Miscellaneous Vessels ²⁵	Vessels subject to the provisions of Subchapter C - Uninspected Vessels. ²³⁶⁷⁸	Vessels subject to the provisions of Subchapter U - Oceanographic Vessels ²³⁶⁷⁹	Vessels subject to the provisions of Subchapter O - Certain Bulk and Dangerous Cargoes ¹⁰
		as restricted by the definition of passenger. ⁷				
(8) Steam, vessels >19.8 meters (65 feet) in length	All vessels carrying combustible or flammable liquid cargo in bulk. ⁵	(i) All vessels carrying more than 12 passengers on an international voyage, except recreational vessels not engaged in trade. ⁷	All vessels not covered by columns 2, 3, 6, and 7	None	All vessels engaged in oceanographic research	All vessels carrying cargoes in bulk that are listed in part 153, Table 1, or part 154, Table 4, or unlisted cargoes that would otherwise be subject to these parts. ¹²
		(ii) All vessels <100 gross tons that -				
		(A) Carry more than 6 passengers-for-hire whether chartered or not, or				
		(B) Carry more than 6 passengers				

Method of propulsion, qualified by size or other limitation ¹	Vessels inspected and certificated under Subchapter D - Tank Vessels ²	Vessels inspected and certificated under Subchapter H - Passenger Vessels ²³⁴⁵ or Subchapter K or T - Small Passenger Vessels ²³⁴	Vessels inspected and certificated under Subchapter I - Cargo and Miscellaneous Vessels ²⁵	Vessels subject to the provisions of Subchapter C - Uninspected Vessels. ²³⁶⁷⁸	Vessels subject to the provisions of Subchapter U - Oceanographic Vessels ²³⁶⁷⁹	Vessels subject to the provisions of Subchapter O - Certain Bulk and Dangerous Cargoes ¹⁰
		when chartered with the crew provided, or				
		(C) Carry more than 12 passengers when chartered with no crew provided, or				
		(D) Carry at least 1 passenger-for-hire and are submersible vessels. ⁷				
		(E) Carry more than 6 passengers and are ferries.				
		(iii) All vessels ≥ 100 gross tons that -				
		(A) Carry more than 12 passengers-				

Method of propulsion, qualified by size or other limitation ¹	Vessels inspected and certificated under Subchapter D - Tank Vessels ²	Vessels inspected and certificated under Subchapter H - Passenger Vessels ²³⁴⁵ or Subchapter K or T - Small Passenger Vessels ²³⁴	Vessels inspected and certificated under Subchapter I - Cargo and Miscellaneous Vessels ²⁵	Vessels subject to the provisions of Subchapter C - Uninspected Vessels. ²³⁶⁷⁸	Vessels subject to the provisions of Subchapter U - Oceanographic Vessels ²³⁶⁷⁹	Vessels subject to the provisions of Subchapter O - Certain Bulk and Dangerous Cargoes ¹⁰
		for-hire whether chartered or not, or				
		(B) Carry more than 12 passengers when chartered with the crew provided, or				
		(C) Carry more than 12 passengers when chartered with no crew provided, or				
		(D) Carry at least 1 passenger-for-hire and are submersible vessels. ⁷				
		(E) Carry at least 1 passenger and are ferries.				

Method of propulsion, qualified by size or other limitation ¹	Vessels inspected and certificated under Subchapter D - Tank Vessels ²	Vessels inspected and certificated under Subchapter H - Passenger Vessels ²³⁴⁵ or Subchapter K or T - Small Passenger Vessels ²³⁴	Vessels inspected and certificated under Subchapter I - Cargo and Miscellaneous Vessels ²⁵	Vessels subject to the provisions of Subchapter C - Uninspected Vessels. ²³⁶⁷⁸	Vessels subject to the provisions of Subchapter U - Oceanographic Vessels ²³⁶⁷⁹	Vessels subject to the provisions of Subchapter O - Certain Bulk and Dangerous Cargoes ¹⁰
		(iv) These regulations do not apply to -				
		(A) Recreational vehicles not engaged in trade.				
		(B) Documented cargo or tank vessels issued a permit to carry 16 or fewer persons in addition to the crew.				
		(C) Fishing vessels not engaged in ocean or coastwise service. Such vessels may carry persons on the legitimate business of the vessel ⁶				

Method of propulsion, qualified by size or other limitation ¹	Vessels inspected and certificated under Subchapter D - Tank Vessels ²	Vessels inspected and certificated under Subchapter H - Passenger Vessels ²³⁴⁵ or Subchapter K or T - Small Passenger Vessels ²³⁴	Vessels inspected and certificated under Subchapter I - Cargo and Miscellaneous Vessels ²⁵	Vessels subject to the provisions of Subchapter C - Uninspected Vessels. ²³⁶⁷⁸	Vessels subject to the provisions of Subchapter U - Oceanographic Vessels ²³⁶⁷⁹	Vessels subject to the provisions of Subchapter O - Certain Bulk and Dangerous Cargoes ¹⁰
		in addition to the crew, as restricted by the definition of passenger. ⁷				

Key to symbols used in this table: ≤ means less than or equal to; > means greater than; < means less than; and ≥ means greater than or equal to.

Footnotes:

¹ Where length is used in this table, it means the length measured from end to end over the deck, excluding sheer. This expression means a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline.

² Subchapters E (Load Lines), F (Marine Engineering), J (Electrical Engineering), N (Dangerous Cargoes), S (Subdivision and Stability), and W (Lifesaving Appliances and Arrangements) of this chapter may also be applicable under certain conditions. The provisions of 49 CFR parts 171 through 179 apply whenever packaged hazardous materials are on board vessels (including motorboats), except when specifically exempted by law.

³ Public nautical schoolships, other than vessels of the Navy and Coast Guard, must meet the requirements of part 167 of subchapter R (Nautical Schools) of this chapter, Civilian nautical schoolships, as defined by 46 U.S.C. 1331, must meet the requirements of subchapter H (Passenger Vessels) and part 168 of subchapter R (Nautical Schools) of this chapter.

⁴ Subchapter H (Passenger Vessels) of this chapter covers only those vessels of 100 gross tons or more, subchapter T (Small Passenger Vessels) of this chapter covers only those vessels of less than 100 gross tons, and subchapter K (Small Passenger Vessels) of this chapter covers only those vessels less than 100 gross tons carrying more than 150 passengers or overnight accommodations for more than 49 passengers.

⁵ Vessels covered by subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter, where the principal purpose or use of the vessel is not for the carriage of liquid cargo, may be granted a permit to carry a limited amount of flammable or combustible liquid cargo in bulk. The portion of the vessel used for the carriage of the flammable or combustible liquid cargo must meet the requirements of subchapter D (Tank Vessels) in addition to the requirements of subchapter H (Passenger Vessels) or I (Cargo and Miscellaneous Vessels) of this chapter.

⁶ Any vessel on an international voyage is subject to the requirements of the International Convention for Safety of Life at Sea, 1974 (SOLAS).

⁷ The terms "passenger(s)" and "passenger(s)-for-hire" are as defined in 46 U.S.C. 2101(21)(21a). On oceanographic vessels, scientific personnel onboard shall not be deemed to be passengers nor seamen, but for calculations of lifesaving equipment, etc., must be counted as persons.

⁸ Boilers and machinery are subject to examination on vessels over 40 feet in length.

⁹ Under 46 U.S.C. 441 an oceanographic research vessel "... being employed exclusively in instruction in oceanography or limnology, or both, or exclusively in oceanographic research, ... Under 46 U.S.C. 443, "an oceanographic research vessel shall not be deemed to be engaged in trade or commerce." If or when an oceanographic vessel engages in trade or commerce, such vessel cannot operate under its certificate of inspection as an oceanographic vessel, but shall be inspected and certified for the service in which engaged, and the scientific personnel aboard then become persons employed in the business of the vessel.

¹⁰ Bulk dangerous cargoes are cargoes specified in table 151.01-10(b); in table 1 of part 153, and in table 4 of part 154 of this chapter.

¹¹ For manned tankbarges, see § 151.01-10(c) of this chapter.

¹² See § 151.01-15, 153.900(d), or 154.30 of this chapter as appropriate.

¹³ Sail vessel means a vessel with no auxiliary machinery on board. If the vessel has auxiliary machinery, refer to motor vessels.

(b)

- (1) A U.S.-flag towing vessel is subject to inspection and certifying regulations in subchapter M of this chapter except:
 - (i) A vessel less than 26 feet (7.92 meters) in length measured from end to end over the deck (excluding the sheer), unless that vessel is pushing, pulling, or hauling a barge that is carrying oil or hazardous material in bulk;
 - (ii) A vessel engaged in one or more of the following:
 - (A) Assistance towing as defined in § 136.110 of this chapter;
 - (B) Towing recreational vessels for salvage; or

- (C) Transporting or assisting the navigation of recreational vessels within and between marinas and marina facilities, within a limited geographic area, as determined by the local Captain of the Port;
 - (iii) A workboat operating exclusively within a worksite and performing intermittent towing within the worksite;
 - (iv) A seagoing towing vessel of 300 gross tons or more subject to the provisions of subchapter I of this chapter;
 - (v) A vessel inspected under other subchapters of this chapter that may perform occasional towing;
 - (vi) A public vessel as defined in 46 U.S.C. 2101;
 - (vii) A vessel which has surrendered its Certificate of Inspection and is laid up, dismantled, or otherwise out of service; and
 - (viii) A propulsion unit used for the purpose of propelling or controlling the direction of a barge where the unit is controlled from the barge, is not normally manned, and is not utilized as an independent vessel.
- (2) A towing vessel not subject to subchapter M of this chapter should refer to table 2.01-7 of this section.
- (c) The specific application of regulations concerning inspecting and certificating vessels is set forth in the specific subchapter governing a particular class of vessels.
- (1) For passenger vessels see part 70 of subchapter H (Passenger Vessels) of this chapter.
 - (2) For cargo and miscellaneous vessels see part 90 of subchapter I (Cargo and Miscellaneous Vessels) of this chapter.
 - (3) For tank vessels see part 30 of subchapter D (Tank Vessels) of this chapter.
 - (4) For small passenger vessels see part 114 of subchapter K (Small Passenger Vessels Carrying More Than 150 Passengers or with Overnight Accommodations for More Than 49 Passengers) and part 175 of subchapter T (Small Passenger Vessels) of this chapter.
 - (5) For uninspected vessels see part 24 of subchapter C (Uninspected Vessels) of this chapter.
 - (6) For vessels carrying certain bulk dangerous cargoes see subchapter O of this chapter.
 - (7) For towing vessels, see part 136 of subchapter M of this chapter.

[CGFR 65-50, 30 FR 16604, Dec. 30, 1965]

Editorial Note: For FEDERAL REGISTER citations affecting § 2.01-7, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.govinfo.gov.

§ 2101. General definitions, 46 USCA § 2101

United States Code Annotated
Title 46. Shipping (Refs & Annos)
Subtitle II. Vessels and Seamen
Part A. General Provisions
Chapter 21. General (Refs & Annos)

46 U.S.C.A. § 2101

§ 2101. General definitions

Effective: December 4, 2018

Currentness

In this subtitle--

(1) "associated equipment"--

(A) means--

(i) a system, accessory, component, or appurtenance of a recreational vessel; or

(ii) a marine safety article intended for use on board a recreational vessel; but

(B) with the exception of emergency locator beacons for recreational vessels operating beyond 3 nautical miles from the baselines from which the territorial sea of the United States is measured or beyond 3 nautical miles from the coastline of the Great Lakes, does not include radio equipment.

(2) "Coast Guard" means the organization established and continued under section 1 of title 14¹.

(3) "Commandant" means the Commandant of the Coast Guard.

(4) "commercial service" includes any type of trade or business involving the transportation of goods or individuals, except service performed by a combatant vessel.

(5) "consideration" means an economic benefit, inducement, right, or profit including pecuniary payment accruing to an individual, person, or entity, but not including a voluntary sharing of the actual expenses of the voyage, by monetary contribution or donation of fuel, food, beverage, or other supplies.

(6) “crude oil” means a liquid hydrocarbon mixture occurring naturally in the earth, whether or not treated to render it suitable for transportation, and includes crude oil from which certain distillate fractions may have been removed, and crude oil to which certain distillate fractions may have been added.

(7) “crude oil tanker” means a tanker engaged in the trade of carrying crude oil.

(8) “dangerous drug” means a narcotic drug, a controlled substance, or a controlled substance analog (as defined in section 102 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 802)).

(9) “discharge”, when referring to a substance discharged from a vessel, includes spilling, leaking, pumping, pouring, emitting, emptying, or dumping, however caused.

(10) “ferry” means a vessel that is used on a regular schedule--

(A) to provide transportation only between places that are not more than 300 miles apart; and

(B) to transport only--

(i) passengers; or

(ii) vehicles, or railroad cars, that are being used, or have been used, in transporting passengers or goods.

(11) “fish” means finfish, mollusks, crustaceans, and all other forms of marine animal and plant life, except marine mammals and birds.

(12) “fishing vessel” means a vessel that commercially engages in the catching, taking, or harvesting of fish or an activity that can reasonably be expected to result in the catching, taking, or harvesting of fish.

(13) “fish processing vessel” means a vessel that commercially prepares fish or fish products other than by gutting, decapitating, gilling, skinning, shucking, icing, freezing, or brine chilling.

(14) “fish tender vessel” means a vessel that commercially supplies, stores, refrigerates, or transports fish, fish products, or materials directly related to fishing or the preparation of fish to or from a fishing, fish processing, or fish tender vessel or a fish processing facility.

(15) “freight vessel” means a motor vessel of more than 15 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title that carries freight for hire, except an oceanographic research vessel or an offshore supply vessel.

(16) "Great Lakes barge" means a non-self-propelled vessel of at least 3,500 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title operating on the Great Lakes.

(17) "hazardous material" means a liquid material or substance that is--

(A) flammable or combustible;

(B) designated a hazardous substance under section 311(b) of the Federal Water Pollution Control Act (33 U.S.C. 1321); or

(C) designated a hazardous material under section 5103(a) of title 49.

(18) "major conversion" means a conversion of a vessel that--

(A) substantially changes the dimensions or carrying capacity of the vessel;

(B) changes the type of the vessel;

(C) substantially prolongs the life of the vessel; or

(D) otherwise so changes the vessel that it is essentially a new vessel, as decided by the Secretary.

(19) "marine environment" means--

(A) the navigable waters of the United States and the land and resources in and under those waters;

(B) the waters and fishery resources of an area over which the United States asserts exclusive fishery management authority;

(C) the seabed and subsoil of the outer Continental Shelf of the United States, the resources of the Shelf, and the waters superjacent to the Shelf; and

(D) the recreational, economic, and scenic values of the waters and resources referred to in subclauses (A)-(C) of this clause.

(20) "mobile offshore drilling unit" means a vessel capable of engaging in drilling operations for the exploration or exploitation of subsea resources.

(21) "motor vessel" means a vessel propelled by machinery other than steam.

(22) “nautical school vessel” means a vessel operated by or in connection with a nautical school or an educational institution under section 558 of title 40.

(23) “navigable waters of the United States” includes all waters of the territorial sea of the United States as described in Presidential Proclamation No. 5928 of December 27, 1988.

(24) “oceanographic research vessel” means a vessel that the Secretary finds is being employed only in instruction in oceanography or limnology, or both, or only in oceanographic or limnological research, including studies about the sea such as seismic, gravity meter, and magnetic exploration and other marine geophysical or geological surveys, atmospheric research, and biological research.

(25) “offshore supply vessel” means a motor vessel that regularly carries goods, supplies, individuals in addition to the crew, or equipment in support of exploration, exploitation, or production of offshore mineral or energy resources.

(26) “oil” includes oil of any type or in any form, including petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes except dredged spoil.

(27) “oil spill response vessel” means a vessel that is designated in its certificate of inspection as such a vessel, or that is adapted to respond to a discharge of oil or a hazardous material.

(28) “overall in length” means--

(A) for a foreign vessel or a vessel engaged on a foreign voyage, the greater of--

(i) 96 percent of the length on a waterline at 85 percent of the least molded depth measured from the top of the keel (or on a vessel designed with a rake of keel, on a waterline parallel to the designed waterline); or

(ii) the length from the fore side of the stem to the axis of the rudder stock on that waterline; and

(B) for any other vessel, the horizontal distance of the hull between the foremost part of the stem and the aftermost part of the stern, excluding fittings and attachments.

(29) “passenger”--

(A) means an individual carried on the vessel except--

(i) the owner or an individual representative of the owner or, in the case of a vessel under charter, an individual charterer or individual representative of the charterer;

(ii) the master; or

(iii) a member of the crew engaged in the business of the vessel who has not contributed consideration for carriage and who is paid for on board services;

(B) on an offshore supply vessel, means an individual carried on the vessel except--

(i) an individual included in clause (i), (ii), or (iii) of subparagraph (A) of this paragraph;

(ii) an employee of the owner, or of a subcontractor to the owner, engaged in the business of the owner;

(iii) an employee of the charterer, or of a subcontractor to the charterer, engaged in the business of the charterer; or

(iv) an individual employed in a phase of exploration, exploitation, or production of offshore mineral or energy resources served by the vessel;

(C) on a fishing vessel, fish processing vessel, or fish tender vessel, means an individual carried on the vessel except--

(i) an individual included in clause (i), (ii), or (iii) of subparagraph (A) of this paragraph;

(ii) a managing operator;

(iii) an employee of the owner, or of a subcontractor to the owner, engaged in the business of the owner;

(iv) an employee of the charterer, or of a subcontractor to the charterer, engaged in the business of the charterer; or

(v) an observer or sea sampler on board the vessel pursuant to a requirement of State or Federal law; or

(D) on a sailing school vessel, means an individual carried on the vessel except--

(i) an individual included in clause (i), (ii), or (iii) of subparagraph (A) of this paragraph;

(ii) an employee of the owner of the vessel engaged in the business of the owner, except when the vessel is operating under a demise charter;

(iii) an employee of the demise charterer of the vessel engaged in the business of the demise charterer; or

(iv) a sailing school instructor or sailing school student.

(30) “passenger for hire” means a passenger for whom consideration is contributed as a condition of carriage on the vessel, whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person having an interest in the vessel.

(31) “passenger vessel” means a vessel of at least 100 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title--

(A) carrying more than 12 passengers, including at least one passenger for hire;

(B) that is chartered and carrying more than 12 passengers;

(C) that is a submersible vessel carrying at least one passenger for hire; or

(D) that is a ferry carrying a passenger.

(32) “product carrier” means a tanker engaged in the trade of carrying oil except crude oil.

(33) “public vessel” means a vessel that--

(A) is owned, or demise chartered, and operated by the United States Government or a government of a foreign country; and

(B) is not engaged in commercial service.

(34) “recreational vessel” means a vessel--

(A) being manufactured or operated primarily for pleasure; or

(B) leased, rented, or chartered to another for the latter's pleasure.

(35) “recreational vessel manufacturer” means a person engaged in the manufacturing, construction, assembly, or importation of recreational vessels, components, or associated equipment.

(36) “riding gang member” means an individual who--

(A) has not been issued a merchant mariner document under chapter 73;

(B) does not perform--

(i) watchstanding, automated engine room duty watch, or personnel safety functions; or

(ii) cargo handling functions, including any activity relating to the loading or unloading of cargo, the operation of cargo-related equipment (whether or not integral to the vessel), and the handling of mooring lines on the dock when the vessel is made fast or let go;

(C) does not serve as part of the crew complement required under section 8101;

(D) is not a member of the steward's department; and

(E) is not a citizen or temporary or permanent resident of a country designated by the United States as a sponsor of terrorism or any other country that the Secretary, in consultation with the Secretary of State and the heads of other appropriate United States agencies, determines to be a security threat to the United States.

(37) "sailing instruction" means teaching, research, and practical experience in operating vessels propelled primarily by sail and may include--

(A) any subject related to that operation and to the sea, including seamanship, navigation, oceanography, other nautical and marine sciences, and maritime history and literature; and

(B) only when in conjunction with a subject referred to in subclause (A) of this clause, instruction in mathematics and language arts skills to sailing school students having learning disabilities.

(38) "sailing school instructor" means an individual who is on board a sailing school vessel to provide sailing instruction, but does not include an operator or crewmember who is among those required to be on board the vessel to meet a requirement established under part F of this subtitle.

(39) "sailing school student" means an individual who is on board a sailing school vessel to receive sailing instruction.

(40) "sailing school vessel" means a vessel--

(A) that is less than 500 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title;

(B) carrying more than 6 individuals who are sailing school instructors or sailing school students;

(C) principally equipped for propulsion by sail, even if the vessel has an auxiliary means of propulsion; and

(D) owned or demise chartered, and operated by an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)) and exempt from tax under section 501(a) of that Code, or by a State or political subdivision of a State, during times that the vessel is operated by the organization, State, or political subdivision only for sailing instruction.

(41)(A) Subject to subparagraph (B), “scientific personnel” means individuals on board an oceanographic research vessel only to engage in scientific research, or to instruct or receive instruction in oceanography or limnology.

(B)(i) Such term includes an individual who is on board an oceanographic research vessel only to--

(I) engage in scientific research;

(II) instruct in oceanography or limnology; or

(III) receive instruction in oceanography or limnology.

(ii) For purposes of clause (i), the age of an individual may not be considered in determining whether the individual is described in such clause.

(42) “seagoing barge” means a non-self-propelled vessel of at least 100 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title making voyages beyond the Boundary Line.

(43) “seagoing motor vessel” means a motor vessel of at least 300 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title making voyages beyond the Boundary Line.

(44) “Secretary” means the Secretary of the department in which the Coast Guard is operating.

(45) “small passenger vessel” means a wing-in-ground craft, regardless of tonnage, carrying at least one passenger for hire, and a vessel of less than 100 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title--

(A) carrying more than 6 passengers, including at least one passenger for hire;

(B) that is chartered with the crew provided or specified by the owner or the owner's representative and carrying more than 6 passengers;

(C) that is chartered with no crew provided or specified by the owner or the owner's representative and carrying more than 12 passengers;

(D) that is a submersible vessel carrying at least one passenger for hire; or

(E) that is a ferry carrying more than 6 passengers.

(46) "steam vessel" means a vessel propelled in whole or in part by steam, except a recreational vessel of not more than 40 feet in length.

(47) "submersible vessel" means a vessel that is capable of operating below the surface of the water.

(48) "tanker" means a self-propelled tank vessel constructed or adapted primarily to carry oil or hazardous material in bulk in the cargo spaces.

(49) "tank vessel" means a vessel that is constructed or adapted to carry, or that carries, oil or hazardous material in bulk as cargo or cargo residue, and that--

(A) is a vessel of the United States;

(B) operates on the navigable waters of the United States; or

(C) transfers oil or hazardous material in a port or place subject to the jurisdiction of the United States.

(50) "towing vessel" means a commercial vessel engaged in or intending to engage in the service of pulling, pushing, or hauling along side, or any combination of pulling, pushing, or hauling along side.

(51) "uninspected passenger vessel" means an uninspected vessel--

(A) of at least 100 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title--

(i) carrying not more than 12 passengers, including at least one passenger for hire; or

(ii) that is chartered with the crew provided or specified by the owner or the owner's representative and carrying not more than 12 passengers; and

(B) of less than 100 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title--

(i) carrying not more than 6 passengers, including at least one passenger for hire; or

(ii) that is chartered with the crew provided or specified by the owner or the owner's representative and carrying not more than 6 passengers.

(52) "uninspected vessel" means a vessel not subject to inspection under section 3301 of this title that is not a recreational vessel.

(53) "vessel of war" means a vessel--

(A) belonging to the armed forces of a country;

(B) bearing the external marks distinguishing vessels of war of that country;

(C) under the command of an officer commissioned by the government of that country and whose name appears in the appropriate service list or its equivalent; and

(D) staffed by a crew under regular armed forces discipline.

(54) "wing-in-ground craft" means a vessel that is capable of operating completely above the surface of the water on a dynamic air cushion created by aerodynamic lift due to the ground effect between the vessel and the water's surface.

CREDIT(S)

(Pub.L. 98-89, Aug. 26, 1983, 97 Stat. 501; Pub.L. 98-364, Title IV, § 402(1), July 17, 1984, 98 Stat. 445; Pub.L. 98-454, Title III, § 301(a), Oct. 5, 1984, 98 Stat. 1734; Pub.L. 98-557, § 34(a), Oct. 30, 1984, 98 Stat. 2876; Pub.L. 99-307, § 1(1), (2), May 19, 1986, 100 Stat. 444; Pub.L. 99-509, Title V, § 5102(b)(1), Oct. 21, 1986, 100 Stat. 1926; Pub.L. 99-514, § 2, Oct. 22, 1986, 100 Stat. 2095; Pub.L. 99-640, §§ 10(b)(1), 11(a), 13(d), Nov. 10, 1986, 100 Stat. 3549 to 3551; Pub.L. 100-239, § 6(a)(1), Jan. 11, 1988, 101 Stat. 1781; Pub.L. 100-424, § 8(c)(1), Sept. 9, 1988, 102 Stat. 1593; Pub.L. 100-710, Title I, § 104(a)(1), (2), Nov. 23, 1988, 102 Stat. 4749; Pub.L. 101-225, Title II, § 209, Dec. 12, 1989, 103 Stat. 1913; Pub.L. 101-380, Title IV, § 4103(a)(2) (A), Aug. 18, 1990, 104 Stat. 511; Pub.L. 101-595, Title VI, § 603(1), Nov. 16, 1990, 104 Stat. 2993; Pub.L. 102-587, Title V, § 5208(a), Nov. 4, 1992, 106 Stat. 5075; Pub.L. 103-206, Title V, §§ 502 to 510, Dec. 20, 1993, 107 Stat. 2439; Pub.L. 103-272, § 5(l), July 5, 1994, 108 Stat. 1375; Pub.L. 104-324, Title VII, § 709, Title XI, § 1104(a), Oct. 19, 1996, 110 Stat. 3934, 3966; Pub.L. 105-383, Title III, § 301(b)(1), Nov. 13, 1998, 112 Stat. 3417; Pub.L. 107-217, § 3(m)(1), Aug. 21, 2002, 116 Stat. 1302; Pub.L. 107-295, Title IV, § 419, Nov. 25, 2002, 116 Stat. 2124; Pub.L. 109-241, Title III, §§ 301, 312(b), July 11, 2006, 120

Stat. 526, 533; Pub.L. 109-304, § 15(2), Oct. 6, 2006, 120 Stat. 1702; Pub.L. 111-281, Title VI, §§ 617(a)(1)(A), 618, Oct. 15, 2010, 124 Stat. 2972, 2975; Pub.L. 111-330, § 1(9), Dec. 22, 2010, 124 Stat. 3570; Pub.L. 115-232, Div. C, Title XXXV, § 3541(a)(1), Aug. 13, 2018, 132 Stat. 2322; Pub.L. 115-282, Title V, § 515, Dec. 4, 2018, 132 Stat. 4279.)

Notes of Decisions (14)

Footnotes

1 See References to Sections of Title 14 Redesignated by Pub.L. 115-282 note set out under this section.

46 U.S.C.A. § 2101, 46 USCA § 2101

Current through P.L. 117-177. Some statute sections may be more current, see credits for details.

End of Document

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Raleigh-Durham Airport Authority

Michael J. Landguth, A.A.E.
President & CEO1000 Trade Drive • P.O. Box 80001 • RDU Airport, NC 27623
tel: (919) 840-7700 • fax: (919) 840-0175 • www.rdu.com

September 23, 2022

Marcus W. Trathen, Esq.
Brooks Pierce
Via email to: mtrathen@brookspierce.com

Dear Mr. Trathen:

This letter is in response to your public records request for documentation regarding certain basic facts relating to the Raleigh-Durham Airport Authority (the "Authority") and its operation of parking facilities on the Raleigh-Durham International Airport (the "Airport").

I am General Counsel of the Authority. Under legislative enactments by the North Carolina General Assembly, the Authority governs the Airport. First, the Authority is a local governmental entity and public authority established by the North Carolina General Assembly in 1939 (S.L. ch 168). The referenced legislation is attached to this letter.

Second, the Authority controls, develops, maintains, and operates the public parking facilities at the Airport – both the parking garage facilities between the main airport terminals and the economy parking lots serving those terminals located on the Airport. The Authority establishes the rates charged in these parking facilities through an annual budget process. Attached to this letter is the relevant portion of the current Fiscal Year 2022-23 budget showing the establishment of parking rates. The Authority's annual budget process is subject to the requirements of the Local Government Finance Act, Chapter 159 of the North Carolina General Statutes, which includes public participation in the budget development and approval process.

I understand that your public records request may have some relevance to a matter currently before the North Carolina Utilities Commission in Docket No. A-41, Sub 21, and that this information may be used in connection with that proceeding to the extent permitted under applicable Commission procedures. The Authority does not have an interest in and does not take a position in that matter. This letter is intended to respond to your public records request as required by North Carolina's public records laws.

Sincerely,

A handwritten signature in black ink, appearing to read "Erin Locklear", with a long, sweeping horizontal line extending to the right.

Erin M. Locklear

Raleigh-Durham Airport Authority Board Members**DURHAM COUNTY**
Patrick Hannah, **Chairman**
David Morgan**CITY OF RALEIGH**
Sepideh Saidi, **Vice Chair**
Dickie Thompson**WAKE COUNTY**
David Kushner, **Secretary**
Ellis Hankins**CITY OF DURHAM**
Tammie Hall, **Treasurer**
Yesenia Polanco-Galdamez

OFFICIAL COPY

Oct 25 2022

dred eleven be, and the same is hereby amended by adding thereto the following:

"Provided, that in cases where either party requests a trial by jury under Section eight of this Act, as amended, the party so requesting shall, before trial, deposit with the recorder the sum of six dollars (\$6.00) for jury fees, which sum shall be in lieu of the tax imposed in the first sentence of this section. The sum so deposited shall be paid into the general fund of the county and applied to the salary fund."

Deposit required upon request for trial by jury.

Deposit paid into General County Fund.

SEC. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1939.

H. B. No. 476 CHAPTER 168

AN ACT ENABLING THE CITY OF RALEIGH, THE CITY OF DURHAM, THE COUNTY OF DURHAM, AND THE COUNTY OF WAKE, TO JOINTLY ESTABLISH AN AIRPORT AND PROVIDING FOR THE MAINTENANCE OF A JOINT AIRPORT BY SAID CITIES AND COUNTIES.

The General Assembly of North Carolina do enact:

SECTION 1. Airport or landing field for the purposes of this and the sections following is defined as any plot of land or water formally set aside, and designated as a place where aircraft may land or take off.

"Airport" and "landing field" defined.

SEC. 2. The governing bodies of the City of Raleigh, of the City of Durham, of the County of Durham, and of the County of Wake are hereby authorized to jointly acquire, establish, construct, own, control, lease, equip, improve, maintain, operate, and regulate airports or landing fields for the use of airplanes and other aircraft without the limits of said cities and within the limits of both of said counties or either of them; and may use for such purpose or purposes any properties suitable therefor that are now or may at any time hereafter be jointly owned or controlled by said cities and counties.

Establishment and maintenance, etc., of joint airport by City of Raleigh, City of Durham, County of Durham and County of Wake.

SEC. 3. Any lands acquired, owned, controlled, or occupied by said cities and counties, for the purposes enumerated in Section two hereof, shall and are hereby declared to be acquired, owned, controlled and occupied for a public purpose, and said cities and counties shall have the right to acquire property for such purpose or purposes under the power of eminent domain as and for a public purpose.

Airport operations declared public purpose.

Exercise of power of eminent domain.

Acquisition of private property.

SEC. 4. Private property needed by the said cities and counties for an airport or landing field may be acquired by gift or devise or shall be acquired by purchase if said cities and counties are able to agree with the owners on the terms thereof, and otherwise by condemnation, in the manner provided by law under which the said cities and counties are authorized to acquire real property for public purposes, other than street purposes, or if there be no such law, in the manner provided for and subject to the provisions of the condemnation law. The purchase price, or award for property acquired for an airport or landing field may be paid for by appropriation of monies available therefor, or by the application of any funds derived by either of said cities or by either of said counties from the sale of any lands now or heretofore or hereafter owned for airport or landing field purposes or other purposes, or wholly or partly from the proceeds of the sale of bonds of either of said cities or either of said counties as the governing bodies of such cities and counties shall determine.

Authorized method of payment.

Appropriations from proceeds of operations of public utilities, etc., for establishment and maintenance of airport.

SEC. 5. The governing bodies of said cities and counties and each of them are hereby authorized to appropriate and use from the net proceeds derived from the operation, by either of said cities or either of said counties, of any public utility, or from funds derived from any source other than ad valorem taxes, sums sufficient to carry out the provisions of this Act as to the establishment and maintenance of any airport in such proportion and upon such equal basis as may be determined upon by a joint board to be appointed by the governing bodies of the said cities and counties. Provided nothing herein shall be construed to permit the governing bodies of said cities or counties to issue bonds under the provisions of this Act without a vote of the people.

Appointment of joint board.

Municipality representation.

Term.

County representation.

Appointment of county representative.

SEC. 6. The joint board to be appointed by the governing bodies of the said cities and counties shall be appointed as follows: Each municipality shall be entitled to have one representative on said board and that representative shall be appointed biennially by a majority of the governing body of said municipality, at the first regular meeting in January. Said representative shall hold office from his appointment until the first regular meeting of the governing body in the second January thereafter, when his successor shall be appointed. Only a city or cities contributing an equal part to the establishment of an airport shall be entitled to have representation on the board. Each county shall be entitled to have one representative on said board, and that representative shall be appointed biennially by a majority of the Board of County Commissioners of said county, at the first regular meeting in January. Said representative shall hold

office from his election until the first regular meeting of the County Commissioners in the second January thereafter, when his successor shall be elected. Only a county or counties contributing an equal part to the establishment of such an airport shall be entitled to have representation on said board. The said board so appointed by the governing bodies of the cities and counties, shall be known as the "Aeronautics Authority for the City of Raleigh, City of Durham, the County of Durham and the County of Wake." Upon the occurrence of any vacancy on said authority, said vacancy shall be filled within sixty (60) days after notice thereof at a regular meeting of the governing body of the governmental unit which has a vacancy within its representation. Within thirty (30) days after the ratification of this Act the governing body of each of the said municipalities and counties may appoint its representative on said board to hold office until his successor shall be appointed in the manner hereinbefore set forth: *Provided, however,* that the representative first so appointed by each of said cities shall hold office from his appointment until the following January, at which time his successor shall be appointed as hereinbefore set forth, and provided further that the representative first so appointed by each of said counties shall hold office from his appointment until the second January thereafter at which time his successor shall be appointed in the manner hereinbefore set forth.

Sec. 7. The board so appointed by the governing bodies of said cities and counties shall act in an administrative capacity and shall be vested with the authority to control, lease, maintain, improve, operate, and regulate the joint airport or landing field. It shall have complete authority over any airport or landing field jointly acquired by the several governmental bodies represented on said board. *Provided that* said board or the individual members thereof shall have no authority to pledge the credit of any of said governmental units. The said board shall have authority to deal with the Civil Aeronautics Authority of the United States Government and any other representative of said Federal Government relative to the grading, constructing, equipping, improving, maintaining, and operating of airports or landing fields established under the authority of this Act. A majority of said board shall control its decisions. At the first meeting of said board and annually thereafter it shall elect a chairman from among its members. Each member of said board, including the chairman, shall have one vote. The said authority shall meet at such place and time as the chairman of said authority shall designate. The members of said board shall serve without compensation and shall take an oath of office administered by the resident

Board designated
Aeronautics
Authority.

Vacancy
appointments.

Appointment of
representatives
within 30 days
after ratification
of Act.

Term of municipal
appointments.

Term of county
appointments.

Powers and
authority of board.

Election of
chairman.

Meetings.

Members to serve
without compensation.

Oath.

judge having jurisdiction over the governmental unit which the member represents. Members of said authority shall not be personally liable in any manner for their acts as members of the authority, except for misfeasance or malfeasance.

Limitations on personal liability of members.

Application of Act.

SEC. 8. This Act shall apply only to the City of Raleigh, City of Durham, County of Durham, and the County of Wake.

Partial invalidity clause.

SEC. 9. If any part or parts of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act. The General Assembly expressly declares that it would have passed the remaining parts of this Act, if it had known that such part or parts thereof would be declared unconstitutional.

SEC. 10. This Act shall take effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1939.

H. B. No. 556

CHAPTER 169

AN ACT RELATIVE TO JURY TRIAL IN RECORDER'S COURT IN DARE COUNTY.

The General Assembly of North Carolina do enact:

Transfer of Recorder's Court cases to Superior Court upon demand for jury trial, Dare County.

New bond.

SECTION 1. That in all trials in Recorder's Court in Dare County, upon demand for a jury by the defendant or the Prosecuting Attorney representing the State, the Recorder shall transfer said trial to the Superior Court of Dare County, and the defendant shall execute a new bond in such amount as named by the Recorder for his appearance at the next term of Superior Court of Dare County, and the Recorder of said court shall immediately transfer the case to the Superior Court of Dare County, without requiring any deposit from the defendant for the privilege of a jury trial.

No Recorder's Court fees taxed in final bill of costs.

SEC. 2. No Recorder's fee or Prosecuting Attorney's fee for said Recorder's Court shall be taxed in the final bill of costs where any case is transferred to the Superior Court of Dare County, under the provisions of this Act, but this Act shall not affect said fees in other cases.

Conflicting laws repealed.

SEC. 3. That all laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1939.

Signing and
countersigning
of checks.

Treasurer
required to keep
correct accounts.
Audit.

Conflicting laws
repealed.

County, the clerk of Superior Court of said county, and a committee of three to be appointed annually by the Stanly County Bar Association. All checks on said account shall be drawn and signed by the treasurer of the Stanly County Bar Association and countersigned by either the county accountant for Stanly County or the president of the Stanly County Bar Association, and it shall not be necessary for such disbursements to have the approval of the Board of Commissioners of Stanly County. It shall be the further duty of said treasurer to keep a correct and accurate account of all receipts and disbursements in connection with the said library fund, which account shall be audited at least annually, when the other records of Stanly County are audited.

SEC. 6. That all laws and clauses of laws in conflict herewith regarding the disposition of costs received by the office of the clerk of the Superior Court of Stanly County, or any of the courts inferior to said Superior Court, are hereby repealed.

SEC. 7. That this Act shall be in full force and effect from and after the date of its ratification.

In the General Assembly read three times and ratified, this the 12th day of March, 1941.

S. B. No. 253

CHAPTER 292

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTY-EIGHT, PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE, RELATIVE TO AN ACT ENABLING THE CITY OF RALEIGH, THE CITY OF DURHAM, THE COUNTY OF DURHAM, AND THE COUNTY OF WAKE, TO JOINTLY ACQUIRE AND ESTABLISH AN AIRPORT BY SAID CITIES AND COUNTIES.

The General Assembly of North Carolina do enact:

Ch. Law,
Public-Local
Laws, 1939,
amended, as to
powers of
Raleigh, Durham,
Wake and
Durham counties,
in establishing
airport.

Acquisition of
graveyards, etc.,
by condemna-
tion.

Procedure for
exhuming and
re-interment dead.

Notice to
surviving kin

SECTION 1. That Chapter one hundred and sixty-eight of the Public-Local Laws of one thousand nine hundred and thirty-nine be, and the same is hereby amended, by inserting and adding as a separate section after Section four and before Section five the following, to be known and designated as Section four(a) in words and figures as follows, to-wit:

"SEC. 4(a). The power to acquire lands by condemnation herein granted to the said cities and counties for the purpose of such airport or landing field shall embrace the power to acquire by condemnation any dwelling, yard, orchard, garden, kitchen, burial ground, graveyard or cemetery located or situate upon the lands found necessary to be acquired for such purpose; and in the event there are graves located upon such lands which may be necessary to be acquired by condemnation, it shall be lawful for said cities and counties, after thirty (30) days' notice to the surviving husband or wife, or next of kin of the deceased buried therein, or the person in control of such graves, if any are known, and if not known, then after publishing a notice once a

week for four (4) weeks in a newspaper published in Wake County and for a like period in a newspaper published in Durham County, to open any such graves, and to take therefrom any dead body, or part thereof buried therein, and anything interred therewith, and to remove and re-inter the same in some other cemetery or suitable place in the same county to be selected by the next of kin, or the welfare officer of the county or by the Clerk of the Superior Court of said county in the order named. Due care shall be taken to do said work in a proper and decent manner, and, if necessary, to furnish suitable coffins or boxes for re-interring said remains. Due care shall also be taken to remove all tombstones and other markers from said graves, and to protect and replace all such tombstones or other markers so as to leave the new grave in as good condition as the former one. All of said work shall be done under the supervision and direction of the welfare officer of the county, if one, or his representatives, but if there is no welfare officer, then under the supervision and direction of the Clerk of the Superior Court of said county, or his representatives. All the expense connected with said work, including the actual expense of one of "next of kin" in attending to same, if one does attend, shall be borne by the said cities and counties doing or causing same to be done."

Notice by publication.

Removal and burial in another cemetery.

Due care required in removing bodies, tombstones, etc.

Supervision of work by welfare officer or clerk.

Expenses borne by cities and counties.

Sec. 2. That Section seven of Chapter one hundred and sixty-eight of the Public-Local Laws of one thousand nine hundred and thirty-nine be, and the same is hereby amended by inserting in line three after the word "to" and before the word "control" the following: "establish, construct."

Sec. 7, amended, as to powers of Aeronautics Authority.

Sec. 3. That Chapter one hundred and sixty-eight of the Public-Local Laws of one thousand nine hundred and thirty-nine be and the same is hereby amended by adding at the end of Section seven the following:

Sec. 7, amended further, empowering Aeronautics Authority to expend funds, make contracts, etc.

"Said authority shall have the right and is empowered to expend such funds as are appropriated from time to time by the said governmental units jointly or severally for joint airport purposes and is empowered to enter into contracts and pledge the credit of the authority to the extent of the moneys appropriated by the said governmental units for joint airport purposes."

Sec. 4. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws repealed.

Sec. 5. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of March, 1941.

dash" between the word "Moore" and the word "Person" in is twenty thereof.

SEC. 2. All laws and clauses of laws in conflict with this Act are hereby repealed. Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after ratification.

Ratified this the 7th day of February, 1945.

. B. 111

CHAPTER 79

AN ACT TO AMEND CHAPTER ONE HUNDRED AND SIXTY-EIGHT PUBLIC-LOCAL LAWS OF ONE THOUSAND NINE HUNDRED AND THIRTY-NINE RELATIVE TO AN ACT ENABLING THE CITY OF RALEIGH, THE CITY OF DURHAM, THE COUNTY OF DURHAM, AND THE COUNTY OF WAKE TO JOINTLY ACQUIRE AND ESTABLISH AN AIRPORT BY SAID CITIES AND COUNTIES.

the General Assembly of North Carolina do enact:

SECTION 1. That Chapter one hundred and sixty-eight of the Public-Local Laws of one thousand nine hundred and thirty-nine is amended by Chapter two hundred and ninety-two of the Public-Local Laws of one thousand nine hundred and forty-one, be, and the same is, hereby amended by striking out Sections six and seven and adding in lieu thereof the following:

Amending law, relating to establishment of airport by Durham, Raleigh and Counties of Durham and Wake.

SEC. 6. The joint board to be appointed by the governing bodies of the said municipalities and counties shall be appointed as follows:

Appointment of Board, governing said airport.

Each municipality shall be entitled to have two representatives on said board and the representatives shall be appointed biennially by a majority of the governing body of the said municipality, at the first regular meeting in January. Said representatives shall hold office from their appointment until their successors are appointed and qualified and until the first regular meeting of the governing body in the second January thereafter, when successors shall be appointed. Only a municipality contributing in equal part to the establishment of an airport or airports shall be entitled to have representation on the board.

Each city to have two members.

Each county shall be entitled to have two representatives on said board and the representatives shall be appointed biennially by a majority of the board of county commissioners of said county at the first regular meeting in January. Said representatives shall hold office from their appointment until their successors are appointed and qualified and until the first regular meeting

Each County to have two members.

Said Board to be known as Raleigh-Durham Airport Authority.

of the board of county commissioners in the second January thereafter, when successors shall be appointed. Only a county or counties contributing an equal part to the establishment of an airport or airports shall be entitled to have representation on said board. The said board so appointed by the governing bodies of the municipalities and counties, shall be known as the "Raleigh-Durham Airport Authority." Upon the occurrence of any vacancy on said board, said vacancy shall be filled within sixty (60) days after notice thereof by a majority of the governing body of the municipality or county which has a vacancy within its representation. Within thirty (30) days after the ratification of this Act, the governing body of each of said municipalities and counties shall appoint its representatives on said board to hold office until successors shall be appointed in the manner hereinbefore set forth, *provided however*, that the representatives first so appointed by each of said municipalities and counties shall hold office from appointment until the second January thereof, at which time successors shall be appointed in the manner hereinbefore set forth.

Said Board shall not have authority to pledge credit of either participating City or County.

Certain powers of said Board.

SEC. 7. The board appointed as herein provided for by the governing bodies of said municipalities and counties shall act in an administrative capacity and shall be vested with the authority to establish, construct, control, lease, maintain, improve, operate and regulate joint airports or landing fields. It shall have complete authority over any airport or landing field jointly acquired, established or constructed by the said municipalities and counties represented on said board. *Provided that* said board or the individual members thereof shall have no authority to pledge the credit of said municipalities or counties. The said board shall have the right and authority and is empowered to expend such funds as are appropriated from time to time by the said municipalities and counties jointly or severally for joint airport purposes and is empowered to enter into contracts and pledge the credit of the board to the extent of the moneys appropriated by the said municipalities and counties for joint airport purposes. The said board shall have authority to deal with the Civil Aeronautics Authority of the United States Government and any other representative of the United States Government relative to the grading, constructing, equipping, improving, maintaining and operating of airports and landing fields established or acquired under the authority of this Act. A majority of said board shall control its decisions. Each member of said board, including the chairman, shall have one vote. At the first meeting of said board and annually thereafter, it shall elect from among its members a chairman and a secretary and a treasurer. The said board shall meet at such places and time as the chairman shall designate. The members of said board shall take an oath of office to faithfully perform his duties.

All members of time employees of serve without con not fulltime officiality or con (\$10.00) for each board, and in ad necessary expenses ing actual traveli mile where such

The board is her to fix a reasonable or not such secre municipalities or

SEC. 2. That a Act are hereby re

SEC. 3. That 1 and after its ratif

Ratified this ti

H. B. 151

AN ACT TO AL LEASE ANY LANDS FOR CATION OF STREETS IN

The General Ass

SECTION 1. T boro is hereby : deeds, quitclaim necessary to rel the public gene: Streets situate, l of Greensboro, l as follows:

Beginning at : point being Nor seconds West 1 from a point w the West line c North line of T1 minutes thirty : sixty-six one h Cypress Street

1945—CHAPTER 79—80

97

All members of said board who are fulltime officials or fulltime employees of either of the municipalities or counties shall serve without compensation. Members of said board who are not fulltime officials or fulltime employees of either said municipality or county shall be paid a per diem of ten dollars (\$10.00) for each day served in attending the meetings of said board, and in addition thereto shall be reimbursed for actual necessary expenses incurred in attending the meetings, including actual traveling expenses or an allowance of five cents per mile where such member uses his personally owned automobile.

Compensation of
Board members.

The board is hereby authorized and empowered in its discretion to fix a reasonable salary for the secretary of said board whether or not such secretary is an official or fulltime employee of said municipalities or counties.

Secretary of
Board.

SEC. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Conflicting laws
repealed.

SEC. 3. That this Act shall be in full force and effect from and after its ratification.

Ratified this the 7th day of February, 1945.

H. B. 151

CHAPTER 80

AN ACT TO ALLOW THE CITY OF GREENSBORO TO RELEASE ANY INTEREST IT MAY HAVE IN CERTAIN LANDS FOR THE PURPOSE OF CHANGING THE LOCATION OF A PORTION OF CYPRESS AND THIRD STREETS IN THE CITY OF GREENSBORO.

The General Assembly of North Carolina do enact:

SECTION 1. That the governing body of the City of Greensboro is hereby authorized to execute and deliver such release deeds, quitclaim deeds, or other instruments or papers as may be necessary to release the interest of the City of Greensboro and the public generally in and to those portions of Cypress and Third Streets situate, lying and being in Gilmer Township, in the City of Greensboro, North Carolina, and more particularly described as follows:

Authorizing
Greensboro to
convey certain
lands.

Beginning at a point in the North margin of Third Street, said point being North eighty-six degrees thirty-eight minutes thirty seconds West forty-five and thirty-two one hundredths feet from a point where the North line of Third Street intersects the West line of Maple Street and running thence along the North line of Third Street North eighty-six degrees thirty-eight minutes thirty seconds West three hundred and twenty-two and sixty-six one hundredths feet to a point in the West line of Cypress Street thence South three degrees fifty-one minutes

Boundary lines of
said property.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

H. B. 1807

CHAPTER 1096

AN ACT TO AMEND CHAPTER 168 PUBLIC-LOCAL LAWS 1939, AS AMENDED BY CHAPTER 292, PUBLIC-LOCAL LAWS OF 1941, AS AMENDED BY CHAPTER 79, SESSION LAWS OF 1945, RELATING TO THE ACQUISITION, ESTABLISHMENT AND OPERATION OF THE RALEIGH-DURHAM AIRPORT.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 168 Public-Local Laws of 1939, as amended by Chapter 292, Public-Local Laws of 1941, as amended by Chapter 79, Session Laws of 1945, is hereby amended by striking out Section 7 thereof and substituting in lieu thereof the following:

"Sec. 7. The board appointed as herein provided by the governing bodies of said municipalities and counties shall act in an administrative capacity and shall be vested with the following authorities and powers; and it is hereby authorized and empowered:

"(a) To establish, construct, control, lease, maintain, improve, operate and regulate joint airports and landing fields; to have complete authority over any airport or landing field jointly acquired, established, or constructed by said municipalities and counties represented on said board.

"(b) To adopt, repeal, amend, and re-adopt rules, regulations, laws and ordinances not inconsistent with this Act, as amended, for its own government, management and operation, and for the government, control, administration, management and operation of the Raleigh-Durham Airport, and the users thereof, including persons, firms and corporations using the said airport, or any of its facilities, as tenants, licensees, invitees or as members of the general public.

"(c) To lease (without the joinder in the lease agreements of the owning municipalities, to wit, the Counties of Wake and Durham, and the Cities of Raleigh and Durham) for a term not to exceed 15 years, and for purposes not inconsistent with the grants and agreements under which the said airport is held by said owning municipalities, real or personal property under the supervision of or administered by the said Authority.

"(d) To contract with persons, firms or corporations for terms not to exceed 15 years, for the operation of airline-scheduled passenger and freight flights, non-scheduled flights, and any other airplane activities, not inconsistent with said grant agreements under which the airport property is held by the owning municipal corporations, and to charge and collect reasonable and adequate fees, charges and rents for the use of such property or for services rendered in the operation thereof.

"(e) To operate, own, control, regulate, lease or grant to others the right to operate any airport premises, restaurants, apartments, hotels, motels, agricultural fairs, tracks, motion picture shows, cafes, soda foun-

tains, or other businesses, amusements or concessions for a term not exceeding 15 years, as may appear to said Authority advantageous or conducive to the development of said airport.

"(f) To erect and construct buildings, hangars, shops and other improvements and facilities, not inconsistent with or in violation of the agreements applicable to and the grants under which the real property of the airport is held; to lease the same for a term or terms not to exceed 15 years; to borrow money for use in making or paying for such improvements and facilities, secured by and on the credit only of the lease agreements in respect thereto, to pledge and assign such leases and lease agreements as security for loans herein authorized.

"(g) In addition to the power to borrow money hereinbefore authorized, to borrow money for operating expenses, to become due, not in excess of 18 months from the date of such loan, repayable solely from operating revenues only; provided the gross amount of such loans at any one time outstanding shall not exceed the sum of ten thousand dollars (\$10,000.00); and provided further, that this paragraph shall not be interpreted to exclude loans contemplated in the paragraph next above utilized for the erection of permanent improvements to the property.

"(h) To expend funds appropriated from time to time by said municipalities and counties, jointly or severally, for joint airport purposes, and to appropriate and expend for airport purposes funds received by it from fees, charges, rents and dues arising out of the operation of said airport, the facilities, improvements and concessions located thereat or operated thereon.

"(i) To enter into contracts and to pledge the credit of the said Airport Authority to the extent herein authorized; provided, however, that neither said Airport Authority nor the individual members thereof shall have authority to pledge the credit of or contract for the City of Raleigh, the City of Durham, the County of Wake, the County of Durham, or either of them.

"(j) To contract and deal with the Civil Aeronautics Authority of the United States Government and any other representative or agency of said government relating to the grading, constructing, equipping, improving, maintaining and operating of airports and landing fields acquired under the authority of this Act.

"Sec. 8. A majority of the Raleigh-Durham Airport Authority shall control its decisions. Each member of the board, including the chairman, shall have one vote. The board shall elect annually in April, from among its members, a chairman, a vice chairman, a secretary and treasurer. In the absence of rules of the board in respect thereof, the board shall meet at such places and times as the chairman shall designate. Each member of said board shall take an oath of office to faithfully perform his duties.

"All members of said board who are full-time officials or full-time employees of either of the municipalities or counties shall serve without compensation. Members of said board who are not full-time officials or full-time employees of either said municipality or county shall be paid a per diem of ten dollars (\$10.00) for each day served in attending the meeting

of said board, and in addition thereto shall be reimbursed for actual necessary expenses incurred in attending the meetings, including actual traveling expenses or in allowance of five cents (5c) per mile where such member uses his personally-owned automobile.

"The board is hereby authorized and empowered in its discretion to fix a reasonable salary for the secretary of said board whether or not such secretary is an official or full-time employee of said municipalities or counties.

"Sec. 9. The Raleigh-Durham Airport Authority shall in no case be liable for damages for injuries to persons or property caused by or growing out of fueling, refueling or servicing any airplane at said airport."

Sec. 2. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 18th day of May, 1955.

S. B. 60

CHAPTER 1097

AN ACT TO MAKE IT UNLAWFUL FOR ANY PERSON TO DRINK OR HAVE IN HIS OR HER POSSESSION ANY BEER, WINE, OR WHISKEY, OR OTHER INTOXICATING BEVERAGE IN OR UPON CHURCH, CEMETERY OR SCHOOL PROPERTY.

The General Assembly of North Carolina do enact:

Section 1. It shall be unlawful for any person to drink, or have in his or her possession, any beer, wine, whiskey, or other intoxicating beverage, in or upon any property or premises customarily used or held for church, cemetery or school purposes. Provided, this Act shall not apply to wine held or used for sacrament purposes.

Sec. 2. All persons violating any of the provisions of this Act shall be guilty of a misdemeanor, and shall be fined not more than fifty dollars (\$50.00) or imprisoned not more than thirty days.

Sec. 2½. Provided that the provisions of this Act shall apply only to Mecklenburg County.

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 19th day of May, 1955.

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H. B. 641

CHAPTER 453

AN ACT APPOINTING CERTAIN MEMBERS OF THE FAIRMONT CITY BOARD OF EDUCATION.

The General Assembly of North Carolina do enact:

Section 1. That pursuant to the provisions of Chapter 307, Session Laws of 1955, D. M. Britt and A. D. Lewis be and they are hereby appointed members of the Fairmont City Board of Education, formerly designated as the Board of Trustees of the Fairmont City Administrative School Unit, for terms of four years each from and after July 1, 1957 and until their successors are duly appointed and qualified.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of April, 1957.

H. B. 642

CHAPTER 454

AN ACT AMENDING CHAPTER 1043, SESSION LAWS OF 1955 SO AS TO EXEMPT ROBESON COUNTY FROM THE PROVISIONS OF SAID ACT.

The General Assembly of North Carolina do enact:

Section 1. That §8½, Chapter 1043, Session Laws of 1955, amending G. S. 110-22 and G. S. 110-23, be and the same is hereby amended by inserting the word Robeson between the words Lenoir and Transylvania in the fourth line of said Section.

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of April, 1957.

H. B. 644

CHAPTER 455

AN ACT TO AMEND CHAPTER 168, PUBLIC-LOCAL LAWS OF 1939, AS AMENDED BY CHAPTER 292, PUBLIC-LOCAL LAWS OF 1941, AS AMENDED BY CHAPTER 79, SESSION LAWS OF 1945, AS AMENDED BY CHAPTER 1096, SESSION LAWS OF 1955, RELATING TO THE ACQUISITION, ESTABLISHMENT AND OPERATION OF THE RALEIGH-DURHAM AIRPORT.

The General Assembly of North Carolina do enact:

Section 1. Chapter 168, Public-Local Laws of 1939, as amended by Chapter 292, Public-Local Laws of 1941, as amended by Chapter 79, Session

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Laws of 1945, as amended by Chapter 1096, Session Laws of 1955, is hereby amended by striking out Section 7 (b) thereof and substituting in lieu thereof the following:

"(b) (1) To adopt, repeal, amend and readopt rules, regulations, laws and ordinances not inconsistent with this Act as amended, for its own government, management and operation; and

"(b) (2) To adopt, repeal, amend and readopt rules, regulations and ordinances with respect to traffic on and use of streets, alleys, driveways, roadways, parking areas, cross-walks, and safety areas (not included in the public road system of the State of North Carolina) located within the territorial limits of the lands comprising the Raleigh-Durham Airport, including by way of illustration but not in limitation of the authority herein granted, the establishment of routes of traffic, the regulation of speed, the location of parking areas, the regulation and prohibition of parking and standing in designated areas and on said streets, driveways, alleys and roadways, the prohibition of obstruction thereof, the prohibition of vehicles and pedestrians on the aprons, ramps, taxiways, runways and other designated parts of the Airport.

"(b) (3) To adopt, repeal, amend and readopt rules, regulations, and ordinances with respect to the use of the Airport and its facilities by the public, including by way of illustration but not in limitation of the authority granted, the Terminal Building, the ramps, aprons, hangars, taxiways, runways, water plants and shops, and to prohibit the use of, occupation of, or trespass upon any part thereof.

"(b) (4) All rules, regulations and ordinances adopted pursuant to the authority of this Section 7 shall be recorded in the proceedings of the Raleigh-Durham Airport Authority and a true copy of all such rules, regulations and ordinances, certified under the hand of the secretary and the seal of the authority, shall be filed with the Board of County Commissioners of Wake County, the Board of Commissioners of Durham County, the City Council of the City of Raleigh, and the City Council of Durham.

"(b) (5) The Raleigh-Durham Airport Authority shall cause to be posted at appropriate places on the Raleigh-Durham Airport, notice to the public of applicable rules, regulations and ordinances pertaining to the Raleigh-Durham Airport.

"(b) (6) To prescribe penalties for the violation of any rules, regulation or ordinance adopted pursuant to the provisions of this Section.

"(b) (7) Any person violating any rule, regulation or ordinance adopted pursuant to Section 7 (b) (2) through (b) (6) inclusive shall be guilty of a misdemeanor and upon conviction shall be punishable by a fine of not exceeding fifty dollars (\$50.00) or imprisonment for not exceeding thirty days."

Sec. 2. A new subsection be added to Section 7 as follows:

"(k). In addition to all other rights and powers herein conferred, the Raleigh-Durham Airport Authority is authorized and empowered to exercise the powers granted political subdivisions under the Model Airport Zoning Act contained in Article 4, Chapter 63, of the General Statutes of North Carolina, and is authorized and empowered to exercise the powers

granted to municipalities by the terms of Article 6, Chapter 63, of the General Statutes of North Carolina concerning public airports and related facilities."

Sec. 3. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of April, 1957.

H. B. 650

CHAPTER 456

AN ACT TO AMEND CHAPTER 984 OF THE SESSION LAWS OF 1953 SO AS TO AUTHORIZE THE EMPLOYMENT OF A PLUMBING INSPECTOR IN UNINCORPORATED AREAS IN MONTGOMERY COUNTY.

The General Assembly of North Carolina do enact:

Section 1. Section 2 of Chapter 984 of the Session Laws of 1953 is amended by adding at the end thereof a new sentence to read as follows:

"This Act shall also apply to Montgomery County."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of April, 1957.

H. B. 659

CHAPTER 457

AN ACT RELATING TO THE ELECTION OF THE MAYOR AND THE BOARD OF COMMISSIONERS OF THE TOWN OF RED SPRINGS.

The General Assembly of North Carolina do enact:

Section 1. At the regular municipal election held in the Town of Red Springs in 1957, the Mayor of the town shall be elected for a term of two years, and shall serve for a period of two years and until his successor is elected and qualified. Each mayor elected biennially thereafter shall serve for a term of two years.

Sec. 2. At the regular municipal election to be held for the year 1957 there shall be elected six commissioners to succeed those whose term expires at that time. The three commissioners who receive the highest number of votes in the election to be held for the year 1957 shall serve for terms of four years, and the three commissioners who receive the next highest number of votes shall serve for terms of two years.

Sec. 3. At the regular municipal election for the year 1959 and biennially thereafter there shall be elected three commissioners who shall serve for terms of four years and until their successors are elected and qualified.

NORTH CAROLINA GENERAL ASSEMBLY
1959 SESSION

CHAPTER 755
HOUSE BILL 878

AN ACT TO AMEND CHAPTER 168 OF PUBLIC-LOCAL LAWS 1939, AS AMENDED BY CHAPTER 292 OF PUBLIC-LOCAL LAWS 1941, AS AMENDED BY CHAPTER 79, SESSION LAWS OF 1945, AS AMENDED BY CHAPTER 1096, SESSION LAWS OF 1955, AS AMENDED BY CHAPTER 455, SESSION LAWS OF 1957, RELATING TO THE RALEIGH-DURHAM AIRPORT.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 168 of Public-Local Laws 1939, as amended by Chapter 292 of Public-Local Laws 1941, as amended by Chapter 79, Session Laws of 1945, as amended by Chapter 1096, Session Laws of 1955, as amended by Chapter 455, Session Laws of 1957, is hereby amended in the following particulars:

1. By striking out Section 7 (c) thereof and substituting in lieu thereof the following:

"(c) To lease (without the joinder in the lease agreements of the owning municipalities, to wit, the Counties of Wake and Durham, and the Cities of Raleigh and Durham) for a term not to exceed 40 years, and for purposes not inconsistent with the grants and agreements under which the said airport is held by said owning municipalities, real or personal property under the supervision of or administered by the said Authority."

2. By striking out Section 7 (d) thereof and substituting in lieu thereof the following:

"(d) To contract with persons, firms or corporations for terms not to exceed 40 years, for the operation of airline-scheduled passenger and freight flights, non-scheduled flights, and any other airplane activities, not inconsistent with said grant agreements under which the airport property is held by the owning municipal corporations, and to charge and collect reasonable and adequate fees, charges and rents for the use of such property or for services rendered in the operation thereof."

3. By striking out Section 7 (e) thereof and substituting in lieu thereof the following:

"(e) To operate, own, control, regulate, lease or grant to others the right to operate any airport premises, restaurants, apartments, hotels, motels, agriculture fairs, tracks, motion picture shows, cafes, soda fountains, or other businesses, amusements or concessions for a term not exceeding 40 years, as may appear to said Authority advantageous or conducive to the development of said airport."

4. By striking out Section 7 (f) thereof and substituting in lieu thereof the following:

"(f) To erect and construct buildings, hangars, shops and other improvements and facilities, not inconsistent with or in violation of the agreements applicable to and the grants under which the real property of the airport is held; to lease the same for a term or terms not to exceed 40 years; to borrow money for use in making or paying for such improvements and facilities, secured by and on the credit only of the lease agreements in respect thereto, to pledge and assign such leases and lease agreements as security for loans herein authorized."

5. By striking out Section 7 (g) thereof and substituting in lieu thereof the following:

"(g) To issue bonds or other securities and obligations for the purpose of providing funds for the construction, maintenance, purchase, improvement and operation of the said airport, landing fields, runways thereon, or other facilities. The said bonds, if and when so issued, shall be denominated 'Raleigh-Durham Airport Authority Revenue Bonds' and shall be issued in such form and denomination and shall mature at such time or times, not exceeding 35 years after their date, and shall bear such rate of interest, not exceeding six per cent (6%) per annum, payable annually or semiannually, as the said Raleigh-Durham Airport Authority may determine. The bonds shall be signed by the Chairman of said Airport Authority and the corporate seal affixed or impressed upon each bond and attested by the Secretary of said Authority. The coupons to be attached to said bonds shall bear the facsimile signature of the Treasurer of the Authority. Such bonds, notes or securities issued for the purpose, or purposes above set out, shall be sold under the supervision and with the approval of the Local Government Commission.

"Bonds and notes issued under this Act shall be exempt from all State, Federal, county or municipal taxes or assessments, direct or indirect, general or special, and the interest paid on said bonds or notes shall not be subject to taxation as income. The said bonds, notes or other security shall not be obligations of the County of Wake, the County of Durham, the City of Durham or the City of Raleigh, but the said Airport Authority is authorized and empowered to pledge the revenues, rents, income and tolls arising out of the use of any airport property or any specific part of said airport property until such time as the sums borrowed therefor are fully amortized and repaid. The said bonds or other securities which the said Airport Authority may incur shall be issued and incurred upon such other terms, covenants and conditions as the said Airport Authority may deem proper.

"The said bonds or other securities shall be issued and secured as provided for similar bonds by the Revenue Bond Act of One Thousand Nine Hundred and Thirty-Eight, which Act is made applicable to the Raleigh-Durham Airport Authority."

6. By striking out Section 7 (h) thereof and substituting in lieu thereof the following:

"(h) To expend funds appropriated from time to time by said municipalities and counties, jointly or severally, for joint airport purposes and to appropriate and expend for airport purposes funds received by it from fees, charges, rents and dues arising out

of the operation of said airport, the facilities, improvements and concessions located thereat or operated thereon and from the sale of bonds or other securities herein authorized."

7. By adding another Section as follows:

"Sec. 10. The Raleigh-Durham Airport Authority is authorized and empowered to adopt and use a seal."

Sec. 2. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 4th day of June, 1959.

NORTH CAROLINA GENERAL ASSEMBLY
1967 SESSION

CHAPTER 781
HOUSE BILL 888

AN ACT TO AMEND CHAPTER 168 OF PUBLIC-LOCAL LAWS 1939, AS
AMENDED RELATING TO THE RALEIGH-DURHAM AIRPORT.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 168 of the Public-Local Laws of 1939, as amended by Chapter 292 of Public-Local Laws of 1941, as amended by Chapter 79 of Session Laws of 1945, as amended by Chapter 1096 of Session Laws of 1955, as amended by Chapter 455 of Session Laws of 1957, as amended by Chapter 755 of Session Laws of 1959, is hereby amended in the following particulars:

A. By adding the following two paragraphs at the end of Section 3:

"Said cities and counties shall each hold and be vested with an undivided interest in and to lands so acquired, owned, controlled and occupied in proportion to the respective payments made by the several cities and counties to the acquisition and improvement of said lands and to the maintenance of the said Airport established thereon.

"The County of Wake, the City of Raleigh, the County of Durham, and the City of Durham, with the approval of the Raleigh-Durham Airport Authority, are authorized to convey to the State of North Carolina, or to any public board, municipality or authority, by deed or other instrument, upon such terms and conditions as may be agreed upon, without the necessity of complying with the provisions of G. S. 160-59, any real properties vested in the said counties and cities and comprising a part of lands held for airport purposes, in exchange for a conveyance of lands vested in the State of North Carolina or in any other public board, municipality or authority."

B. By adding at the end of Section 4 the following:

"For the purpose of aiding the Raleigh-Durham Airport Authority in the financing of improvements at the Raleigh-Durham Airport, the County of Wake and the County of Durham are each hereby authorized to issue bonds, under and pursuant to The County Finance Act, for airport purposes as provided in Section 153-77 of said Act the same as if such bonds were to be issued to finance improvements at an airport owned and operated by such County, and notwithstanding that the Raleigh-Durham Airport is located outside the corporate limits of the County of Durham. The proceeds of the sale of any such bonds may be expended by the County issuing such bonds or by the Raleigh-Durham Airport Authority, as may be determined by the Board of Commissioners of the County issuing such bonds."

C. By changing the period after the word "board" at the end of the second paragraph of Section 6 to a semicolon and adding the following:

"provided, however, that the representation of a municipality on said Board shall not be changed or affected in the event either the County of Wake or the County of Durham, or both, issue bonds for the purpose of aiding the Raleigh-Durham Airport Authority in the financing of improvements at the Raleigh-Durham Airport."

Sec. 2. The provisions of this Act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

Sec. 3. That all laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 4. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 14th day of June, 1967.

NORTH CAROLINA GENERAL ASSEMBLY
1971 SESSION

CHAPTER 287
SENATE BILL 410

AN ACT TO AMEND CHAPTER 168 OF THE PUBLIC-LOCAL LAWS OF 1939,
AS AMENDED, RELATING TO THE RALEIGH-DURHAM AIRPORT AND
AUTHORIZING THE ISSUANCE OF REVENUE BONDS BY THE RALEIGH-
DURHAM AIRPORT AUTHORITY.

The General Assembly of North Carolina do enact:

Section 1. That Chapter 168 of the Public-Local Laws of 1939, as amended by Chapter 292 of the Public-Local Laws of 1941, as amended by Chapter 79 of the Session Laws of 1945, as amended by Chapter 1096 of Session Laws of 1955, as amended by Chapter 455 of Session Laws of 1957, as amended by Chapter 755 of Session Laws of 1959, as amended by Chapter 781 of Session Laws of 1967, is hereby amended in the following particulars:

A. By adding the following paragraph to Section 7 of said act as amended, as follows:

"Section 7(L). To issue bonds, notes or other securities and obligations for the purpose of providing funds for the construction, maintenance, improvement and operation of the Raleigh-Durham Airport landing fields, runways, buildings, water, sewer, and electrical systems, and facilities incidental thereto and for the purchase of equipment, machinery, furniture and furnishings and other personal property used or useful in connection therewith, for the purpose of refunding outstanding bonds, with interest and premiums thereon, other obligations of the Raleigh-Durham Airport Authority, and notes issued in anticipation of an issue of bonds thereafter to be made. The said bonds, if and when so issued, shall be denominated 'Raleigh-Durham Airport Authority Revenue Bonds', with such additional description as may be deemed appropriate to distinguish each issue; and shall be issued in such form and denomination and shall mature at such time or times, not exceeding thirty-five years after their date, and shall bear such rate of interest, payable annually or semiannually, as the Raleigh-Durham Airport Authority may determine. The bonds shall be signed by the Chairman of said Airport Authority and the corporate seal affixed or impressed upon each bond and attested by the Secretary of said Authority. The coupons to be attached to said bonds shall bear the facsimile signature of the Treasurer of the Authority. Such bonds, notes or securities issued for the purpose or purposes set out, shall be sold under the supervision and with the approval of the Local Government Commission. Bonds and notes issued under this act shall be exempt from all State, federal, county or municipal taxes or assessments, direct or indirect, general or special, and the interest paid on said bonds or notes shall not be subject to taxation as income. The said bonds, notes or other

securities shall not be the obligation of the County of Wake, the County of Durham, the City of Durham, or the City of Raleigh, but the Airport Authority is authorized and empowered to pledge the revenues, rents, income and tolls arising out of the use of any Airport property or any specific part of said Airport property until such time as the sums borrowed therefor are fully amortized and repaid. The said bonds or other securities which the said Airport Authority may incur shall be issued and incurred upon such other terms, covenants and conditions as the said Airport Authority may deem proper.

In addition to the power hereby conferred the Authority shall have such additional powers as may be conferred upon a municipality by the Revenue Bond Act of 1938 and such act is made applicable to the Authority. The bonds, notes or other securities which the Authority is authorized to issue shall be issued and secured in the same manner as bonds issued by a municipality pursuant to said Revenue Bond Act of 1938."

Sec. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. This act shall be effective upon its ratification.

In the General Assembly read three times and ratified, this the 4th day of May, 1971.

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 221
HOUSE BILL 680

AN ACT TO AMEND CHAPTER 168 OF THE PUBLIC-LOCAL LAWS OF 1939, AS AMENDED, RELATING TO THE RALEIGH-DURHAM AIRPORT AND AUTHORIZING AGREEMENTS BETWEEN THE RALEIGH-DURHAM AIRPORT AUTHORITY AND THE COUNTIES OF WAKE AND DURHAM PROVIDING FOR THE LEVY OF TAXES TO SECURE THE PAYMENT OF REVENUE BONDS ISSUED BY THE RALEIGH-DURHAM AIRPORT AUTHORITY.

The General Assembly of North Carolina enacts:

Section 1. That Chapter 168 of Public-Local Laws of 1939, as amended by Chapter 292 of the Public-Local Laws of 1941, as amended by Chapter 79 of the Session Laws of 1945, as amended by Chapter 1096 of the Session Laws of 1955, as amended by Chapter 455 of the Session Laws of 1957, as amended by Chapter 755 of the Session Laws of 1959, as amended by Chapter 781, of the Session Laws of 1967, and as amended by Chapter 287 of the Session Laws of 1971, is hereby amended in the following particulars:

A. By adding the following paragraph to Section 7 of said act as amended, as follows:

"Section 7.(M) The County of Wake and the County of Durham are authorized to aid the Raleigh-Durham Airport Authority in the financing of improvements at the Raleigh-Durham Airport by entering into and performing contracts and agreements with said Authority to pay the principal of and interest on bonds, notes or other securities and obligations issued by said Authority to the extent that revenues of said Authority may not be sufficient to pay such principal or interest. Such contracts or agreements may be pledged by said Authority to the holders of bonds of said Authority or to a trustee for such holders as security for the payment of principal of and interest on such bonds, notes or other securities and obligations. Such contracts or agreements may provide that the County of Wake and the County of Durham shall levy taxes in any fiscal year for the purpose of providing moneys with which to pay principal of and interest on bonds of said Authority and the amounts of such taxes may be based upon an estimate of a deficiency in revenues of said Authority for a forthcoming fiscal year or years. Such contracts or agreements may also provide that the County of Wake and the County of Durham shall levy a tax in any fiscal year or years for the purpose of providing moneys with which to replenish any reserve fund of said Authority established to further secure the payment of the principal and interest on its bonds, notes or other securities and

obligations to the extent moneys in such fund have been withdrawn and applied to the payment of such principal and interest.

Such contracts or agreements, before becoming effective, shall be authorized by resolution adopted by the Board of Commissioners of the affected County and shall be approved by a favorable vote of the majority of the qualified voters of such County voting at a general election or at a special election; provided, however, that no such contract shall be entered into unless each County has authorized their respective contracts and such contract has been approved by the voters of the respective County as provided herein. Upon the approval of the qualified voters and the authorization by the Board of Commissioners and proper execution of such contracts or agreements, each County shall thereafter be authorized to levy a tax in each of the fiscal years covered by such contracts in an amount necessary to provide for the payment of principal and interest on bonds, notes or other securities and obligations of the Raleigh-Durham Airport Authority to the extent that the revenues of said Authority are not sufficient for such purpose and in accordance with terms of and as provided by such contracts."

Sec. 2. All laws and clauses of laws in conflict with this act are hereby repealed.

Sec. 3. This act shall be effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of April, 1973.

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 28
SENATE BILL 30

AN ACT TO AMEND THE CHARTER OF RALEIGH-DURHAM AIRPORT
AUTHORITY TO RAISE THE RATE OF COMPENSATION OF MEMBERS.

The General Assembly of North Carolina enacts:

Section 1. Section 8 of the Charter of Raleigh-Durham Airport Authority is hereby amended by rewriting the second sentence of the second paragraph, as the same appears in Section 1 of Chapter 1096 of the Session Laws of 1955 to read as follows: "Members of said board who are not full-time officials or full-time employees of either said municipality or county shall be paid a per diem of thirty-five dollars (\$35.00) for each day served in attending the meeting of said board. The members of the Airport Authority shall be reimbursed for actual necessary expenses incurred in attending meetings, including actual traveling expenses or an allowance of a sum for each mile traveled where such member uses his personally owned automobile equalled to the amount of the mileage sum paid generally to State of North Carolina employees who are reimbursed on a similar basis from time to time as provided by the General Statutes of North Carolina."

Sec. 2. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 25th day of February, 1977.

NORTH CAROLINA GENERAL ASSEMBLY
1979 SESSION

CHAPTER 666
SENATE BILL 737

AN ACT TO AMEND CHAPTER 168 OF PUBLIC-LOCAL LAWS 1939, AS
AMENDED, RELATING TO THE RALEIGH-DURHAM AIRPORT.

The General Assembly of North Carolina enacts:

Section 1. Chapter 168 of Public-Local Laws 1939, as amended, is hereby further amended as follows:

(1) The second sentence of Section 7(g), as it appears in Chapter 755 of the Session Laws of North Carolina 1959, is hereby amended to read as follows:

"The said bonds, if and when so issued, shall be denominated 'Raleigh-Durham Airport Authority Revenue Bonds' and shall be issued in such form and denomination and shall mature at such time or times, not exceeding 35 years after their date, and shall bear such rate of interest, payable annually or semiannually, as the said Raleigh-Durham Airport Authority may determine."

Sec. 2. Section 7 of Chapter 168 of Public-Local Laws 1939, as amended, is hereby further amended by adding a new subsection (l) immediately following Section 7(k) and immediately prior to Section 8, said subsection 7(l) to read as follows:

"(l) Private property needed for airport purposes may be acquired by the Raleigh-Durham Airport Authority by gift or devise or by purchase if the Raleigh-Durham Airport Authority is able to agree with the owners on the terms thereof. In case the Raleigh-Durham Airport Authority shall determine that condemnation of real property is necessary for airport purposes, it shall have the right to acquire such property within Wake County or Durham County by condemnation proceedings brought in its own name and without the joinder of the City of Raleigh, the City of Durham, the County of Durham or the County of Wake. The condemnation procedure to be followed shall be the procedure set out and contained in Article 9 of Chapter 136 of the General Statutes of North Carolina. In such case, the Raleigh-Durham Airport Authority shall have the same powers, and shall follow the same statutory procedures, in the condemnation of land within Wake County or Durham County for airport purposes as the Board of Transportation does in the condemnation of land under Article 9 of Chapter 136 of the General Statutes of North Carolina for highway purposes. Any pleadings or documents necessary to be served on the Raleigh-Durham Airport Authority in such action may be served upon the Chairman or Secretary of the Raleigh-Durham Airport Authority or the Airport Director. Title to property so acquired by condemnation shall vest in the Raleigh-Durham Airport Authority; provided, however, that no such real property shall be sold or conveyed by the Raleigh-Durham Airport Authority without the prior

approval of the County of Durham, the County of Wake, the City of Durham and the City of Raleigh."

Sec. 3. Chapter 168 of the Public-Local Laws of 1939, as amended, is further amended by inserting a new Section 8 immediately following Section 7, as amended and immediately prior to the present Section 8, as amended, and by renumbering all succeeding sections of said Chapter 168 as amended, the new Section 8 to read as follows:

"Sec. 8. In the event the Raleigh-Durham Airport Authority shall at any time hereafter cease to exist, all assets and properties of any kind then owned or held by the Raleigh-Durham Airport Authority shall revert to and become the property of the City of Durham, the City of Raleigh, the County of Durham and the County of Wake, subject to any and all debts, obligations and contractual undertakings applicable thereto."

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 29th day of May, 1979.

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 1192
HOUSE BILL 1537

AN ACT RELATING TO THE CONDEMNATION OF LAND IN WAKE AND
DURHAM COUNTIES BY THE RALEIGH-DURHAM AIRPORT AUTHORITY.

Whereas, Chapter 666 of the Session Laws of 1979, authorized and empowered the Raleigh-Durham Airport Authority to acquire by condemnation land in Wake and Durham Counties for airport purposes by procedures under which title to and the right of immediate possession of said land vested in the Raleigh-Durham Airport Authority upon the filing of the complaint; and

Whereas, by inadvertance, Chapter 40A of the General Statutes, enacted in 1981, repealed the aforesaid provisions of Chapter 666 of the Session Laws of 1979 without including therein any provision by which title to or the right of immediate possession of the land being condemned would vest in the Raleigh-Durham Airport Authority upon the filing of the complaint for condemnation; and

Whereas, it is the intent and purpose of this act to restore to the Raleigh-Durham Airport Authority in actions for condemnation the vesting of title and the immediate right of possession upon the filing of the action for condemnation; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Section 7 of Chapter 168 of Public-Local Laws 1939, as amended, is further amended by adding a new subsection (1) to read:

"(1) Private property needed for airport purposes may be acquired by the Raleigh-Durham Airport Authority by gift or devise or by purchase if the Raleigh-Durham Airport Authority is able to agree with the owners on the terms thereof. In case the Raleigh-Durham Airport Authority shall determine that condemnation of real property is necessary for airport purposes, it shall have the right to acquire such property within Wake County or Durham County by condemnation proceedings brought in its own name and without the joinder of the City of Raleigh, the City of Durham, the County of Durham or the County of Wake. The condemnation procedure to be followed shall be the procedure set out and contained in Article 9 of Chapter 136 of the General Statutes. In such case, the Raleigh-Durham Airport Authority shall have the same powers, and shall follow the same statutory procedures, in the condemnation of land within Wake County or Durham County for airport purposes as the Board of Transportation does in the condemnation of land under Article 9 of Chapter 136 of the General Statutes for highway purposes. Any pleadings or documents necessary to be served on the Raleigh-Durham Airport Authority in such action may be served upon the Chairman or

Secretary of the Raleigh-Durham Airport Authority or the Airport Director. Title to property so acquired by condemnation shall vest in the Raleigh-Durham Airport Authority; provided, however, that no such real property shall be sold or conveyed by the Raleigh-Durham Airport Authority without the prior approval of the County of Durham, the County of Wake, the City of Durham and the City of Raleigh."

Sec. 2. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 17th day of June, 1982.

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

SESSION LAW 1998-141
SENATE BILL 1398

AN ACT TO AMEND CHAPTER 168 OF THE 1939 PUBLIC-LOCAL LAWS, AS PREVIOUSLY AMENDED, WHICH ENABLED THE ESTABLISHMENT OF THE RALEIGH-DURHAM AIRPORT AUTHORITY, TO ALLOW THE AUTHORITY TO CONTRACT WITH PRIVATE PARTIES FOR THE DEVELOPMENT, CONSTRUCTION, AND OCCUPANCY OF SPECIAL USER PROJECTS WITHOUT COMPLYING WITH ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

Section 1. Subsection (f) of Section 7 of Chapter 168 of the Public-Local Laws of 1939, as amended by Chapter 1096 of the 1955 Session Laws, and Chapter 755 of the Session Laws of 1959, is further amended by adding a new subdivision to read:

"(1) Special User Projects. To contract with persons, firms, or corporations for special user projects as defined and described in this subdivision.

Special user projects are projects that are undertaken for the use and benefit of one or more private entities who will lease the facilities from the Authority upon terms and conditions that will make the private entities solely responsible for the repayment of all notes, bonds, debts, or other costs incurred in the financing, acquisition, development, or construction of the project.

A special user project shall include all of the following:

- a. The acquisition of equipment, the development of land belonging to the Authority, the construction of buildings or other structures belonging to the Authority on land belonging to the Authority.
- b. The issuance of the Authority's special facility revenue bonds or other debt instruments, as authorized in Article 5 of Chapter 159 of the General Statutes, in an amount not less than four million dollars (\$4,000,000) by the Local Government Commission, the proceeds of which shall be used to pay the costs of the special user project and which bonds or other debt instruments shall be repayable solely from the rents, fees, charges, payments, or other revenues payable to the Authority by the special user or from the funds, collateral, and

undertakings of private parties that are either assigned or pledged by those parties.

- c. The use of the property acquired, developed, or constructed shall be limited to airline, aircraft, aviation support, air passenger, aircraft maintenance and repair, other airport related purposes, but may include appurtenances and incidental facilities such as driveways, sidewalks, parking facilities, utilities, warehouses, loading facilities, administrative and other office facilities, and other improvements necessary or convenient for the operation of these facilities.

Notwithstanding any other provision of law, the Authority may agree that all contracts relating to the acquisition, design, construction, installation, or equipping of the special user project shall be solicited, negotiated, awarded, and executed by the private parties for which the Authority is financing the special user project or any agents of the private parties subject only to approval by the Authority, as the Authority may require. The Authority may, out of the proceeds of bonds or other debt instruments, make advances to or reimburse the private parties or their agents for all or a portion of the costs incurred in connection with the contracts. For all contracts related to special user projects, the Authority shall be exempt from the requirements of Article 8 of Chapter 143 of the General Statutes."

Section 2. This act is effective when it becomes law and expires on January 1, 2003. All contracts executed under the authority of this act and any bonds or other debt instruments issued pursuant to this act prior to the expiration date of this act shall remain effective until the contracts are completed or the bonds or other debt instruments are retired.

In the General Assembly read three times and ratified this the 14th day of September, 1998.

s/ Dennis A. Wicker
President of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives



Michael J. Landguth, A.A.E.
President & CEO

Raleigh-Durham Airport Authority

1000 Trade Drive • P.O. Box 80001 • RDU Airport, NC 27623
tel: (919) 840-7700 • fax: (919) 840-0715 • www.rdu.com

NOTICE

Date: March 17, 2022

To: Raleigh-Durham Airport Authority

From: Ron Kapocius, Chief Financial Officer

Subject: **Rate Changes Effective April 1, 2022**

		Rates Effective 4/1/2022 <u>FY 2022-2023</u>	Rates Effective 4/1/2021 <u>FY 2021-2022</u>
<u>Airline Fees</u>			
Landing Fee			
All Airlines/Operators	Per 1000 pounds	\$2.20	\$2.00
FIS - International Deplanement Fee			
	Per passenger	\$21.00	\$21.00
Terminal 1 & 2 Fees			
I-Ticket Counter	Per square foot per year	\$203.06	\$195.25
II-Holdroom/Bag Claim/Ticket Counter Queuing	Per square foot per year	\$152.30	\$146.44
III-Office (ATO, operations, bag service)	Per square foot per year	\$101.53	\$97.63
IV-Bag Makeup/Tug Corridor/Storage	Per square foot per year	\$50.77	\$48.81
Per Turn Gate Fee	Per turn	\$358.00	\$400.00
Fuel Farm Fee			
Fuel Throughput	Per gallon	\$0.02	\$0.02
<u>Rental Car Fees</u>			
RAC Service Center Facility Rent	Per square foot per year	\$17.39	\$16.39
RAC Service Center Ground Rent	Per square foot per year	\$0.28	\$0.26
RAC Overflow Parking Park	Per space per day	\$1.00	N/A
<u>Maintenance & Operation Fees</u>			
South Cargo 1 & 2	Per square foot per year	\$10.05	\$6.68
South Cargo 3	Per square foot per year	\$7.30	\$5.28
General Aviation - Buildings	Per square foot per year	\$0.83	N/A
General Aviation - Pavements & Grounds	Per square foot per year	\$0.19	N/A
North Cargo	Per square foot per year	\$0.40	\$0.32
Rental Car	Per square foot per year	\$0.25	\$0.16
Aviation Station	Per square foot per year	\$0.49	\$0.54
DOT Hangar	Per square foot per year	\$0.21	\$0.20

Raleigh-Durham Airport Authority Board Members

DURHAM COUNTY

Patrick Hannah, **Chairman**
David Morgan

CITY OF RALEIGH

Sepidah Saidi, **Vice Chair**
Dickie Thompson

WAKE COUNTY

David Kushner, **Secretary**
Ellis Hankins

CITY OF DURHAM

Tammie Hall, **Treasurer**
Yessenia Polanco-Galdamez

OFFICIAL COPY

Oct 25 2022



Michael J. Landguth, A.A.E.
President & CEO

Raleigh-Durham Airport Authority

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Oct 25 2022

Fuel Flowage Fees

Jet Fuel	Per gallon	\$0.10	\$0.10
AV Gas	Per gallon	\$0.08	\$0.08

Security Badging/Access Fees

Fingerprinting & Security Threat Assessment (non-refundable)	Each	\$115.00	\$115.00
SIDA/Ramp Training Class (computer based)	Each	\$20.00	\$20.00

Tenant One Time Fee

RDU Tenant Badge	Each	\$50.00	\$50.00
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Non-Tenant One Time Fees

RDU Off Airport Contractor Badge	Each	\$100.00	\$100.00
RDU General Aviation Badge	Each	\$100.00	\$100.00
RDU Issued Key	Each	\$50.00	\$50.00
RDU Airside Vehicle Permit	Each	\$50.00	\$50.00

Replacement Fees for Lost Badge, Key or Permit (Tenant or Non-Tenant)

First Time Replacement	Each	\$50.00	\$50.00
Second Time Replacement	Each	\$100.00	\$100.00

Penalty Fees assessed against Employers who fail to recover RDU issued

ID badges and/or keys from a departing employee:

TSA Regulated SIDA Badge	Each	\$500.00	\$500.00
TSA Regulated Sterile Area or AOA Badge	Each	\$200.00	\$200.00
RDU Issued Keys to RDU Facilities	Each	\$25.00	\$25.00
Taxicab/Shuttle Van Driver Authorization Badge	Each	\$50.00	\$50.00
Recording Fee for Each Access Portal to be Rekeyed	Each	\$100.00	\$100.00

Parking Fees

Public Parking

Premier	Daily maximum	\$26.00	\$22.00
Central	Daily maximum	\$18.00	\$15.00
Express	Daily maximum	\$15.00	\$12.00
Economy Lot	Daily maximum	\$12.00	\$10.00

Employee/Commuter Parking Fees (no refunds for partial months)

Park and Ride 4 Annex (based employees)	Per month per employee	N/A	\$11.00
Park and Ride 4 Annex (non-based flight crew members)	Per month per employee	N/A	\$20.00
Non-Based Flight Crew Members Late Payment	Each	\$10.00	\$10.00
Managers Lots - Terminal 1 Extension & Terminal 2	Per month per employee	N/A	\$15.00
Prox Card Replacement	Each	\$25.00	\$25.00
Parking Hang Tag Replacement	Each	\$5.00	\$5.00
Employee Garage (tied to current Central rate)	Per month per employee	\$300.00	N/A
Employee Terminal	Per month per employee	\$40.00	N/A
Employee Economy (Shared)	Per month per employee	\$28.00	N/A

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Ground Transportation Fees

Application for Registration	Each	\$150.00	\$150.00
Interior Mounted Transponder	Each	\$25.00	\$25.00
Exterior Mounted Transponder	Each	\$50.00	\$50.00
Reactivation	Each	\$100.00	\$100.00
Special Event / Single Trip (per vehicle per day)	Each	\$50.00	\$50.00
Courtesy Shuttle Temporary Permit (per vehicle per day)	Per 2 week period	\$50.00	\$50.00
Non-Tenant Rental Car Operator*	Monthly	10%	10%
Non-Tenant Parking Lot Operator*	Monthly	10%	10%

*Based on gross receipts derived from charges made to patrons transported between the Airport and Off-Airport facilities.

AVI Fees

Headway Fees

9-24 Passengers	@ 3 minutes	\$6.00	\$4.00
25+ Passengers	@ 3 minutes	\$10.08	\$4.00

Trip Fees - Non-Tenant Transportation Operator

1-8 Passengers	Each	\$4.00	\$3.00
9-24 Passengers	Each	\$6.40	\$3.00
25+ Passengers	Each	\$10.80	\$5.00

Trip Fees - Baggage Delivery

Vehicle < 23 feet	\$4.00	\$3.00
Vehicle > or = 23 feet	\$4.00	\$4.00

Dwell Fees - Non-Tenant Transportation Operator

1-8 Passengers	Per 10 minutes	\$5.00	\$4.00
9-24 Passengers	Per 10 minutes	\$8.00	\$4.00
25+ Passengers	Per 20 minutes	\$13.50	\$6.00

Dwell Fees - Baggage Delivery

Per 10 minutes	\$5.00	\$5.00
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Trip Fee - Transportation Network Company

All Vehicles - Drop offs and Pickups	Each	\$4.00	\$3.00
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Miscellaneous Fees

Non-Tenant Fees

License/Permit to Operate	Annual	\$1,200.00	\$1,200.00
News rack Permit	Annual	\$150.00	\$150.00

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CITY OF DURHAM
Tammie Hall, **Treasurer**
Yessenia Polanco-Galdamez

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Oct 25 2022



Return Bald Head Island LTD Type TS
 Total 26 Rev Int. 22
 Ck \$ 142 Ck \$ 3401 Cash \$
 Refund Cash \$ Finance

- ☐ Portions of document are illegible due to condition of original.
☐ Document contains seals verified by original instrument that cannot be reproduced or copied.

DECLARATION OF EASEMENTS FOR DEEP POINT MARINA

Prepared by: MURCHISON, TAYLOR, & GIBSON, PLLC
 1979 Eastwood Road, Suite 101, Wilmington, NC 28403

STATE OF NORTH CAROLINA

COUNTY OF BRUNSWICK

THIS DECLARATION OF EASEMENTS FOR DEEP POINT MARINA (this "Declaration") is made and entered into as of the 23rd day of JANUARY, 2020, by BALD HEAD ISLAND LIMITED LLC, a Texas limited liability company ("Declarant").

WITNESSETH:

WHEREAS, Declarant is the sole owner of that certain real property lying and being in the City of Southport, Brunswick County, North Carolina, which real property is more particularly identified as "Tract 1," "Tract 2" and the "Marina Chanel Basin" as shown on that plat of survey recorded in Map Cabinet 119, Pages 001-004 of the Brunswick County Registry (the "Plat"); and

WHEREAS, each of Tract 1, Tract 2, and the Marina Channel Basin may be referred to herein individually as a "Tract" and collectively as the "Tracts"; and

WHEREAS, Declarant has determined that use and enjoyment of the Tracts will be facilitated by the grant and reservation of certain easements for the benefit of Declarant and various successor owners of the Tracts (each, an "Owner" and collectively, the "Owners"), all in accordance with the terms and conditions hereinafter set forth;

NOW THEREFORE, the Declarant, as the current owner of all of the Tracts, does hereby encumber the Tracts with the following easements and covenants, it being the intent of the Declarant that the Tracts shall be owned, conveyed and used subject to all of the provisions of this Declaration, which provisions shall run with the title to the Tracts and be binding upon all persons now or hereafter having any right, title, or interest in any portion of the Tracts, their heirs, successors, successors-in-title and assigns, to wit:



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 Brunswick County, NC Register of Deeds of Deeds page 2 of 8

1. Cross-Access Easement. The Declarant hereby declares, creates and establishes for each of the Owners and their respective tenants, licensees, invitees, successors and assigns, a perpetual, mutual, reciprocal and non-exclusive easement for ingress, egress and regress, to, from and between the Tracts and public rights-of-way and/or bodies of water, over, upon and under all pedestrian and/or vehicular access ways, streets, roads, entrances and exits, driveways, paths, and sidewalks, whether now existing as shown on the Plat, or as may be created or modified in the future, subject to the terms hereof (collectively, the "Access Easement Areas"). It is Declarant's intent that the cross-access easement described in this paragraph (the "Cross-Access Easement") shall be an appurtenance to all of the Tracts and shall run with the titles thereto. Notwithstanding the foregoing, Declarant does not intend to establish, by virtue of this Declaration, any right or easement for the Owners to utilize parking spaces within the boundaries of the Tracts they do not own.

2. Utility Easement. The Declarant hereby declares, creates and establishes for each of the Owner of Tract 1 and the Owner of the Marina Channel Basin Tract (the "MCB Tract"), and their respective successors and assigns, a perpetual and non-exclusive easement over, upon and under all Access Easement Areas, along with all sanitary sewer lines, water lines, drainage lines and underground conduit lines located within the boundaries of Tract 2, as such lines are shown on the Plat, along with ten (10) feet on either side of such existing lines (collectively, the "Utility Easement Areas") for the purposes of installation, construction, operation, maintenance, inspection, repair and replacement of all utilities (including, without limitation, stormwater drainage, gas, water, sewer, electrical, telephone, cable and dredging) necessary or appropriate to service Tract 1 and/or the MCB Tract, respectively. It is Declarant's intent that the utility easement described in this paragraph (the "Utility Easement") shall be an appurtenance to and benefit for Tract 1 and the MCB Tract, and it shall burden and run with the title to Tract 2.

3. Spoil Easement. The Declarant hereby declares, creates and establishes for each of the Owner of Tract 1 and the Owner of the MCB Tract, and their respective successors and assigns, a perpetual and non-exclusive easement over, upon and under the area within the boundaries of Tract 2 that is designated as "Spoil Basin" on the Plat, along with an additional ten (10) feet around the entire perimeter of such Spoil Basin (collectively, the "Spoil Easement Area") for the purposes of depositing and/or burying dredging and spoil materials as may be necessary or appropriate to service Tract 1 and/or MCB Tract, respectively. To the extent not already granted pursuant to the Cross-Access Easement and Utility Easement described above, the Declarant also hereby declares, grants, creates and establishes for each of the Owners of Tract 1 and the MCB Tract, such additional access and utility easements on, across and over Tract 2 (but not through any buildings or structures) as shall be reasonably necessary for those Owners to access the Spoil Easement Area for the purposes established by this Declaration. It is Declarant's intent that the easements described in this paragraph (collectively, the "Spoil Easement") shall be an appurtenance to and benefit for Tract 1 and the MCB Tract, and it shall burden and run with the title to Tract 2.



4. Signage Easement. The Declarant hereby declares, creates and establishes for each of the Owner of Tract 1 and the Owner of the MCB Tract, and their respective successors and assigns, a perpetual and non-exclusive easement over, upon and under the existing monument sign structure (the "Sign Structure") located at the intersection of the public right-of-way known as Ferry Road and the most westerly entrance to Tract 2, identified as "WS4 NAIL & CAP" on the Plat, and within the boundaries of Tract 2 (the location of the Sign, together with five (5) feet around such sign, being the "Sign Easement Area") for the purposes of installing, maintaining, repairing and replacing signage as may be appropriate to provide direction and advertisement for Tract 1 and/or the MCB Tract, respectively. It is Declarant's intent that the signage easement described in this paragraph (the "Signage Easement") shall be an appurtenance to and benefit for Tract 1 and the MCB Tract, and it shall burden and run with the title to Tract 2.

The Owner of Tract 2 shall not make any material changes to the Sign Structure without the written consent of the owner of Tract 1 and the owner of the MCB Tract. Unless the parties agree otherwise, each of the Owners of Tract 1 and Tract 2 shall have the right to utilize 1/2 of the signage space or panels on the Sign Structure and shall, by mutual agreement, determine the equitable location of each Tracts' signage.

5. Use of the Easement Areas. All uses of the Access Easement Areas, the Utility Easement Areas, the Spoil Easement Area and the Signage Easement Area (collectively, the "Easement Areas") by the benefitted Owners and their respective tenants, licensees, invitees, successors and assigns shall be in compliance with all applicable laws, rules, codes, ordinances and other governmental regulations. Each Owner hereby reserves the right to use its respective Tract, and to grant others the right to use its respective Tract, for any purposes not inconsistent with the easement rights granted under this Declaration and which will not unreasonably interfere with the enjoyment of the benefits of the Easements established hereunder, including, without limitation, the right of the Owner to install utility improvements and landscaping improvements therein. No Owner will allow any walls, fences or other physical conditions or barriers which unreasonably interfere with the use and enjoyment of the easements established and granted in this Declaration; provided however, Owners are not prohibited from utilizing fences and gates so long as reasonable access is granted to the other benefitted tracts in accordance with the terms hereof.
6. Modification to Easement Areas. In no event shall the locations or dimensions of the Easement Areas be altered or changed in any material respect without the written consent of the Owners of all of the Tracts, except where such alteration or change is required for compliance with law or governmental regulation, in which case the altering Owner shall provide reasonable advance notice of the proposed alteration to the other Owners, and alternative access of similar type and quality. Provided, however, nothing contained herein shall prevent Declarant, or any other future Owner of any Tract, from installing, as said Declarant or Owner deems necessary or desirable, additional pedestrian or vehicular access ways, streets, roads, entrances and exits, driveways, paths and sidewalks, curbing, paving and lighting, utilities, infrastructure, landscaping or signage within the respective Owner's Tract, without the permission or consent of the other Owners, as long as the rights granted in the Access Easement, Utility Easement, Spoil Easement and Signage Easement (collectively, the "Easements") are not unreasonably disturbed.

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Brenda N. Clemmons PRF
Brunswick County, NC Register of Deeds page 4 of 8

7. Maintenance of Easement Areas. Except as provided in Section 11 below, each Owner shall, at its own cost and expense, clean, repair, maintain in good condition, order and appearance, and replace, as necessary, the Easement Areas and all improvements located thereon within each Owner's respective Tract, all in accordance with applicable laws, permits, rules and regulations. Such maintenance shall include, but shall not be limited to, paving, cleaning, clearing, snow and ice removal, repairs and replacements, including resurfacing and restriping, maintenance of lights and light standards, landscaping, and all other functions necessary for the good and proper upkeep and operation of the Easement Areas. Notwithstanding anything to the contrary contained in this Declaration, in the event repairs or maintenance is required on an Owner's Tract as a result of any act (including, without limitation, construction-related activities), omission or negligence of any other Owner or its employees, contractors or agents, that other Owner shall be solely responsible for such repairs or maintenance.

For a period of five (5) years following the recordation of this Declaration, and provided that Declarant still owns any portion of the Tracts, Declarant reserves the right to establish: (i) one or more cost-sharing arrangement(s) between or among the Tract Owners, to which said Owners shall be bound, for the repair, maintenance, dredging and/or insuring of any or all of the Easement Areas, which agreement may be unrecorded and may, at Declarant's option and in Declarant's sole discretion, require that certain maintenance obligations be assigned to an (incorporated or unincorporated) owners' association, which association will accept such obligations and assess all Owners for their share of the same, and in the event Declarant assigns any maintenance or repair obligations to an owners' association, all easements described herein shall automatically inure to the benefit of said association without the need for additional grants or conveyances; and (ii) one or more cost sharing arrangement(s) between or among the Tract Owners, to which said Owners shall be bound, for the repair, replacement, maintenance, dredging and/or insuring of any submerged lands, bulkheads, channel walls and associated structures that may be located within the Tracts. In the event Declarant establishes one or more of the arrangements described in this paragraph, Declarant shall record evidence of the same in the Brunswick County Registry, by either amending or supplementing this Declaration or by recording a new Declaration or agreement, any or all of which Declarant shall be entitled to record unilaterally without the consent or joinder or any other Tract Owner.

8. Insurance. Each Owner shall maintain in full force and effect, at its sole cost and expense, commercial general liability insurance policy(ies) with coverage limits of not less than \$1,000,000.00 combined single limit, per occurrence, covering all activities of that Owner and its agents, contractors, employees, tenants, licensees and invitees in and around the Easement Areas. Each Owner (for itself and its insurer(s)) hereby waives any rights, including rights of subrogation, such Owner may have against the other Owners for compensation for any loss or damage arising from any risk generally covered by insurance actually carried or required to be carried by the Owners under this Declaration. The foregoing waivers of subrogation shall be operative only so long as available in the State of North Carolina and only so long as the same do not invalidate any insurance coverage maintained by the Owners.

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Granda H. Clemmons 11:09:19.001
Brunswick County, NC Register of Deeds page 5 of 8 PR07

9. Indemnities. Each Owner (the "Indemnifying Owner") shall indemnify, defend and hold harmless the other Owners (the "Indemnified Owners") of, from, for and against any and all demands, losses, claims, costs, damages, expenses or liabilities, including without limitation reasonable attorneys' fees and costs, imposed upon or suffered by any of the Indemnified Owners as a result of (i) the Indemnifying Owner's breach or default under the terms of this Declaration, or (ii) arising out of any personal injury or property damage, to the extent caused by the acts or omissions of the Indemnifying Owner. An Indemnifying Owner shall not be responsible for claims, demands, causes of action, or damages arising out of any personal injury or property damage to the extent caused by an Indemnified Owner arising out of this Declaration. Notwithstanding the foregoing, each Owner hereby waives all claims against the other Owners for consequential, incidental, special, exemplary and punitive damages arising out of or relating to this Declaration, except to the extent such damages are recoverable by a third party with respect to whom an Indemnifying Owner is obligated to indemnify an Indemnified Owner. Subject to the immediately preceding sentence, the Indemnifying Owner's liability under this section shall be limited to actual damages and in no event will the Indemnifying Owner otherwise be obligated for punitive, incidental or consequential damages.
10. Remedies. If any Owner refuses or neglects to repair, replace, or maintain the improvements that such Owner is obligated to maintain hereunder in accordance with the terms and conditions of this Declaration within thirty (30) days after receipt of notice from another Owner, then the Owner having given such notice shall have the right, but not the obligation, to enter upon the non-performing Owner's Tract for purposes of completing such repairs or performing such maintenance or replacements (the "Work") on behalf of and for the account of the non-performing Owner. If an Owner performs any Work on the other Owner's behalf and for the other Owner's account as contemplated in this section, then the non-performing Owner shall, upon demand and receipt of reasonable documentation supporting the expenditures, pay to the Owner performing such Work all reasonable costs and expenses incurred in completing such Work. In the event of any other breach or default of any term or provision hereof or obligation hereunder, if such breach or default is not cured within thirty (30) days after notice thereof is given to the breaching or defaulting Owner by the non-defaulting Owner (provided; however, that if such breach or default cannot reasonably be cured within thirty (30) days, then the breaching Owner shall not be deemed in default if the curing is commenced within ten (10) days after said Owner receives of notice of default and thereafter diligently pursued to completion), the non-defaulting Owner shall have any and all rights and remedies available pursuant to this Declaration, or existing at law or in equity, including, without limitation, the right to an injunction or specific performance. Provided further, if a breach or default by an Owner results in an emergency condition (such as a lack of access to a tract or an unreasonable interruption in utility service), then the affected Owner, acting in good faith, shall have the right to perform the Work necessary to cure such default upon such advance notice as is reasonably possible under the circumstances or, if necessary, without advance notice, if notice is given as soon as reasonably possible thereafter. The remedies permitted or available pursuant to the provisions of this Declaration, at law or in equity, shall be cumulative.

BRUNSWICK COUNTY, NC REGISTER OF DEEDS
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 Brenda M. Clemmons PRF
 page 6 of 8

11. Dedication to Public/Owner's Association. Nothing contained in this Declaration shall be deemed to be a gift or dedication of any portion of or interest in the Tracts to the general public or for the general public or for any public purpose whatsoever, and this Declaration shall be strictly limited to and for the purposes expressed herein. Notwithstanding the foregoing, nothing contained in this Declaration shall be interpreted to preclude any Owner from dedicating and/or conveying any or all of the Easement Areas to another financially responsible entity, private or public, or to one or more owner's association(s), provided that such transfer by dedication or conveyance shall not adversely affect the use and enjoyment of the Easements described herein. In the event of any such transfer, the transferring Owner shall assign to the transferee all of said Owner's obligations hereunder, including without limitation the Owner's maintenance and repair obligations, and the transferee shall assume the same. Upon such assignment and the assumption of such obligations by the transferee in an instrument placed of record in the Brunswick County Public Registry, the transferring Owner shall be released from further liability or obligation for any and all repair and maintenance obligations accruing hereunder from and after the effective date of the recording of such assignment and assumption.
12. Priority: Consents. The Easements described herein shall be superior to all leases, sales, conveyances, transfers, assignments, contracts, deeds of trust or other encumbrances, instruments and documents that are recorded after the recordation date of this Declaration and which affect the Tracts in any way, and any person foreclosing any such junior deed of trust, lien or encumbrance and all other persons or entities acquiring title to or an interest in any Tract shall acquire and hold title to such property subject to the Easements and other terms of this Declaration.
13. Relationship. The Easements and rights established and granted in this Declaration are intended to create a property interest or right only in the Owners of fee simple title to the Tracts, and their respective heirs, successors in title, and assigns. Neither this Declaration nor the obligations hereunder shall constitute a partnership or joint venture between the Owners, nor shall it create any relationship of principal-agent, master-servant, or employer-employee. Each Owner hereby agrees that it will not represent or hold out to any third person that any such relationship exists by reason of this Declaration.
14. Covenants to Run with Land; Binding on Successors and Assigns. The Easements and rights established and granted in this Declaration and the various terms, conditions, reservations and restrictions set forth herein, are (i) easements and covenants running with the Tracts, (ii) easements appurtenant to the Tracts, and (iii) binding upon and shall inure to the benefit of the respective Owners of fee simple title to each of the respective Tracts, and their respective heirs, successors and assigns in title and all those claiming by, through or under each such Owner or its, his or her heirs, successors and assigns in title. Every person, including a mortgagee, acquiring or holding any interest or estate in any portion of the Tracts shall take or hold such interest or estate, or the security interest with respect thereto, with notice of the terms and provisions of this Declaration; and in accepting such interest or estate in, or a security interest with respect to, any portion of any of the Tracts, such person shall be deemed to have assented to this Declaration and all of the terms and provisions hereof.



15. Termination of Liability. No Owner shall remain liable for any default or breach hereof occurring after such Owner's conveyance of its fee title in its respective Tract, and such Owner's successor shall be deemed to have assumed all of the duties and obligations arising under this Declaration relative to such successor's Tract.
16. Miscellaneous.
- (a) Law Governing. This Declaration shall be governed by and construed in accordance with the laws of the State of North Carolina.
- (b) Entire Agreement; Amendment. This Declaration contains the entire agreement relating to the subject matter hereof and all prior agreements relative hereto which are not contained herein are terminated. This Declaration may not be amended orally but only by setting same forth in a document duly executed by the Declarant and duly recorded in the Brunswick County Registry. Without limiting the foregoing, any amendments, supplements or related agreements described in or contemplated by Section 7 of this Declaration shall not require the joinder of any other Owner(s) of the Tracts.
- (c) Severability. This Declaration is intended to be performed in accordance with, and only to the extent permitted by, all applicable laws, ordinances, rules and regulations. If any provision of this Declaration or the application thereof to any person or circumstance shall, for any reason and to any extent, be invalid or unenforceable, the remainder of this Declaration and the application of such provision to other persons or circumstances shall not be affected thereby, but rather shall be enforced to the greatest extent permitted by law.
- (d) No Public Dedication; No Third Party Beneficiaries or Consents. Notwithstanding any public trust doctrine or otherwise, this Declaration is not intended, and shall not be construed (i) as a dedication to the public of any interests in the Tracts, (ii) to give any member of the public, or any person other than as provided herein, any right whatsoever herein or therein or (iii) to require any consent or other action of any other person other than as expressly provided herein to any amendment to or waiver of any provision of this Declaration.
- (e) Waiver. This Declaration may not be waived orally or impliedly, but only by written document executed by the party against which such waiver is sought. Neither the failure of a party to complain of any violation of this Declaration, regardless of how long such failure continues, nor the failure of a party to invoke (or the election by a party not to invoke) any right, remedy or recourse for a violation hereof, shall extinguish, waive or in any way diminish the rights, remedies and recourses of the party with respect to such violation. No waiver by a party of any provision of this Declaration shall be deemed to be a waiver of any other provision hereof.
- (f) Reconfiguration of Tracts. Unless Declarant consents, this Declaration shall not be terminated, waived or otherwise altered in the event that the Tracts, or any portion of each, are recombined, subdivided or otherwise reconfigured.



(g) No Merger. Notwithstanding that all or any portion of the Tracts may be held in common ownership from time to time, such common ownership shall not act as a merger of the estates created in this Declaration and shall not cause a partial or whole termination of this Declaration.

(h) Notice. All notices and other communications given pursuant to this Declaration shall be in writing and shall either be mailed by first class mail, postage prepaid, registered or certified with return receipt requested, or delivered in person to the intended addresses, or sent by overnight mail. Notice by mail shall be effective upon the expiration of three (3) business days after its deposit. Notice given in any other manner shall be effective only if and when received by the addressee. For purpose of notice, the parties' addresses shall be as listed with their Tracts in the Brunswick County land records.

IN TESTIMONY WHEREOF, the Declarant has set its hand to be effective as of the day and year first above written.

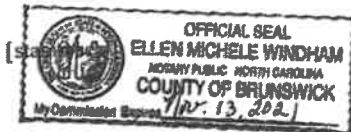
BALD HEAD ISLAND LIMITED LLC,
a Texas limited liability company

By: 
Name: Charles A. Paul III
Title: Manager

STATE OF NORTH CAROLINA
BRUNSWICK COUNTY

I, ELLEN MICHELE WINDHAM, a Notary Public for said County and State, do hereby certify that Charles A. Paul, III, Manager of Bald Head Island Limited LLC, personally appeared before me this day, and being by me duly sworn, says that he executed the foregoing instrument for and on behalf of said Bald Head Island Limited LLC.

WITNESS my hand and official seal, this the 28th day of January, 2020.

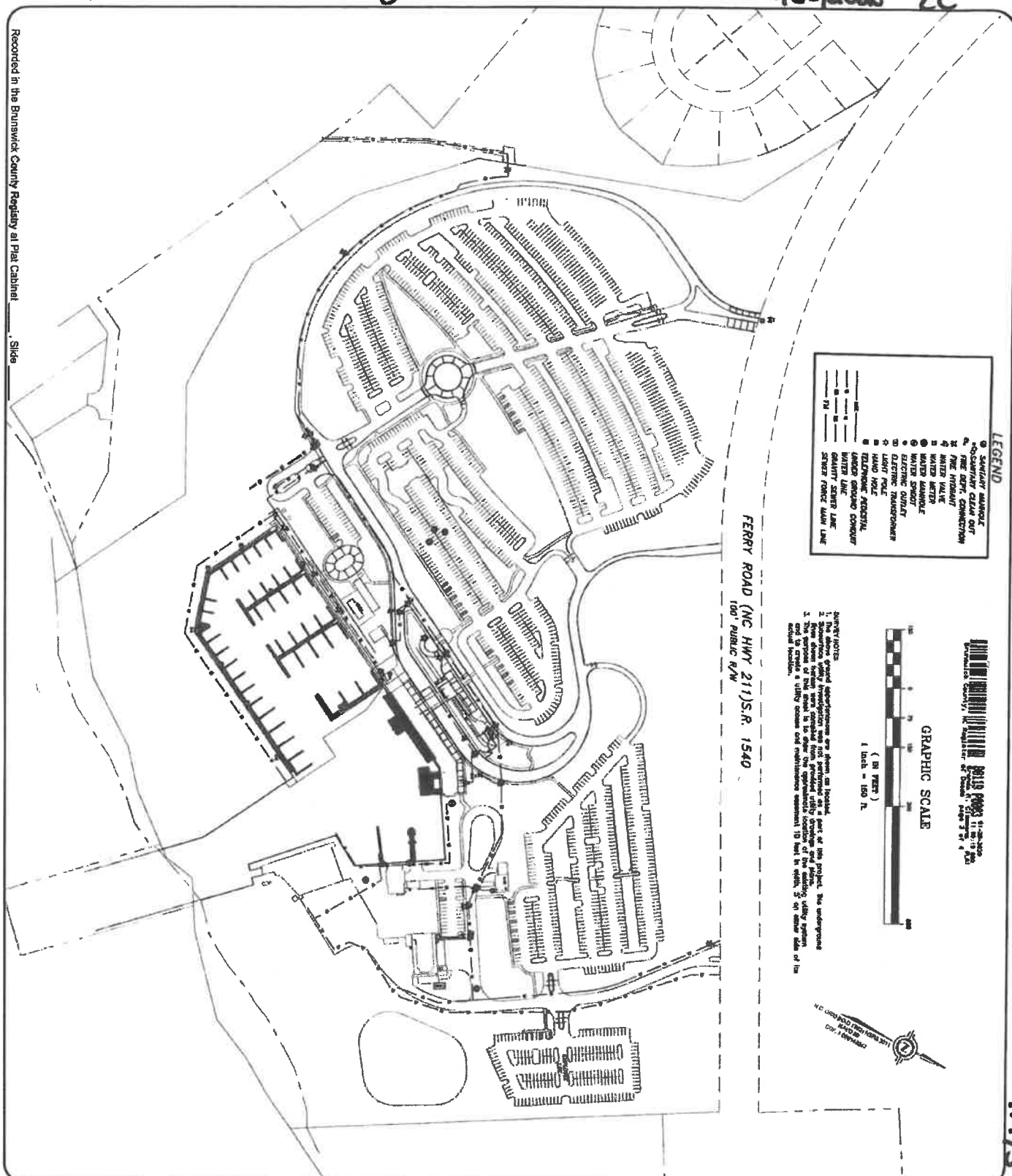


Ellen Michele Windham
Notary Public
My commission expires: Nov. 13, 2021

Map Cabinet 119 Page 3

1/28/2020 LC

Recorded in the Brunswick County Registry at Plat Cabinet _____, Slide _____



SUBDIVISION SURVEY FOR
BALD HEAD ISLAND LIMITED, LLC.

DEEP POINT MARINA
FERRY ROAD, (SR 1540)
SMITHVILLE TOWNSHIP, BRUNSWICK COUNTY
SOUTH PORT, NORTH CAROLINA

PROFESSIONAL LAND SURVEYING SERVICES BY:

ESP ASSOCIATES, INC
GEOMATICS · MOBILE · HYDROGRAPHIC · SUBSURFACE

211 Racine Drive, Suite 101
Wilmington, North Carolina 28403
(910) 444-3889 / www.espassociates.com / License # F-1407

3 OF 4

DESCRIPTION -

REFERENCES

DATE	1/21/2020	SCALE	1" = 150'
DRAWN BY	J.W.S.	CHECKED BY	R.A.P.

12/20/2014

Map Cabinet 119 Page 4

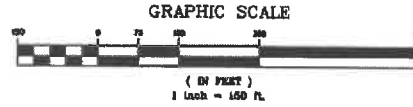
1/28/2020 LC

CAP REDIRECT EXHIBIT 1B - A-41 SUB 21

119/4

LEGEND

①	SANITARY MANHOLE
②	SANITARY CLEAN OUT
③	FIRE DEPT. CONNECTION
④	FIRE HYDRANT
⑤	WATER VALVE
⑥	WATER METER
⑦	WATER MANHOLE
⑧	WATER SPIGOT
⑨	ELECTRIC OUTLET
⑩	ELECTRIC TRANSFORMER
⑪	LIGHT POLE
⑫	MANHOLE
⑬	TELEPHONE PEDESTAL
⑭	UNDER GROUND CONDUIT
⑮	WATER LINE
⑯	GRAVITY SEWER LINE
⑰	SEWER FORCE MAIN LINE



SURVEY NOTES:

1. The above ground appurtenances are shown as located.
2. Subsurface utility investigations were not performed as a part of this project. The underground lines shown herein were compiled from previous utility drawings and plans.
3. The purpose of this sheet is to show the approximate location of the existing utility system and to create a utility access and maintenance easement 10 feet in width, 5' on either side of its actual location.
4. The 8 lamp pole located in Employee lot are owned by the City of Southport and maintained by the City's designated service company.

FERRY ROAD (NC HWY 211) S.R. 1540
100' PUBLIC R/W

Recorded in the Brunswick County Registry at Plat Cabinet , Slide

PROFESSIONAL LAND SURVEYING SERVICES BY:

ESP ASSOCIATES, INC
GEOMATICS MOBILE - HYDROGRAPHIC/SUBSURFACE

211 Racine Drive, Suite 101
Wilmington, North Carolina 28403
(910) 444-3899 / www.espassociates.com / License # F-1407

SUBDIVISION SURVEY FOR
BALD HEAD ISLAND LIMITED, LLC.

DEEP POINT MARINA
FERRY ROAD, (SR 1540)
SMITHVILLE TOWNSHIP, BRUNSWICK COUNTY
SOUTH PORT, NORTH CAROLINA



mz
1-21-2020

DATE 1/21/2020	SCALE 1" = 150'
DRAWN BY J.W.S.	CHECKED BY R.A.P.

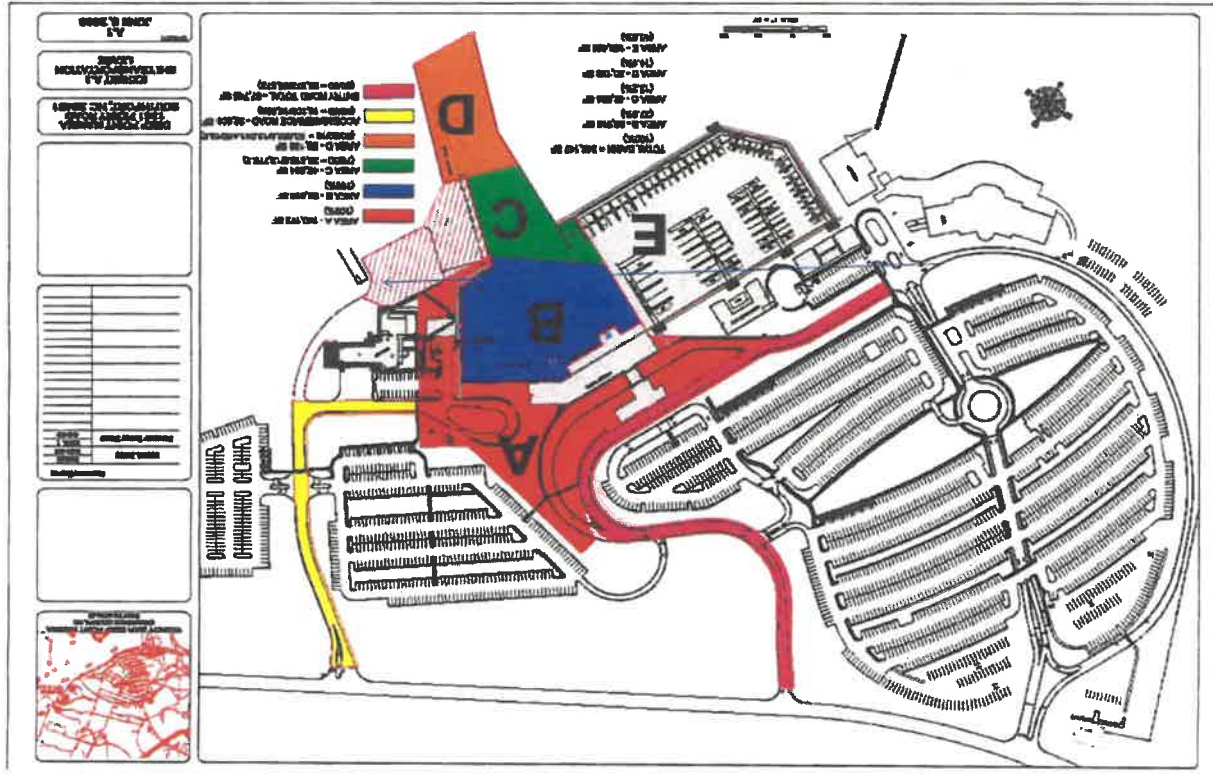
REVISIONS

DESCRIPTION
UNDER GROUND CONDUIT

SHEET
4 OF 4

Oct 25 2022

OFFICIAL COPY





A/I

CAP REDIRECT EXHIBIT 3 - A-41 SUB 21

Oct 25 2022

OFFICIAL COPY



**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. A-41, SUB 21

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

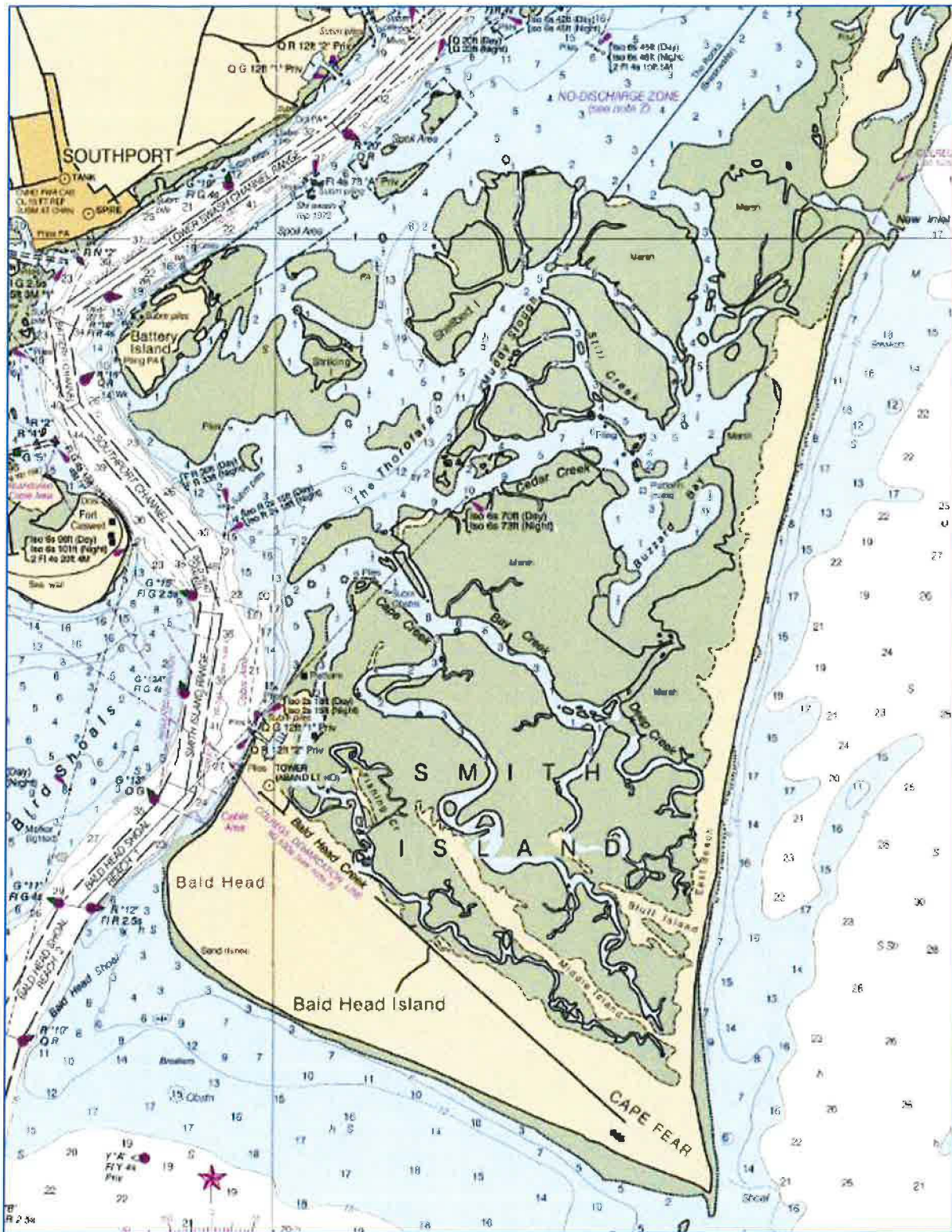
In the Matter of

VILLAGE OF BALD HEAD ISLAND,)	
Complainant,)	
v.)	
)	
BALD HEAD ISLAND)	
TRANSPORTATION, INC. and)	
BALD HEAD ISLAND LIMITED,)	
LLC,)	
Respondents.)	

**DIRECT TESTIMONY OF
CHARLES A. "CHAD" PAUL, III**

EXHIBIT 1

September 8, 2022



**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,)	
Complainant,)	
v.)	
)	
BALD HEAD ISLAND)	
TRANSPORTATION, INC. and)	
BALD HEAD ISLAND LIMITED,)	
LLC,)	
Respondents.)	

**DIRECT TESTIMONY OF
CHARLES A. "CHAD" PAUL, III**

CONFIDENTIAL

EXHIBIT 2

September 8, 2022

**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,)	
Complainant,)	
v.)	
)	
BALD HEAD ISLAND)	
TRANSPORTATION, INC. and)	
BALD HEAD ISLAND LIMITED,)	
LLC,)	
Respondents.)	

**DIRECT TESTIMONY OF
CHARLES A. "CHAD" PAUL, III**

CONFIDENTIAL

EXHIBIT 3

September 8, 2022

**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,)	
Complainant,)	
v.)	
)	
BALD HEAD ISLAND)	
TRANSPORTATION, INC. and)	
BALD HEAD ISLAND LIMITED,)	
LLC,)	
Respondents.)	

**DIRECT TESTIMONY OF
CHARLES A. "CHAD" PAUL, III**

CONFIDENTIAL

EXHIBIT 4

September 8, 2022

**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,)	
Complainant,)	
v.)	
)	
BALD HEAD ISLAND)	
TRANSPORTATION, INC. and)	
BALD HEAD ISLAND LIMITED,)	
LLC,)	
Respondents.)	

**DIRECT TESTIMONY OF
CHARLES A. "CHAD" PAUL, III**

CONFIDENTIAL

EXHIBIT 5

September 8, 2022

**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,)	
Complainant,)	
v.)	
)	
BALD HEAD ISLAND)	
TRANSPORTATION, INC. and)	
BALD HEAD ISLAND LIMITED,)	
LLC,)	
Respondents.)	

**DIRECT TESTIMONY OF
CHARLES A. "CHAD" PAUL, III**

EXHIBIT 6

September 8, 2022

EXHIBIT 6
TO THE DIRECT TESTIMONY OF C. PAUL
A-41 SUB 21

DEEP POINT PARKING RATES				
Class	Premium	General (a)	Contractor	Employee
Annual Pass	\$1,350.00	\$1,200.00	\$700.00	\$650.00
General Daily	n/a	\$12.00	n/a	n/a
Contractor Daily	n/a	n/a	\$10.00	n/a
QR Exit Pass Coupon	n/a	n/a	\$6.00	\$6.00

(a) First 2-hours free.

BHIL/IT 000719

**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,)	
Complainant,)	
v.)	
)	
BALD HEAD ISLAND)	
TRANSPORTATION, INC. and)	
BALD HEAD ISLAND LIMITED,)	
LLC,)	
Respondents.)	

**DIRECT TESTIMONY OF
CHARLES A. "CHAD" PAUL, III**

EXHIBIT 7

September 8, 2022

History of Parking Rates for Bald Head Island terminal at Deep Point

Data provided by Bald Head Island Limited.

Date	CPI	General Daily Parking - Summer Seasonal				General Daily Parking - Winter Seasonal				Contractor Daily Parking				90 Use Daily Exit Pass			
	Annual Growth	Actual Rate	% Increase	Hypothetical Rate (Inflation Adjusted)	Diff. vs. Actual	Actual Rate	% Increase	Hypothetical Rate (Inflation Adjusted)	Diff. vs. Actual	Actual Rate	% Increase	Hypothetical Rate (Inflation Adjusted)	Diff. vs. Actual	Actual Rate	% Increase	Hypothetical Rate (Inflation Adjusted)	Diff. vs. Actual
7/1/2008	5.6%																
(a) 7/1/2009	(2.1%)	\$10.00				\$8.00				\$5.00							
7/1/2010	1.2%	\$10.00	0.0%	\$10.12	\$0.12	\$8.00	0.0%	\$8.10	\$0.10	\$5.00	0.0%	\$5.06	\$0.06				
7/1/2011	3.6%	\$10.00	0.0%	\$10.49	\$0.49	\$8.00	0.0%	\$8.39	\$0.39	\$5.00	0.0%	\$5.25	\$0.25				
7/1/2012	1.4%	\$10.00	0.0%	\$10.64	\$0.64	\$8.00	0.0%	\$8.51	\$0.51	\$7.50	50.0%	\$5.32	(\$2.18)				
7/1/2013	2.0%	\$10.00	0.0%	\$10.85	\$0.85	\$8.00	0.0%	\$8.68	\$0.68	\$7.50	0.0%	\$5.42	(\$2.08)				
7/1/2014	2.0%	\$10.00	0.0%	\$11.06	\$1.06	\$8.00	0.0%	\$8.85	\$0.85	\$7.50	0.0%	\$5.53	(\$1.97)				
7/1/2015	0.2%	\$10.00	0.0%	\$11.08	\$1.08	\$8.00	0.0%	\$8.87	\$0.87	\$7.50	0.0%	\$5.54	(\$1.96)				
7/1/2016	0.8%	\$10.00	0.0%	\$11.17	\$1.17	\$8.00	0.0%	\$8.94	\$0.94	\$7.50	0.0%	\$5.59	(\$1.91)				
7/1/2017	1.7%	\$10.00	0.0%	\$11.37	\$1.37	\$8.00	0.0%	\$9.09	\$1.09	\$7.50	0.0%	\$5.68	(\$1.82)				
7/1/2018	2.9%	\$10.00	0.0%	\$11.70	\$1.70	\$8.00	0.0%	\$9.36	\$1.36	\$7.50	0.0%	\$5.85	(\$1.65)				
7/1/2019	1.8%	\$11.00	10.0%	\$11.91	\$0.91	\$9.00	12.5%	\$9.53	\$0.53	\$8.50	13.3%	\$5.96	(\$2.54)	\$5.00			
7/1/2020	1.0%	\$11.00	0.0%	\$12.03	\$1.03	\$9.00	0.0%	\$9.63	\$0.63	\$9.00	5.9%	\$6.02	(\$2.98)	\$5.00	0.0%	\$5.05	\$0.05
(b) 7/1/2021	4.8%	\$12.00	9.1%	\$12.61	\$0.61	n/a	n/a	n/a	n/a	\$10.00	11.1%	\$6.30	(\$3.70)	\$6.00	20.0%	\$5.29	(\$0.71)
(b) 7/1/2022	6.1%	\$12.00	0.0%	\$13.38	\$1.38	n/a	n/a			\$10.00	0.0%	\$6.69	(\$3.31)	\$6.00	0.0%	\$5.61	(\$0.39)
	CAGR	1.4%		2.3%	(0.9%)	1.1%		1.7%	(0.6%)	5.5%		2.3%	3.2%	4.7%		3.9%	0.7%

Date	CPI	Premium Annual Parking				Employee Annual Parking				Contractor Annual Parking				General Annual Parking			
	Annual Growth	Actual Rate	% Increase	Hypothetical Rate (Inflation Adjusted)	Diff. vs. Actual	Actual Rate	% Increase	Hypothetical Rate (Inflation Adjusted)	Diff. vs. Actual	Actual Rate	% Increase	Hypothetical Rate (Inflation Adjusted)	Diff. vs. Actual	Actual Rate	% Increase	Hypothetical Rate (Inflation Adjusted)	Diff. vs. Actual
7/1/2008	5.6%																
(a) 7/1/2009	(2.1%)	\$1,200				\$500				\$500				\$1,000			
7/1/2010	1.2%	\$1,200	0.0%	\$1,215	\$15	\$500	0.0%	\$506	\$6	\$500	0.0%	\$506	\$6	\$1,000	0.0%	\$1,012	\$12
7/1/2011	3.6%	\$1,200	0.0%	\$1,259	\$59	\$500	0.0%	\$525	\$25	\$500	0.0%	\$525	\$25	\$1,000	0.0%	\$1,049	\$49
7/1/2012	1.4%	\$1,200	0.0%	\$1,277	\$77	\$525	5.0%	\$532	\$7	\$525	5.0%	\$532	\$7	\$1,000	0.0%	\$1,064	\$64
7/1/2013	2.0%	\$1,200	0.0%	\$1,302	\$102	\$525	0.0%	\$542	\$17	\$525	0.0%	\$542	\$17	\$1,000	0.0%	\$1,085	\$85
7/1/2014	2.0%	\$1,200	0.0%	\$1,328	\$128	\$525	0.0%	\$553	\$28	\$525	0.0%	\$553	\$28	\$1,000	0.0%	\$1,106	\$106
7/1/2015	0.2%	\$1,200	0.0%	\$1,330	\$130	\$525	0.0%	\$554	\$29	\$525	0.0%	\$554	\$29	\$1,000	0.0%	\$1,108	\$108
7/1/2016	0.8%	\$1,200	0.0%	\$1,341	\$141	\$525	0.0%	\$559	\$34	\$525	0.0%	\$559	\$34	\$1,000	0.0%	\$1,117	\$117
7/1/2017	1.7%	\$1,200	0.0%	\$1,364	\$164	\$525	0.0%	\$568	\$43	\$525	0.0%	\$568	\$43	\$1,000	0.0%	\$1,137	\$137
7/1/2018	2.9%	\$1,200	0.0%	\$1,404	\$204	\$525	0.0%	\$585	\$60	\$575	9.5%	\$585	\$10	\$1,000	0.0%	\$1,170	\$170
7/1/2019	1.8%	\$1,200	0.0%	\$1,430	\$230	\$525	0.0%	\$596	\$71	\$575	0.0%	\$596	\$21	\$1,000	0.0%	\$1,191	\$191
7/1/2020	1.0%	\$1,200	0.0%	\$1,444	\$244	\$600	14.3%	\$602	\$2	\$575	0.0%	\$602	\$27	\$1,000	0.0%	\$1,203	\$203
(b) 7/1/2021	4.8%	\$1,200	0.0%	\$1,513	\$313	\$600	0.0%	\$630	\$30	\$700	21.7%	\$630	(\$70)	\$1,000	0.0%	\$1,261	\$261
(b) 7/1/2022	6.1%	\$1,350	12.5%	\$1,605	\$255	\$650	8.3%	\$669	\$19	\$700	0.0%	\$669	(\$31)	\$1,100	10.0%	\$1,338	\$238
	CAGR	0.9%		2.3%	(1.4%)	2.0%		2.3%	(0.2%)	2.6%		2.3%	0.4%	0.7%		2.3%	(1.5%)

(a) Operations moved from Indigo Plantation Terminal to Deep Point Terminal in June 2009.

(b) CPI figures based on Minneapolis Federal Reserve Estimates as at 3.28.22.

(c) Data analysis is as at July 31st of each year, excepting Contactor Seasonal Rates (calculated based on rates as of December 31st of each year) which was discontinued in 2021.

(d) Effective October 2021, General Daily Rates were no longer seasonally adjusted as many island based seasonal employers-contractors moved to utilizing 90 Day Exit Use Pass.

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,)	
Complainant,)	
v.)	
)	
BALD HEAD ISLAND)	
TRANSPORTATION, INC. and)	
BALD HEAD ISLAND LIMITED,)	
LLC,)	
Respondents.)	

DIRECT TESTIMONY OF
CHARLES A. "CHAD" PAUL, III

CONFIDENTIAL

EXHIBIT 8

September 8, 2022

**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,)	
Complainant,)	
v.)	
)	
BALD HEAD ISLAND)	
TRANSPORTATION, INC. and)	
BALD HEAD ISLAND LIMITED,)	
LLC,)	
Respondents.)	

**DIRECT TESTIMONY OF
CHARLES A. "CHAD" PAUL, III**

CONFIDENTIAL

EXHIBIT 9

September 8, 2022

**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,)	
Complainant,)	
v.)	
)	
BALD HEAD ISLAND)	
TRANSPORTATION, INC. and)	
BALD HEAD ISLAND LIMITED,)	
LLC,)	
Respondents.)	

**DIRECT TESTIMONY OF
CHARLES A. "CHAD" PAUL, III**

CONFIDENTIAL

EXHIBIT 10

September 8, 2022

**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,)	
Complainant,)	
v.)	
)	
BALD HEAD ISLAND)	
TRANSPORTATION, INC. and)	
BALD HEAD ISLAND LIMITED,)	
LLC,)	
Respondents.)	

**DIRECT TESTIMONY OF
CHARLES A. "CHAD" PAUL, III**

CONFIDENTIAL

EXHIBIT 11

September 8, 2022

**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,)	
Complainant,)	
v.)	
)	
BALD HEAD ISLAND)	
TRANSPORTATION, INC. and)	
BALD HEAD ISLAND LIMITED,)	
LLC,)	
Respondents.)	

**DIRECT TESTIMONY OF
CHARLES A. "CHAD" PAUL, III**

EXHIBIT 12

September 8, 2022

FOR IMMEDIATE RELEASE

CONTACT: Chad Paul
Bald Head Island Limited, LLC
910-457-7358
cpaul@bhisland.com

CONTACT: Lee Roberts
SharpVue Capital, LLC
919-890-0517
lee.roberts@sharpvuecap.com

**Bald Head Island Limited, LLC and SharpVue Capital, LLC
Announce Signing of Asset Sale/Purchase Agreement**

Bald Head Island, NC (May 31, 2022) - Bald Head Island Limited, LLC ("Limited") has executed a definitive agreement to sell substantially all of the remaining Mitchell Family operations and associated real estate assets relating to the Island to SharpVue Capital, LLC ("SharpVue"). The \$67.7 million transaction includes \$56 million for the regulated Ferry & Tram System, and the non-regulated Tug & Freight Barge operation, and Deep Point Parking facility in Southport. The acquisition of the regulated Ferry & Tram System is tied to approval of ownership transfers by the North Carolina Utilities Commission.

"The George P. Mitchell family established and grew these infrastructure operations and assets to aid the Island's development and this agreement transitions them to a reputable and experienced owner and operator with deep ties to North Carolina," said Chad Paul, CEO of Limited. "Our team is committed to ensuring a smooth and seamless transition, for the benefit of islanders, employees, and the greater community," said Paul.

"We recognize the responsibility of operating critical infrastructure in a safe, reliable, and cost-effective manner," said Lee Roberts, managing partner of SharpVue. Roberts emphasized, "We plan to continue the legacy of stewardship and high-quality service the Mitchells have established, and we're pleased that the excellent employees and long-standing management team will remain in place to ensure seamless continuity of day-to-day operations."

About Bald Head Island


Bald Head Island is a ferry-accessed community located two miles off the coast of Southport, NC. Transportation on the island is restricted to trams, golf carts, bicycles, and pedestrian traffic. Of the island's 12,000 acres, 10,000 acres will remain undeveloped. To learn more about the island, visit baldheadisland.com.

About SharpVue Capital, LLC

SharpVue Capital is based in Raleigh, N.C., and operates private real estate and private credit and equity funds on behalf of institutional investors and qualified individuals. For more information, visit sharpvuecapital.com.

###





DAVIS, NC
FERRY

CAPE LOOKOUT &
SOUTH CORE BANKS







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(252) 729-9752
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Fishing Report



Email Updates

Name:

E-Mail:






Welcome to CALO Cabins, Camps & Ferry, Davis, NC

Ferry Services | Vehicle & Passenger Ferry to South Core Banks from Davis, NC
Ferry service may be increased or decreased based on seasonal demand and/or weather conditions





The Cleanest, Closest, Classiest & Least Expensive* Ferry to South Core Banks

Ferry times may be changed based on seasonal demand and/or weather conditions
Times are subject to change Labor Day Weekend, Aug 31 to Sep 4, the month of October & December.

>>> Ferry Schedule | Departure & Return Times | [Click Here to make Ferry Reservations](#)

>>> Departures from Davis		>>> Departures from Great Island	
Miss Temple	Miss Brenda	Miss Temple	Miss Brenda
7:30 a.m.	8:00 a.m.	8:30 a.m.	9:00 a.m.
9:30 a.m.	10:00 a.m.	10:30 a.m.	11:00 a.m.
11:30 p.m.	12:00 p.m.	12:30 p.m.	1:00 p.m.
1:30 p.m.	2:00 p.m.	2:30 p.m.	3:00 p.m.
3:30 p.m.	4:00 p.m.	4:30 p.m.	5:00 p.m.

Please arrive 45 min prior for check-in

>>> Ferry Prices | Passengers | [Click Here to make Ferry Reservations](#)

>>> Passengers prices apply to all passenger, including those in vehicles

Passengers | Round Trip

- \$18.00 | Adults
- \$8.00 | Children under 10
- Free | Children under 4 (Must be accompanied by an adult)

>>> Ferry Prices | Vehicles, Quads, Kayaks & Canoes | [Click Here to make Ferry Reservations](#)


>>> Vehicle prices include vehicles only - Passenger rates are shown above

Cape Lookout Ferry atarkers Island is passenger only!

Camper and Trailer Combos

- \$100.00 | Under 17 ft.
- \$110.00 | 17 ft. to 22 ft.
- \$140.00 | 23 ft. to 26 ft.
- \$160.00 | 26 ft. to 30 ft.
- \$200.00 | 30 ft. to 35 ft.
- \$250.00 | 35 ft. to 40 ft.
- \$300.00 | 40 ft. to 45 ft.

FULTON REDIRECT EXHIBIT 2 - A-41, SUB 21



» \$350.00 | 45 ft. & Over
 » + \$25.00 | For Vehicles over 8ft wide

Other Vehicles

» \$80.00 | Standard Kubota, Gators, Mules
 » Cost Determined By Length | Kubota, Gators, Mules with Racks or Trailers
 » \$40.00 | ATV's Standard Size
 » \$80.00 | ATV's with Racks or Trailers
 » FREE | Kayak/Canoe | If carried on vehicle or in trailer
 » \$40.00 | Kayak/Canoe | If carried on the ferry deck
 » \$80.00 | Kayak/Canoe | On trailer
 » \$200/day | Kubota Rentals
 » **ORV permit must be purchased ahead | Must be purchased before March 10th for \$25 price**

General Pricing Structures

» Anything requiring deck space over 20ft will be charged an additional amount that will be relative to the amount of deckspace required. See the above pricing structures for common cargoes. We reserve the right to quote specialty cargo at the rate that we determine

>>> **Additional Details & Amenities** | [Click Here to make Ferry Reservations](#)

>>> Call any time with questions | (252) 729-9751

» A 27' skiff is available for walk-ons
 » Free parking for trucks, and campers
 » We are Handicap accessible.
 » EMS services are provided by Park and Ferry Service

Cape Lookout Cabins, Camps & Ferry Service - Davis, NC - South Core Bents
info@calookout.com | <http://calookout-cabins-camps-ferry-davis.nc.com> | (252) 729-9751
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PRICING

VEHICLES & TRUCKS

with or without campers/trailers
Round Trip

Less than 22'	\$125
22'-26'	\$155
26'-30'	\$175
30'-35'	\$225
More than 35'	\$325

* Prices may vary depending on
width and weight!

OVERHEAD & TRUCK CAMPERS

Round Trip

Less than 22'	\$165
22'-26'	\$175
26'-30'	\$195
30'-35'	\$250-350*

* Anything over 8' wide will incur
an additional charge of \$75

* Prices may vary depending on
width and weight!

OTHER

Round Trip

UTV/Kabota/Gator/Mule *any with attachments, price will be determined	\$95
ATV/4wheeler Standard	\$50
Military Trucks	\$300
Adult Passenger	\$18
Children 4-10	\$9
Children under 4 *Children must be accompanied by an adult	Free

View Our Schedule

Make a Reservation

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Ferry Service

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Atlantic, NC 28511

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PRICING

VEHICLES & TRUCKS

with or without campers/trailers

Round Trip

Less than 22'	\$125
22'-26'	\$155
26'-30'	\$175
30'-35'	\$225
More than 35'	\$325

* Prices may vary depending on width and weight

OVERHEAD & TRUCK CAMPERS

Round Trip

Less than 22'	\$165
22'-26'	\$175
26'-30'	\$195
30'-35'	\$250-350*

Anything over 8' wide will incur an additional charge of \$25

* Prices may vary depending on width and weight

OTHER

Round Trip

UTV/Kubota/Gator/Mule *any additional attachments price to be determined	\$95
ATV/4wheeler Standard	\$50
Military Trucks	\$300
Adult Passenger	\$18
Children 4-10	\$9
Children under 4	Free

*Children must be accompanied by an adult

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PRICING

VEHICLES & TRUCKS

with 21' or 26' campers/trailers
Round Trip

Less than 22'	\$125
22'-26'	\$155
26'-30'	\$175
30'-35'	\$225
More than 35'	\$325

* Prices may vary depending on
season and holidays

OVERHEAD & TRUCK CAMPERS

Round Trip

Less than 22'	\$165
22'-26'	\$175
26'-30'	\$195
30'-35'	\$250-350*

* Anything over 35' will incur
an additional charge of \$35

* Prices may vary depending on
season and holidays

OTHER

Round Trip

UTV/Kabota/Gator/Mule *Any extra attachments price will be determined	\$95
ATV/4wheeler Standard	\$50
Military Trucks	\$300
Adult Passenger	\$18
Children 4-10	\$9
Children under 4	Free

*Children must be
accompanied by an adult

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I/A



**NORTH CAROLINA
PUBLIC STAFF
UTILITIES COMMISSION**

October 21, 2010

SPECIAL COPY

FILED

OCT 21 2010

Clerk's Office
N.C. Utilities Commission

Ms. Renné C. Vance, Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, North Carolina 27699-4325

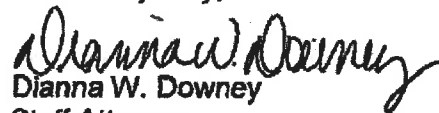
Re: Docket No. A-41, Sub 7
Bald Head Island Transportation, Inc.

Dear Ms. Vance:

Enclosed for filing in the above-referenced docket are eighteen (18) copies of the Revised Agreement and Stipulation of Settlement between Bald Head Island Transportation, Inc., the Public Staff, the Bald Head Island Club, The Village of Bald Head Island, and Bald Head Association, Inc.

By copy of this letter, I am forwarding a copy to all parties of record.

Yours very truly,


Dianna W. Downey
Staff Attorney

dianna.downey@psncuc.nc.gov

DWD:dd

Enclosure

cc: Parties of Record

Executive Director
733-2435

Communications
733-2810

Economic Research
733-2902

Legal
733-6110

Transportation
733-7766

Accounting
733-4279

Consumer Services
733-9277

Electric
733-2267

Natural Gas
733-4326

Water
733-5610

MA
AG
Finley
Beatty
Allen
Bennink
Hoover
Sessions
Kite
Brace R.

E. On September 30, 2010, the Public Staff filed an Agreement and Stipulation of Settlement between the Public Staff and BHIT and the direct testimony and exhibits of James G. Hoard, and the Intervenor filed the direct testimony of Julius A. Wright, Ph.D. On October 14, 2010, BHIT filed the rebuttal testimony of James W. Fulton, Jr., Shirley A. Mayfield and Frederick W. Hering.

F. Prior to the commencement of the evidentiary hearing in this matter, the Stipulating Parties engaged in discussions and reached agreement in principle with respect to the revenue requirement and other issues presented by the Company's Application.

The Stipulating Parties agree and stipulate to the terms and conditions set forth below.

2. RATE INCREASE.

A. BHIT will adjust its rates, fares and charges to produce annual revenues of \$5,094,164 from its ferry operations, which results in total annual revenues of \$5,966,508. The Stipulating Parties agree that these revenues are intended to provide BHIT, through sound management, the opportunity to earn an overall rate of return of 8.33% on a rate base of \$3,943,335, with BHIT's long-term debt cost of 6.65% and a rate of return of 10.0% on the common equity component of the following capital structure:

Long term Debt50%
Member's Equity 50%

B. BHIT's Application and the testimony and exhibits of the Stipulating Parties provide sufficient support for the annual revenue requirement agreed to in this Stipulation.

C. The attached Exhibits A and B summarize the gross revenues, operating revenue deductions, rate base, and rate of return that the Stipulating Parties agree are appropriate for use in this proceeding and for consideration by the Commission with respect to the Stipulation in its entirety. For purposes of compromise and entering into this Stipulation and without waiving any rights of appeal set forth herein or otherwise allowed by law, the Stipulating Parties accept and will not challenge these amounts in this proceeding. With respect to the gross revenues, operating revenue deductions, rate base, and rate of return, the Stipulating Parties agree as follows:

- i. The parent affiliate of BHIT, Bald Head Island Limited LLC (BHIL), owns certain parking facilities adjacent to the BHIT ferry terminal in Southport ("the Deep Point parking facilities"). The imputation of the revenues of the Deep Point parking facilities, as described in the testimony and shown in the exhibits of Public Staff witness James G. Hoard, is limited to this case and establishes no binding precedent for future cases, and shall not be binding in future cases as a reason for or against imputation of parking revenues or any other regulatory treatment of parking operations. However, it is agreed that:

- ii. The applicability of the treatment of the gain on the transfer of the Indigo Plantation property from utility to nonutility property is limited to this case and establishes no precedent in future cases for the regulatory treatment of any property owned by BHIL and leased by BHIT.
- iii. The ratemaking treatments that are the subject of subsections 2.C.i. and 2.C.ii. immediately above are contrary to BHIT's legal position in this proceeding, and BHIT expressly reserves the right, if the Stipulation is not accepted in its entirety consistent with Section 13 *infra*, to appeal the Commission's decision in this rate case and to argue whether the Commission has jurisdiction to impose the conditions, impute the revenues, apply the treatment on gain, and each and every other provision set forth in C.i. and C.ii., and whether the conditions, imputation and accounting treatment are legal, just, and reasonable.
- iv. Notwithstanding the foregoing provisions, nothing in this Stipulation shall be construed to imply any limitation on the Commission's regulatory jurisdiction or ability to exercise its statutory powers and discharge its statutory duties to protect the public interest with respect to the rates charged and service rendered by BHIT pursuant to its grant of common carrier authority from the Commission.

D. BHIT's revenues from its ferry operations for the twelve months ended December 31, 2009 (the test period), by customer class under present base rates and as agreed to in this Stipulation, will be as follows:

Type of Passenger	Annual Revenues	
	Present Rates	Stipulated Rates
Class I GENERAL	\$1,605,825	\$2,462,265
Class II BULK/Bulk 40	272,663	464,415
Class III GROUP PURCH/Bulk 80	252,150	71,055
Class IV GOV'T EMPL	77,211	-
Class V SPEC EVENT	21,750	-
Class VI NO FRILLS	110,900	155,260
Class VII CONTRACTOR	345,950	484,330
Class VIII CORP GUEST	28,024	-
Class IX EMPLOYEE	387,128	1,081,822
Class X CHILDREN	148,704	225,624
Class XI ANNUAL PASS	33,000	33,300
Class XII SENIOR CITIZ ANNUAL	15,750	-
Class XIII EXCESS BAGGAGE	65,550	100,510
Class XIV STUDENT TICKET	856	-
Class XV LOST/ONE-WAY TICKET	6,775	15,583
TOTAL	\$3,372,236	\$5,094,164

6. **LEASES.** BHIT agrees that it shall, within 30 days after issuance of the Approval Order, file with the Commission amendments to its affiliate agreements with BHIL that reflect any changes necessary to conform the affiliate agreements with the Approval Order.

7. **FINANCIAL REPORTING.**

A. BHIT operates on a calendar year basis ending December 31. The Company agrees to submit to the Commission and Public Staff a quarterly financial report of monthly information within forty-five days after the end of each quarter. The report shall contain a calendar year-to-date income statement in a format presently produced for internal management purposes, information on the Company's month-end balances of plant, accumulated depreciation, and accumulated deferred taxes by plant category, monthly book depreciation expense by plant category, the number of customers by fare class for each month, and the number of tram riders by month. The quarterly reports provided for by this subsection shall be filed with the Commission as "non-confidential" filings available to the public.

B. The Public Staff shall perform an audit (in accordance with the scope and process generally employed in connection with this docket) of BHIT, and file a report with the Commission regarding the earnings of BHIT and containing a recommendation as to whether the Public Staff believes there are grounds for requiring BHIT to show cause why its rates should not be reduced or increased for service rendered thereafter. The audit shall be commenced on the earlier of the following: (i) six years from the entry of the Approval Order or (ii) the date BHIT's ferry ticket revenues as reported in BHIT's quarterly reports for any Reporting Period are 5% greater than the immediately preceding Reporting Period or the date BHIT's ferry ticket revenues as reported in BHIT's quarterly reports for any Reporting Period are 5% less than the immediately preceding Reporting Period. For purposes of this subsection, the Reporting Period shall be defined as the twelve-month period ending with the quarterly report most recently filed with the Commission. The Stipulating Parties agree that nothing contained herein shall prevent BHIT from filing a general rate case or the Public Staff, any Stipulating Party, or any person from initiating a proceeding with the Commission regarding BHIT's rates, earnings or service at any time.

8. **ACCOUNTING POLICIES.** The Company employs a modified tax-basis of accounting for regulatory reporting purposes. The financial statements produced by the Company for internal management purposes are prepared on a tax-basis of accounting. The tax basis financial statements are modified for regulatory reporting purposes to reflect book depreciation expense. The Company agrees that it shall use the same asset capitalization and asset retirement policies for regulatory reporting purposes that it uses for tax purposes. The Company and BHIL also agree that consistent with codes of conduct governing transactions between other utilities regulated by the Commission and their unregulated affiliates, charges to the Company from affiliates will be priced at the lower of cost or fair market value and that charges by the Company to affiliates will be priced at the higher of cost or fair market value.

9. **QUALITY OF SERVICE.** The Stipulating Parties agree that the overall quality of service provided by BHIT is good.

additional direct or rebuttal testimony, with respect to issues addressed by the Stipulation and no Party shall be bound or prejudiced by the terms and conditions of the Stipulation, including each party's right to appeal any issue, term, or condition if this Stipulation is not accepted by the Commission in its entirety. In the event the Commission enters an Approval Order or makes any other disposition of this rate case that varies from or alters the terms of this Stipulation, including in response to any position taken by other Intervenor herein, the Stipulating Parties shall have all rights of appeal available under law and shall not be deemed to have waived any right of appeal of any issue, finding or conclusion in the Approval Order by virtue of entering into this Stipulation.

14. COUNTERPARTS. This Stipulation may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Execution by facsimile signature shall be deemed to be, and shall have the same effect as, execution by original signature. BHIL enters into this Stipulation solely for the purpose of acknowledging its agreement with its obligations under Sections 2.C.i. and 8, and, by entering into this Stipulation does not acknowledge, or waive any right to object to or contest, the Commission's regulation or jurisdiction over any non-ferry subsidiaries, affiliates, functions, assets, or operations.

SIGNATURE PAGE FOLLOWS

MAYFIELD COMMISSION QUESTIONS
EXHIBIT 1 - A-41 SUB 21

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Oct 25 2022

Exhibit A

BALD HEAD ISLAND TRANSPORTATION, INC.
Docket No. A-41, Sub 7
STATEMENT OF NET OPERATING INCOME FOR RETURN, RATE BASE AND OVERALL RETURN
For The Test Year Ended December 31, 2009

Line No.	Item	Per Company (a)	Settlement Adjustments (b)	After Settlement Adjustments (c)	Rate Increase (d)	After Rate Increase (e)
1	NET OPERATING INCOME FOR RETURN					
2	<u>Operating Revenues:</u>					
3	Ferry Tickets	\$3,365,017	\$4,219	\$3,372,236	\$1,721,028	\$5,094,164
4	Other operating revenues	100,884	771,880	872,344		872,344
5	Total operating revenues	\$3,465,701	\$775,978	\$4,244,579	\$1,721,928	\$5,966,508
6	<u>Operating Expenses:</u>					
7	Operating and maintenance	5,318,838	(304,496)	5,014,442		5,014,442
8	Depreciation	282,877	32,337	315,314		315,314
9	Property taxes	25,702	15,512	41,214		41,214
10	Payroll taxes	147,469	(8,847)	140,622		140,622
11	Regulatory fee	4,043	8	4,049	2,086	6,116
12	State income tax	0	0	0	21,920	21,920
13	Federal income tax	0	0	0	98,598	98,598
14	Total operating expenses	5,779,129	(263,489)	5,515,640	122,585	5,638,225
15	Net operating income for return	(\$2,310,428)	\$1,039,367	(\$1,271,061)	\$1,599,344	\$328,283
16	RATE BASE					
17	Plant in service	\$6,920,592	\$636,380	\$6,656,972		\$6,656,972
18	Accumulated depreciation	(2,085,249)	(317,396)	(2,402,645)		(2,402,645)
19	Net plant in service	3,935,343	318,983	4,254,326	0	4,254,326
20	Cash working capital	664,887	(38,062)	626,805		626,805
21	Average tax accruals	(37,429)	(8,815)	(44,044)		(44,044)
22	Deferred income taxes	(860,684)	(33,168)	(893,752)		(893,752)
23	Original cost rate base	\$3,702,187	\$241,138	\$3,943,325	\$0	\$3,943,325
24	Overall Rate of Return on Rate Base	-62.41%		-32.23%		8.33%

EXHIBIT C



April 24, 2009

Mayor Larry Lammert
Village of Bald Head Island
PO Box 3099
Bald Head Island, NC 28461

Dear Larry:

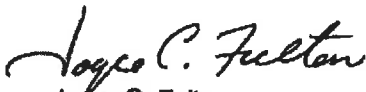
In response to concerns over pricing the annual parking rates at the Deep Point facility during the years from now through 2014, Limited will do the following:

- 2009: Rates are a combination of 5 months Indigo and 7 months Deep Point.
- 2010: First full year (12 months) of the existing Deep Point annual rates.
- 2011: Rates remain the same as in 2010.
- 2012: Rates increase not to exceed annual inflation experienced since 2010.
- 2013: Rates increase not to exceed annual inflation experienced during 2012.
- 2014: Rates increase not to exceed annual inflation experienced during 2013.

Limited trusts that making this generous annual parking rate commitment, together with having developed a wonderful new facility at Deep Point, will satisfy the concerns and needs of the Village and parking customers.

On a related note, those trained volunteer firemen, certified by the Village, will be offered the same Lot A General annual rate as Village employees, which is \$800 in 2010.

Sincerely,


Joyce C. Fulton
Director of Communications

Tracked Tariff NCUC No. 6 – Exhibit D

~~NCUC No. 6~~

~~Cancels NCUC No. 5~~

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Oct 25 2022

BALD HEAD ISLAND TRANSPORTATION, INC.

Item No. 10 Scope of Operations

IRREGULAR ROUTE COMMON CARRIER AUTHORITY

Transportation of passengers and their personal effects via water in ferry operations from Southport, NC to Bald Head Island, NC and return.

RULES AND REGULATIONS

Item No. 20 Ferry Schedules by Embarkation and Debarkation Points

Except as provided in Item No. 30, all ferries and trams will operate according to the schedules shown in Items No. 53, 54, 55, and 56 as long as there are passengers to be transported. Holiday Schedules and Additional Ferry Services are shown in Items No. 50 and 51, respectively. The Passenger Ferry and the Contractor Ferry will operate between Deep Point Marina in Southport, NC, and Bald Head Island, NC.

Item No. 30 Operational Notices

Safe Operations

Bald Head Island Transportation, Inc. reserves the right to cancel service if the weather or sea conditions could be hazardous to safe operations or if there is an equipment malfunction.

Prearranged Service

~~Reservations are encouraged for all scheduled ferry and tram services. All transport service is~~ subject to the availability of ferry and tram capacity. ~~Tram service is not guaranteed but is provided if seating capacity is available for those ticket classes where tram service is included. The number of trams scheduled for operation to support ferry runs is based upon anticipated ridership. Reservations made well in advance are recommended. Ferry and/or tram passengers without reservations will be allowed to ride a scheduled ferry or an available tram on a first-come first-served basis, subject to capacity restrictions.~~

~~The number of trams scheduled for operation to support ferry runs is based upon anticipated ridership, hence the encouragement of early reservations.~~

Tracked Tariff NCUC No. 6 – Exhibit D

NCUC No. 6

Cancels NCUC No. 5

BALD HEAD ISLAND TRANSPORTATION, INC.

CLASSIFICATIONS AND FARES

Item No. 40

Fares and Charges

(Round trip unless otherwise indicated)

All fares are round trip unless otherwise indicated. The following fares include the utilization of the Bald Head Island tram service to and from the point of embarkation and debarkation, unless otherwise noted.

Tram service is not guaranteed but is provided if seating capacity is available. Reservations made well in advance are recommended.

Passengers are required to present a valid ticket before boarding on each leg of the round trip. Tickets are electronically scanned for validity and are limited to one round trip. Passengers not in possession of a valid ticket for the second leg of the round trip will be required to purchase a replacement ticket or ~~then one time use Class XV-X One-Way~~ Lost Ticket to present for scanning before being allowed to board.

Where applicable, a Fuel Surcharge in the amount shown will be added, as approved by NC Utilities Commission Order dated 16 December 2008 in Docket No. A-41, Sub 5.

Class I – General Fare	\$15.00 + \$1.00FS
Class I – General Fare	\$23.00

Applicable to all persons traveling to Bald Head Island from Southport when they DO NOT qualify for any other fare noted in this tariff. Tram service is not guaranteed but is provided if seating capacity is available. Reservations made well in advance are recommended.

Class II – Bulk Fare	\$12.50 + \$1.00FS
Class II – Bulk 40	\$17.50

Available to persons or organizations who are owners of record of property on Bald Head Island when who purchasing packages of forty ferry tickets at one time. Tram service is not guaranteed but

MAYFIELD COMMISSION QUESTIONS
EXHIBIT 1 - A-41 SUB 21

Tracked Tariff NCUC No. 6 - Exhibit D

NCUC No. 6

Cancels NCUC No. 5

BALD HEAD ISLAND TRANSPORTATION, INC.

Item No. 40 (cont.)

~~Class V - Special Event~~ ~~\$10.00 + \$1.00FS~~

~~Applicable to persons traveling to Bald Head Island through a packaged program that includes participation in a special event on Bald Head Island (tours, lunch package, dinner package). The event package must include ferry transportation and must be purchased prior to embarkation.~~

~~Class VI - No Frills~~ ~~\$10.00 + \$1.00FS~~

~~Class IV - No Frills~~ ~~\$14.00~~

Available for purchase only on Bald Head Island to persons living or staying on Bald Head Island. Tickets must be purchased on Bald Head Island and are valid only on the day of purchase for round trip transportation from Bald Head Island to Southport and return. No baggage or tram service will be is available with this ticket; parcels must be hand carried by the ticket holder.

~~Class VII - Contractor~~ ~~\$10.00 + \$1.00FS~~

~~Class V - Contractor~~ ~~\$14.00~~

~~Applicable~~ Available to bona fide contractors traveling to the island to provide service ~~to~~ on the island. Fare not available on Saturdays and Sundays. Contractor ferry must be used except as otherwise noted on the schedule. Tram and baggage services are not available. Contractors are allowed to ride ~~must use the~~ shuttle bus to and from the Contractor Service Village.

~~Class VIII - Corporate Guest~~ ~~\$8.00 + \$1.00FS~~

~~Applicable to persons traveling to the island at the request of or for the benefit of Bald Head Island Limited or its affiliates. Applicable only when an authorized representative of Bald Head Island Limited or affiliates prearranges payment of fares. Tram service is not included.~~

~~Class IX - Employee~~ ~~\$8.00 + \$1.00FS~~

~~Class VI - Employee~~ ~~\$14.00~~

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Oct 25 2022

Tracked Tariff NCUC No. 6 - Exhibit D

NCUC No. 6

Cancels NCUC No. 5

BALD HEAD ISLAND TRANSPORTATION, INC.

Item No. 40 (cont.)

Class XI - Annual Pass	_____	\$1,500.00 + \$165.00FS
<u>Class VIII - Annual Pass</u>		<u>\$1,850.00</u>

Available ~~only to property owners of record or to persons whose~~
primary residence is on Bald Head Island who are residential
property owners of record or are persons leasing residential
property. Baggage service is available. ~~Tram service is not~~
included.

Class XII - Senior Citizen Annual Pass	_____	\$750.00 + \$92.00FS
---	------------------	---------------------------------

~~Available to persons 65 and older who are property owners of~~
~~record or to persons whose primary residence is on Bald Head~~
~~Island. Tram service is not included.~~

Class XIII - Excess Baggage	_____	\$15.00
<u>Class IX - Excess Baggage</u>		<u>\$23.00</u>

~~This charge is in addition to the fares for transporting the person~~
~~and is applicable to each bicycle or other non-carry-on item too~~
~~large to fit into baggage containers. This charge is in addition to~~
~~the fare for transporting the person.~~

Class XIV - Student Ticket	_____	\$4.00 + \$1.00FS
---------------------------------------	------------------	------------------------------

~~Available for full-time students ages 18 years or younger whose~~
~~primary residence is on Bald Head Island. Valid only Monday~~
~~through Friday during the school year. Students must sign for~~
~~tickets at the Deep Point terminal for subsequent invoice purposes.~~

Class XV - Lost Ticket	_____	\$5.00
<u>Class X - One-Way</u>		<u>\$11.50</u>

Available only on Bald Head Island to passengers desiring to board
who cannot present a valid ticket for passage on the second leg of
their round trip fare, under any classification described above
except Class [VI] No Frills Ticket and Class XIV Student Ticket.

Tracked Tariff NCUC No. 6 - Exhibit D

~~NCUC No. 6~~

~~Cancels NCUC No. 5~~

BALD HEAD ISLAND TRANSPORTATION, INC.

TIME SCHEDULES FOR THE FERRY OPERATIONS

- Item No. 53 Operating Hours for Bald Head Island Passenger Ferry & Tram Services 03/1-11/30 (See Attached Schedule)**
- Item No. 54 Operating Hours for Bald Head Island Passenger Ferry & Tram Services 12/1-2/29 (See Attached Schedule)**
- Item No. 55 Operating Hours for Bald Head Island Contractor Ferry Services 11/1-2/29 (See Attached Schedule)**
- Item No. 56 Operating Hours for Bald Head Island Contractor Ferry Services 03/1-10/31 (See Attached Schedule)**

MAYFIELD COMMISSION QUESTIONS EXHIBIT 1 - A-41 SUB 21















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Oct 25 2022

ITEM NUMBER 54: OPERATING HOURS FOR BALD HEAD ISLAND PASSENGER FERRY & TRAM SERVICES

All Times are DEPARTURE TIMES from Terminal Listed

Beginning 12/1 Through 2/29


MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY		SATURDAY		SUNDAY	
DEEP POINT	ISLAND	DEEP POINT	ISLAND	DEEP POINT	ISLAND	DEEP POINT	ISLAND	DEEP POINT	ISLAND	DEEP POINT	ISLAND	DEEP POINT	ISLAND
													
7:00 AM	7:30 AM	7:00 AM	7:30 AM	7:00 AM	7:30 AM	7:00 AM	7:30 AM	7:00 AM	7:30 AM	7:00 AM	7:30 AM	7:00 AM	7:30 AM
8:00 AM	8:30 AM	8:00 AM	8:30 AM	8:00 AM	8:30 AM	8:00 AM	8:30 AM	8:00 AM	8:30 AM	8:00 AM	8:30 AM	8:00 AM	8:30 AM
9:00 AM	9:30 AM	9:00 AM	9:30 AM	9:00 AM	9:30 AM	9:00 AM	9:30 AM	9:00 AM	9:30 AM	9:00 AM	9:30 AM	9:00 AM	9:30 AM
10:00 AM	10:30 AM	10:00 AM	10:30 AM	10:00 AM	10:30 AM	10:00 AM	10:30 AM	10:00 AM	10:30 AM	10:00 AM	10:30 AM	10:00 AM	10:30 AM
11:00 AM		11:00 AM		11:00 AM		11:00 AM		11:00 AM		11:00 AM		11:00 AM	11:30 AM
	12:30 PM		12:30 PM		12:30 PM		12:30 PM		12:30 PM		12:30 PM	12:00 PM	12:30 PM
1:00 PM	1:30 PM	1:00 PM	1:30 PM	1:00 PM	1:30 PM	1:00 PM	1:30 PM	1:00 PM	1:30 PM	1:00 PM	1:30 PM	1:00 PM	1:30 PM
2:00 PM	2:30 PM	2:00 PM	2:30 PM	2:00 PM	2:30 PM	2:00 PM	2:30 PM	2:00 PM	2:30 PM	2:00 PM	2:30 PM	2:00 PM	2:30 PM
3:00 PM	3:30 PM	3:00 PM	3:30 PM	3:00 PM	3:30 PM	3:00 PM	3:30 PM	3:00 PM	3:30 PM	3:00 PM	3:30 PM	3:00 PM	3:30 PM
4:00 PM	4:30 PM	4:00 PM	4:30 PM	4:00 PM	4:30 PM	4:00 PM	4:30 PM	4:00 PM	4:30 PM	4:00 PM	4:30 PM	4:00 PM	4:30 PM
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10:00 PM	10:30 PM	10:00 PM	10:30 PM	10:00 PM	10:30 PM	10:00 PM	10:30 PM	10:00 PM	10:30 PM	10:00 PM	10:30 PM	10:00 PM	10:30 PM
						11:00 PM	11:30 PM	11:00 PM	11:30 PM	11:00 PM	11:30 PM		
								12:00 AM	12:30 AM				

 TRAM SERVICE NOT AVAILABLE

 FERRY SERVICE NOT AVAILABLE

NCUC No. 6

PLEASE MAKE RESERVATIONS FOR ALL TRANSPORTATION SERVICES

 Refer to Contractor Schedule, Item No. 55 and 56, for departure times.
Departing Deep Point 457-5003 Departing Island 457-5006

MAYFIELD COMMISSION QUESTIONS
EXHIBIT 1 - A-41 SUB 21

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Oct 25 2022

ITEM NUMBER 56: OPERATING HOURS FOR BALD HEAD ISLAND CONTRACTOR FERRY SERVICES (C)

All Times are DEPARTURE TIMES from Terminal Listed

Beginning 3/1 Through 10/31

MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY		SATURDAY		SUNDAY	
DEEP POINT	ISLAND	DEEP POINT	ISLAND	DEEP POINT	ISLAND	DEEP POINT	ISLAND	DEEP POINT	ISLAND	DEEP POINT	ISLAND	DEEP POINT	ISLAND
5:30 AM	6:00 AM	5:30 AM	6:00 AM	5:30 AM	6:00 AM	5:30 AM	6:00 AM	5:30 AM	6:00 AM				
6:30 AM	7:00 AM	6:30 AM	7:00 AM	6:30 AM	7:00 AM	6:30 AM	7:00 AM	6:30 AM	7:00 AM				
7:30 AM	8:00 AM	7:30 AM	8:00 AM	7:30 AM	8:00 AM	7:30 AM	8:00 AM	7:30 AM	8:00 AM				
8:30 AM		8:30 AM		8:30 AM		8:30 AM		8:30 AM					
	12:30 PM		12:30 PM		12:30 PM		12:30 PM		12:30 PM				
1:00 PM		1:00 PM		1:00 PM		1:00 PM		1:00 PM	1:00 PM				
								1:30 PM	2:00 PM				
2:30 PM	3:00 PM	2:30 PM	3:00 PM	2:30 PM	3:00 PM	2:30 PM	3:00 PM	2:30 PM	3:00 PM				
3:30 PM	4:00 PM	3:30 PM	4:00 PM	3:30 PM	4:00 PM	3:30 PM	4:00 PM	3:30 PM	4:00 PM				
4:30 PM	5:00 PM	4:30 PM	5:00 PM	4:30 PM	5:00 PM	4:30 PM	5:00 PM	4:30 PM	5:00 PM				
5:30 PM	6:00 PM	5:30 PM	6:00 PM	5:30 PM	6:00 PM	5:30 PM	6:00 PM						

FERRY SERVICE NOT AVAILABLE

NCUG-NW-6

● Ferry service provided aboard Bald Head Island Passenger Ferry

BALD HEAD ISLAND TRANSPORTATION, INC.

Item No. 10 Scope of Operations

IRREGULAR ROUTE COMMON CARRIER AUTHORITY

Transportation of passengers and their personal effects via water in ferry operations from Southport, NC to Bald Head Island, NC and return.

RULES AND REGULATIONS

Item No. 20 Ferry Schedules by Embarkation and Debarkation Points

Except as provided in Item No. 30, all ferries and trams will operate according to the schedules shown in Items No. 53, 54, 55, and 56 as long as there are passengers to be transported. Holiday Schedules and Additional Ferry Services are shown in Items No. 50 and 51, respectively. The Passenger Ferry and the Contractor Ferry will operate between Deep Point Marina in Southport, NC, and Bald Head Island, NC.

Item No. 30 Operational Notices

Safe Operations

Bald Head Island Transportation, Inc. reserves the right to cancel service if the weather or sea conditions could be hazardous to safe operations or if there is an equipment malfunction.

Prearranged Service

All transport service is subject to the availability of ferry and tram capacity. Tram service is not guaranteed but is provided if seating capacity is available for those ticket classes where tram service is included. The number of trams scheduled for operation to support ferry runs is based upon anticipated ridership. Reservations made well in advance are recommended. Ferry and tram passengers without reservations will be allowed to ride a scheduled ferry or an available tram on a first-come first-served basis, subject to capacity restrictions.

Baggage Handling

The transfer of passenger baggage between the baggage racks and the ferry at Deep Point and Bald Head Island terminals on all ferry runs will be provided for passengers, excluding those passengers holding Class IV No Frills, Class V Contractor, and Class VI Employee tickets.

BALD HEAD ISLAND TRANSPORTATION, INC.

Item No. 40 (cont.)

Class IV – No Frills **\$14.00**

Available for purchase only on Bald Head Island to persons living or staying on Bald Head Island. Tickets are valid only on the day of purchase for round trip transportation from Bald Head Island to Southport and return. No baggage or tram service is available with this ticket; parcels must be hand carried by the ticket holder.

Class V – Contractor **\$14.00**

Available to bona fide contractors traveling to the island to provide service on the island. Fare not available on Saturdays and Sundays. Contractor ferry must be used except as otherwise noted on the schedule. Tram and baggage services are not available. Contractors are allowed to ride the shuttle bus to and from the Contractor Service Village.

Class VI – Employee **\$14.00**

Available to bona fide employees of commercial and/or non-profit businesses located where that activity is not prohibited on Bald Head Island; also available to bona fide employees of governments and governmental agencies. Employees must be traveling in the course of their employment. Tram service and baggage handling are not included. Passengers holding this ticket will be allowed to board after all other fares have boarded, subject to ferry capacity restrictions.

Class VII – Children

Under age 3 years traveling with an adult.	\$0.00
Ages 3-12 years traveling with an adult	\$12.00

Tram service is not guaranteed but is provided if seating capacity is available. Reservations made well in advance are recommended.

BALD HEAD ISLAND TRANSPORTATION, INC.

TIME SCHEDULES FOR THE FERRY OPERATIONS

Item No. 50

Holiday Schedules

On Christmas Day, ferries will run a limited schedule. Ferries depart Deep Point at 9:00 a.m., 10:00 a.m., 5:00 p.m., and 6:00 p.m. Ferries depart Bald Head Island at 9:30 a.m., 10:45 a.m., 5:30 p.m., and 6:45 p.m. Tram service is not available to serve the 9:30 a.m. and 5:30 p.m. ferries. Tram service is available for the 10:45 a.m. and 6:45 p.m. ferry runs for passengers holding appropriate tickets.

On New Year's Day, Easter, Memorial Day, Fourth of July, Labor Day, and Thanksgiving Day, additional ferries may be added to the schedule if passenger volume merits.

Contractor ferry services are not offered on the weekday celebrating New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day, the Friday after Thanksgiving, Christmas Eve, and Christmas Day.

Item No. 51

Additional Ferry Services

Additional ferry services may be offered in the evening from Bald Head Island on the half hour and from Deep Point on the hour to transport employees to and from Bald Head Island, if notice of need and reservations are made by said employees on the day of service. Other passengers holding appropriate tickets may utilize all ferries, without guarantee of tram service, if such ferries run.

























Item No. 52

Shuttle Bus Service

Ground transportation via shuttle bus is offered between the Bald Head Island Ferry Terminal and the Contractor Service Village from Monday through Friday, excluding the holidays listed in Item No. 50. The shuttle bus departs from the Bald Head Island Ferry Terminal five (5) minutes after the arrival of the Contractor Ferry. The shuttle bus departs the contractor's service area fifteen (15) minutes before the scheduled departure of the Contractor Ferry from the Bald Head Island Ferry Terminal.

All Times are DEPARTURE TIMES from Terminal Listed

ITEM NUMBER 53: OPERATING HOURS FOR BALD HEAD ISLAND PASSENGER FERRY & TRAM SERVICES
Beginning 3/1 Through 11/30

MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY		SATURDAY				SUNDAY			
DEEP POINT	ISLAND	DEEP POINT	ISLAND	DEEP POINT	ISLAND	DEEP POINT	ISLAND	DEEP POINT	ISLAND	DEEP POINT	ISLAND	DEEP POINT	ISLAND	DEEP POINT	ISLAND	DEEP POINT	ISLAND
										6:00 AM	6:30 AM			6:00 AM	6:30 AM		
7:00 AM	7:30 AM	7:00 AM	7:30 AM	7:00 AM	7:30 AM	7:00 AM	7:30 AM	7:00 AM	7:30 AM	7:00 AM	7:30 AM			7:00 AM	7:30 AM		
8:00 AM	8:30 AM	8:00 AM	8:30 AM	8:00 AM	8:30 AM	8:00 AM	8:30 AM	8:00 AM	8:30 AM	8:00 AM	8:30 AM			8:00 AM	8:30 AM		
9:00 AM	9:30 AM	9:00 AM	9:30 AM	9:00 AM	9:30 AM	9:00 AM	9:30 AM	9:00 AM	9:30 AM	9:00 AM	9:30 AM			9:00 AM	9:30 AM		
10:00 AM	10:30 AM	10:00 AM	10:30 AM	10:00 AM	10:30 AM	10:00 AM	10:30 AM	10:00 AM	10:30 AM	10:00 AM	10:30 AM	10:30 AM	11:00 AM	10:00 AM	10:30 AM	10:30 AM	11:00 AM
11:00 AM		11:00 AM		11:00 AM		11:00 AM		11:00 AM		11:00 AM	11:30 AM	11:30 AM	12:00 PM	11:00 AM	11:30 AM	11:30 AM	12:00 PM
	12:30 PM		12:30 PM		12:30 PM		12:30 PM		12:30 PM	12:00 PM	12:30 PM	12:30 PM	1:00 PM	12:00 PM	12:30 PM	12:30 PM	1:00 PM
1:00 PM	1:30 PM	1:00 PM	1:30 PM	1:00 PM	1:30 PM	1:00 PM	1:30 PM	1:00 PM	1:30 PM	1:00 PM	1:30 PM	1:30 PM	2:00 PM	1:00 PM	1:30 PM	1:30 PM	2:00 PM
2:00 PM	2:30 PM	2:00 PM	2:30 PM	2:00 PM	2:30 PM	2:00 PM	2:30 PM	2:00 PM	2:30 PM	2:00 PM	2:30 PM	2:30 PM	3:00 PM	2:00 PM	2:30 PM	2:30 PM	3:00 PM
3:00 PM	3:30 PM	3:00 PM	3:30 PM	3:00 PM	3:30 PM	3:00 PM	3:30 PM	3:00 PM	3:30 PM	3:00 PM	3:30 PM	3:30 PM	4:00 PM	3:00 PM	3:30 PM	3:30 PM	4:00 PM
4:00 PM	4:30 PM	4:00 PM	4:30 PM	4:00 PM	4:30 PM	4:00 PM	4:30 PM	4:00 PM	4:30 PM	4:00 PM	4:30 PM			4:00 PM	4:30 PM		
5:00 PM	5:30 PM	5:00 PM	5:30 PM	5:00 PM	5:30 PM	5:00 PM	5:30 PM	5:00 PM	5:30 PM	5:00 PM	5:30 PM			5:00 PM	5:30 PM		
6:00 PM	6:30 PM	6:00 PM	6:30 PM	6:00 PM	6:30 PM	6:00 PM	6:30 PM	6:00 PM	6:30 PM	6:00 PM	6:30 PM			6:00 PM	6:30 PM		
7:00 PM	7:30 PM	7:00 PM	7:30 PM	7:00 PM	7:30 PM	7:00 PM	7:30 PM	7:00 PM	7:30 PM	7:00 PM	7:30 PM			7:00 PM	7:30 PM		
8:00 PM	8:30 PM	8:00 PM	8:30 PM	8:00 PM	8:30 PM	8:00 PM	8:30 PM	8:00 PM	8:30 PM	8:00 PM	8:30 PM			8:00 PM	8:30 PM		
9:00 PM	9:30 PM	9:00 PM	9:30 PM	9:00 PM	9:30 PM	9:00 PM	9:30 PM	9:00 PM	9:30 PM	9:00 PM	9:30 PM			9:00 PM	9:30 PM		
10:00 PM	10:30 PM	10:00 PM	10:30 PM	10:00 PM	10:30 PM	10:00 PM	10:30 PM	10:00 PM	10:30 PM	10:00 PM	10:30 PM			10:00 PM	10:30 PM		
11:00 PM		11:00 PM		11:00 PM		11:00 PM		11:00 PM		11:00 PM	11:30 PM			11:00 PM			
																	
						12:00 AM	12:30 AM	12:00 AM	12:30 AM	12:00 AM	12:30 AM						

TRAM SERVICE NOT AVAILABLE

FERRY SERVICE NOT AVAILABLE

● Offered from 2nd week of June through Labor Day Weekend

●● Offered from Memorial Day Weekend through Labor Day Weekend

Refer to Contractor Schedule, Item No. 55 and 56, for departure times.

NOTE: Supplemental ferry service departing Deep Point on the half-hour may be provided on holidays as needed. See Notices posted at terminal prior to the holiday for details.

PLEASE MAKE RESERVATIONS FOR ALL TRANSPORTATION SERVICES Departing Deep Point 457-5003 Departing Island 457-5006

Oct 25 2022

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MAYFIELD COMMISSION QUESTIONS
EXHIBIT 1 - A-41 SUB 21

OFFICIAL COPY

Oct 25 2022

ITEM NUMBER 55: OPERATING HOURS FOR BALD HEAD ISLAND CONTRACTOR FERRY SERVICES

All Times are DEPARTURE TIMES from Terminal Listed

Beginning 11/1 Through 2/29

MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY		SATURDAY		SUNDAY	
DEEP POINT	ISLAND	DEEP POINT	ISLAND	DEEP POINT	ISLAND	DEEP POINT	ISLAND	DEEP POINT	ISLAND	DEEP POINT	ISLAND	DEEP POINT	ISLAND
6:15 AM	6:45 AM	6:15 AM	6:45 AM	6:15 AM	6:45 AM	6:15 AM	6:45 AM	6:15 AM	6:45 AM				
7:15 AM	7:45 AM	7:15 AM	7:45 AM	7:15 AM	7:45 AM	7:15 AM	7:45 AM	7:15 AM	7:45 AM				
8:15 AM	8:45 AM	8:15 AM	8:45 AM	8:15 AM	8:45 AM	8:15 AM	8:45 AM	8:15 AM	8:45 AM				
9:15 AM		9:15 AM		9:15 AM		9:15 AM		9:15 AM					
	12:30 PM		12:30 PM		12:30 PM		12:30 PM		12:30 PM				
1:00 PM		1:00 PM		1:00 PM		1:00 PM		1:00 PM	1:00 PM				
								1:30 PM	2:00 PM				
2:30 PM	3:00 PM	2:30 PM	3:00 PM	2:30 PM	3:00 PM	2:30 PM	3:00 PM	2:30 PM	3:00 PM				
3:30 PM	4:00 PM	3:30 PM	4:00 PM	3:30 PM	4:00 PM	3:30 PM	4:00 PM	3:30 PM	4:00 PM				
4:30 PM	5:00 PM	4:30 PM	5:00 PM	4:30 PM	5:00 PM	4:30 PM	5:00 PM	4:30 PM	5:00 PM				

FERRY SERVICE NOT AVAILABLE

● Ferry service provided aboard Bald Head Island Passenger Ferry

Exhibit E

BALD HEAD ISLAND TRANSPORTATION, INC.
DOCKET NO. A-41, SUB 7
FOR THE TEST YEAR ENDED DECEMBER 31, 2009
Summary of Stipulated Rate Changes

Type of Passenger *	Present Rates **	Stipulated Rates
Class I GENERAL	\$16.00	\$23.00
Class II BULK/Bulk 40	\$13.50	\$17.50
Class III GROUP PURCH/Bulk 80	\$13.50	\$15.00
Class IV GOV'T EMPL	\$10.00	
Class V SPEC EVENT	\$11.00	
Class VI NO FRILLS	\$11.00	\$14.00
Class VII CONTRACTOR	\$11.00	\$14.00
Class VIII CORP GUEST	\$9.00	
Class IX EMPLOYEE	\$9.00	\$14.00
Class X CHILDREN	\$9.00	\$12.00
Class XI ANNUAL PASS	\$1,665.00	\$1,850.00
Class XII SENIOR CITZ ANNUAL	\$842.00	
Class XIII EXCESS BAGGAGE	\$15.00	\$23.00
Class XIV STUDENT TICKET	\$5.00	
Class XV LOST/ONE-WAY TICKET	\$5.00	\$11.50

* Before renumbering of rate classes.

** Includes fuel surcharge.

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Oct 25 2022

MAYFIELD COMMISSION QUESTIONS
EXHIBIT 1 - A-41 SUB 21

Exhibit G

BALD HEAD ISLAND TRANSPORTATION, INC.
DOCKET NO. A-41, SUB 7
FOR THE TEST YEAR ENDED DECEMBER 31, 2009
Book Depreciation Rates for Listed Assets

Property Group (a)	Asset Description (b)	In Service Date (c)	Depreciation Rate (d)
BHI Terminal	Island Dock Expansion	10/31/1999	5.00%
BHI Terminal	Decking At Island Services Terminal	1/1/2000	5.00%
BHI Terminal	Ferry Landing-Secondary Transp. Dock-Island	11/14/2005	5.00%
BHI Terminal	Island Ferry Terminal Bldg	8/1/1987	2.50%
DP Terminal	39-Year Tax Life Property	5/18/2009	2.50%
DP Terminal	Other Depreciable Property	Various	6.67%
Ferries	Patriot Ferry	9/1/2003	3.33%
Ferries	Ranger Ferry	7/1/2006	3.33%

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Oct 25 2022

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. A-41, SUB 21

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

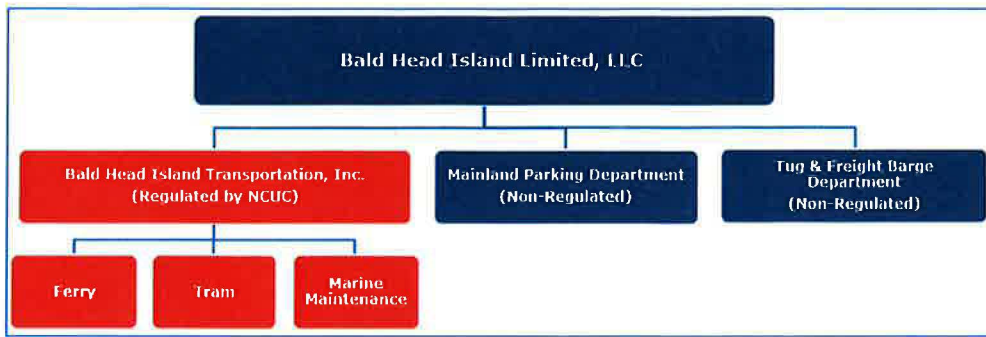
In the Matter of

VILLAGE OF BALD HEAD ISLAND,)	
Complainant,)	
v.)	
)	
BALD HEAD ISLAND)	
TRANSPORTATION, INC. and)	
BALD HEAD ISLAND LIMITED,)	
LLC,)	
Respondents.)	

**DIRECT TESTIMONY OF
SHIRLEY MAYFIELD**

EXHIBIT A

September 8, 2022



**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,)	
Complainant,)	
v.)	
)	
BALD HEAD ISLAND)	
TRANSPORTATION, INC. and)	
BALD HEAD ISLAND LIMITED,)	
LLC,)	
Respondents.)	

**DIRECT TESTIMONY OF
SHIRLEY MAYFIELD**

EXHIBIT B

September 8, 2022

I/A

EXHIBIT B
TO DIRECT TESTIMONY
OF S. MAYFIELD
NCUC A-41, SUB 21



May 15, 2022

Chief Clerk
North Carolina Utilities Commission
4325 Mail Service Center
Raleigh, NC 27699

Re: Docket No. A-41, Sub 7A – Quarterly Financial Report of Monthly Information

Chief Clerk:

As required by Commission Order dated December 17, 2010, Bald Head Island Transportation, Inc. files the attached Quarterly Financial Report of Monthly Information for the first quarter calendar year 2022.

Sincerely,

Shirley A. Mayfield
Secretary/Treasurer
Bald Head Island Transportation, Inc.

/att

OFFICIAL COPY

May 18 2022

OFFICIAL COPY

May 25 2022

EXHIBIT B
TO DIRECT TESTIMONY
OF S. MAYFIELD
NCUC A-41, SUB 21

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OFFICIAL COPY

May 25 2022

May 18 2022

VERIFICATION UNDER OATH REGARDING ACCURACY OF REPORT

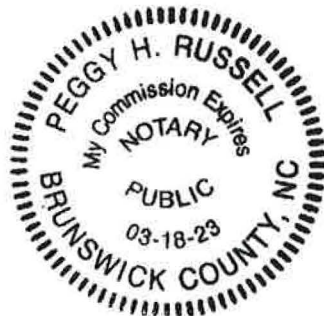
(NOTE: THIS VERIFICATION SHALL BE COMPLETED BY EITHER THE CHIEF EXECUTIVE OFFICER, A SENIOR LEVEL FINANCIAL OFFICER, OR THE RESPONSIBLE ACCOUNTING OFFICER)

I, Shirley A. Mayfield, state and attest that the attached Quarterly Financial Report of Monthly Information is filed on behalf of Bald Head Island Transportation, Inc., as required by the North Carolina Utilities Commission; that I have reviewed said report and, in the exercise of due diligence, have made reasonable inquiry into the accuracy of the information provided therein; and that, to the best of my knowledge, information, and belief, all of the information contained therein is accurate and true, no material information or fact has been knowingly omitted or misstated therein, and all of the information contained in said report has been prepared and presented in accordance with all applicable North Carolina General Statutes, Commission Rules, and Commission Orders.

Shirley A. Mayfield
Shirley A. Mayfield
Secretary/Treasurer
Bald Head Island Transportation, Inc.

May 16, 2022
Date

Subscribed and sworn before me this the 16 day of May, 2022



Peggy H. Russell
Notary Public
My Commission Expires: 3-18-2023

EXHIBIT B
TO DIRECT TESTIMONY
OF S. MAYFIELD
NCUC A-41, SUB 21

Bald Head Island Transportation, Inc.
Income Statement
For the Quarter Ended March 31, 2022

	January	February	March	1st Qtr	YTD
Operating Revenues					
Ferry Tickets	264,967	332,973	478,827	1,076,767	1,076,767
Fuel Surcharge & Amortization	0	-	0	0	0
Interco Tram	0	-	0	0	0
Tram	0	-	1,020	1,020	1,020
Other Miscellaneous	410	664	2,560	3,634	3,634
Total Operating Revenues	265,377	333,637	482,407	1,081,421	1,081,421
Operating Expenses					
Wages and Benefits	248,380	222,096	252,944	723,420	723,420
Insurance	21,021	21,021	21,021	63,063	63,063
General & Administrative	1,858	2,783	6,219	10,860	10,860
Legal & Professional	3,204	5,335	7,055	15,594	15,594
Uniforms	200	1,099	0	1,299	1,299
Utilities	3,973	2,636	2,918	9,527	9,527
Deep Point Allocation	28,322	27,759	27,147	83,228	83,228
Safety Equipment	988	1,949	673	3,610	3,610
Baggage Products	67	63	171	301	301
Supplies General	1,866	1,446	1,738	5,049	5,049
Fuel	56,463	54,508	85,577	196,548	196,548
Supplies LP Gas	0	0	52	52	52
Supplies Small Tools	125	0	30	155	155
R&M Buildings	24	24	25	73	73
R&M Carts & Vehicles	11,571	3,371	13,709	28,651	28,651
R&M Machinery & Equipment	0	20	47	67	67
R&M Docks & Piers	0	0	1,449	1,449	1,449
Marina Maintenance Reserve	0	0	0	0	0
Dredging	0	0	0	0	0
R&M Ferries	9,343	3,077	6,342	18,762	18,762
Credit Card	3,067	3,918	6,290	13,275	13,275
Equipment Rental	85	85	0	170	170
Taxes Licenses & Permits	77	27	71	175	175
Signage	850	850	975	2,675	2,675
Total Operating Expenses	391,483	352,067	434,453	1,178,003	1,178,003

EXHIBIT B
TO DIRECT TESTIMONY
OF S. MAYFIELD
NCUC A-41, SUB 21

Bald Head Island Transportation, Inc.
Income Statement
For the Quarter Ended March 31, 2022

	January	February	March	1st Qtr	YTD
Intercompany/Department Trans					
Management Fees	17,258	17,258	17,258	51,774	51,774
Facility Maintenance	0	0	0	0	0
Facilities Lease	104,392	104,392	104,392	313,176	313,176
Employee Ferry	4,760	4,690	5,964	15,414	15,414
Other Interco Expense	81	288	104	473	473
Monthly Parking	4,558	4,558	4,613	13,729	13,729
Vehicle Maintenance	0	0	0	0	0
Fuel	0	0	0	0	0
Total Intercompany Expenses	131,049	131,186	132,331	394,566	394,566
Total Operating & Interco Exp	522,532	483,253	566,764	1,572,569	1,572,569
Depreciation Exp/Amortization	32,773	32,738	33,000	98,511	98,511
Gain or Loss on Capital Asset	1,102	2,324	0	3,426	3,426
Property Taxes	5,869	5,808	5,997	17,674	17,674
Payroll Taxes	16,446	16,609	18,817	51,872	51,872
Regulatory Fee	0	0	1,400	1,400	1,400
State Income Tax	0	0	3,720	3,720	3,720
Federal Income Tax	0	0	0	0	0
Total Operating Rev Deductions	576,722	540,732	629,718	1,749,172	1,749,172
Net Operating Income for Return	(313,345)	(207,095)	(147,311)	(667,751)	(667,751)
Interest	2,199	2,009	2,245	6,453	6,453
Net Profit/(Loss)	(315,544)	(209,104)	(149,556)	(674,204)	(674,204)

Footnote:

1/ Reflects accelerated tax depreciation methodologies not used in the regulated financials

EXHIBIT B
TO DIRECT TESTIMONY
OF S. MAYFIELD
NCUC A-41, SUB 21

Bald Head Island Transportation, Inc.
Plant Schedule - Per Regulatory Accounting Basis
For the Quarter Ended Mar 31, 2022

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May 18 2022

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May 25 2022

Description	At end of Month			
	Plant	Accumulated Depreciation	Deferred Taxes	Regulated Depreciation
January 2022:				
Land	64,355	-	-	-
Docks & Piers	94,648	39,946	-	526
Vehicles	1,186,386	790,706	2,293	11,886
Equipment	260,089	214,346	3,520	899
Computer Hardware	71,583	71,583	-	-
Computer Software	67,087	67,087	-	-
BHIT Boats	4,957,751	2,415,186	7,662	21,733
Total BHIT	6,701,899	3,598,854	13,475	35,044
February 2022:				
Land	64,355	-	-	-
Docks & Piers	94,648	40,472	-	526
Vehicles	1,186,386	802,558	1,960	11,852
Equipment	260,089	215,244	3,472	899
Computer Hardware	71,583	71,583	-	-
Computer Software	67,087	67,087	-	-
BHIT Boats	4,951,690	2,433,181	7,167	21,733
Total BHIT	6,695,838	3,630,125	12,599	35,009
March 2022:				
Land	64,355	-	-	-
Docks & Piers	94,648	40,998	-	526
Vehicles	1,186,386	814,409	1,628	11,852
Equipment	260,089	216,143	3,424	899
Computer Hardware	71,583	71,583	-	-
Computer Software	67,087	67,087	-	-
BHIT Boats	4,959,194	2,455,176	6,672	21,995
Total BHIT	6,703,342	3,665,396	11,724	35,271
1st QUARTER 1/	6,703,342	3,665,396	11,724	105,324
YTD as of 3/31/2022 1/	6,703,342	3,665,396	11,724	105,324

EXHIBIT B
TO DIRECT TESTIMONY
OF S. MAYFIELD
NCUC A-41, SUB 21

BALD HEAD ISLAND TRANSPORTATION, INC.
Report of Passengers Boarded by Fare Class
On-Time Performance (OTP) Information

TYPE TICKET	2022	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL
Class I GENERAL		3,014	4,250	7,828										15,092
Class II BULK 40		1,928	2,457	3,380										7,765
Class III BULK 80		150	159	172										481
Class IV NO FRILLS		474	476	676										1,626
Class V CONTRACTOR		2,412	2,663	3,419										8,494
Class VI EMPLOYEE		7,718	8,265	10,180										26,163
Class VII CHILDREN		176	391	943										1,510
Class VII CHILDREN NO COST		41	65	187										273
Class VIII ANNUAL PASS		138	171	191										500
Class X ONE-WAY TICKET		131	145	175										451
TOTAL (w/o Class X ONE-WAY)		16,051	18,897	26,958	0	0	0	0	0	0	0	0	0	61,904
TOTAL (w/Class X ONE-WAY)		16,182	19,042	27,131	0	0	0	0	0	0	0	0	0	62,355
Class IXa OVERSIZED BAGGAGE		45	122	217										384
Class IXb EXCESS BAGGAGE		0	0	0	0	0	0	0	0	0	0	0	0	0
TICKETED TRAM RIDERS ^{1/}		1,701	2,635	5,031										9,367
INVOICED TRAM RIDERS		0	0	0	0	0	0	0	0	0	0	0	0	0
INVOICED INTERCO SHUTTLE BUS RIDERS		0	0	0										0
INVOICED NON-INTERCO SHUTTLE BUS RIDERS		0	0	0										0
														Average
FERRY DEPARTURES ON-TIME		88%	86%	85%										86%
NUMBER DAYS WITH A LATE DEPARTURE		17	20	25										21

Notes:

^{1/} Riders whose ticket includes tram

**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,)	
Complainant,)	
v.)	
)	
BALD HEAD ISLAND)	
TRANSPORTATION, INC. and)	
BALD HEAD ISLAND LIMITED,)	
LLC,)	
Respondents.)	

**DIRECT TESTIMONY OF
SHIRLEY MAYFIELD**

EXHIBIT C

September 8, 2022

Departmental Allocations of common expenses

Telephone	
Cable	
Utilities Water & Sewer	
Utilities Electric	
Trash & Garbage	
Supplies General	
Supplies Fuel	
R&M Buildings	
R&M Carts & Vehicles	
R&M Machinery & Equipment	
R&M Landscaping and Grounds	
R&M Docks & Piers	
Copying, Printing & Forms	
Pest Control	
Rental Equipment	
Taxes, Licenses, & Permits	
Security	
Property Tax	
Insurance	
Sales Tax	
Depreciation	
(Gain) or Loss Cap Asset	
VC Facilities Maintenance	
VC Housekeeping	
VC Monthly Parking (for security guard)	

**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,)	
Complainant,)	
v.)	
)	
BALD HEAD ISLAND)	
TRANSPORTATION, INC. and)	
BALD HEAD ISLAND LIMITED,)	
LLC,)	
Respondents.)	

**DIRECT TESTIMONY OF
SHIRLEY MAYFIELD**

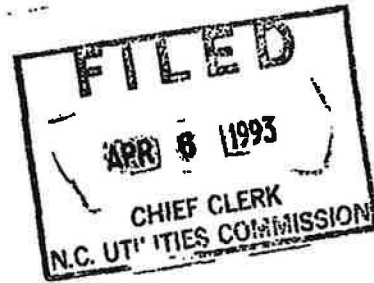
EXHIBIT D

September 8, 2022

EXHIBIT D
TO DIRECT TESTIMONY
OF S. MAYFIELD
NCUC A-41, SUB 21



April 2, 1993



Ms. Barbara A. Sharpe, Director
Transportation Division
North Carolina Utilities Commission
P. O. Box 29510
Raleigh, NC 27626

Re: Bald Head Island Ferry Service

A-41

Dear Ms. Sharpe:

Receipt is acknowledged of your letter of February 24, 1993 concerning operation of the Bald Head Island ferry service. Enclosed please find the completed application forms and supporting exhibits as well as check in the amount of \$25.00 representing the filing fee. We apologize for the delay in our response, however, our financial statements have just been completed.

Bald Head Island is a barrier island with no regular means of access to the mainland for residents, guests and employees except for our ferry service which has been in operation for several years. Cessation of the service pending the application process would create a great hardship on hundreds of people who depend on the ferry. We would therefore request temporary authority to continue regular service pending issuance of certificate of authority.

Your advice would be appreciated.

Sincerely,

Sandra L. Darby
Vice President Administration
Legal Counsel

SLD/ec
Enclosures

Sharpe

APPLICATION FOR CERTIFICATE OF AUTHORITY FOR PASSENGER OPERATIONS

TO THE NORTH CAROLINA UTILITIES COMMISSION, RALEIGH, NORTH CAROLINA

BALD HEAD ISLAND TRANSPORTATION, INC.

Individual, corporate or trade name

P. O. Box 3069	Bald Head Island	NC	28461	(919)457-5000
Address	City	State	Zip	Telephone

hereby makes application under the provisions of the Public Utilities Act for a Certificate to transport passengers, as a common carrier: () over fixed routes () in charter operations. (x) ferry

1. That the applicant will be the sole owner and in control of the transportation business herein proposed; that said applicant is: () an individual; () a partnership; (x) a corporation incorporated under the laws of NC; that the names and addresses of the partners; if a partnership, or of the principal managing officers, if a corporation, are as follows:

<u>Name</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
M. Kent Mitchell, Pres.	P. O. Box 3069	Bald Head Island	NC	28461
Mark D. Mitchell, VP	"	"	"	"
Charles C. Byers, VP	"	"	"	"
David A. Busfield, Sec/Treas	"	"	"	"

2. That the applicant has a copy of the Public Utilities Act and is familiar with the meaning of terms as defined in Section 62-3; with the procedure and proof required for a Certificate as set out in Section 62-262.1; with the provisions with respect to dual operations as set out in Section 62-264; with the insurance requirements as set out in Section 62-268; with the requirements with respect to rates and charges and the filing of tariffs as set out in Section 62-138; and with the requirements with respect to making and filing partnership agreements as set out in Section 62-115.

3. That the applicant now holds Certificate No. none issued by the Interstate Commerce Commission; Certificate No. none issued by the North Carolina Utilities Commission; Certificates or Franchises issued by the following North Carolina cities or towns: none (If you do not hold such authority write "none" in blanks)

4. That in support of this application there is attached hereto and made a part hereof Exhibits A, B, C, and D.

Submitted this day of April, 1993.

Sandra L. Dady
Attorney for Applicant
P. O. Box 3069
Bald Head Island, NC 28461
Address

BALD HEAD ISLAND TRANSPORTATION, INC.

By Mark D. Mitchell
Name of Applicant
president

Application of Bald Head Island Transportation, Inc.

VERIFICATION

STATE OF North CarolinaCOUNTY OF Brunswick

The M. Kent Mitchell, President of Bald Head Island Transportation, Inc., personally appeared before me this day and, being first duly sworn, says that the facts stated in the foregoing application and all exhibits, documents, and statements thereto attached are true as he verily believes.

WITNESS my hand and notarial seal, this 5th day of April, 1993

Elizabeth J. Centrell
Notary Public

My Commission expires

12-11-96**EXHIBIT A** The applicant proposes to operate regular schedules over the following fixed routes:

(Illustration: From Raleigh over U.S. Highway 70 to Smithfield; thence over U.S. Highway 301 to Benson and return over the same route.)

1. From Indigo Plantation, Southport, North Carolina, north along the Intracoastal Waterway, thence eastward on the Cape Fear River to Bald Head Island, North Carolina, and return
2. From 704 E. Moore Street, Southport, NC, eastward on the Cape Fear River to Bald Head Island, NC, and return (see attached)

EXHIBIT B The applicant proposes to engage in charter operations within the following area:

The Atlantic Ocean, The Cape Fear River, The Intracoastal Waterway, all within 3.5 miles, more or less, of Bald Head Island, North Carolina (except for route #4 as described in Exhibit A above)

EXHIBIT C Two (2) official highway maps showing the fixed route operations, if applicable. The applicant's proposed routes are clearly traced on said maps in red (pencil or ink).

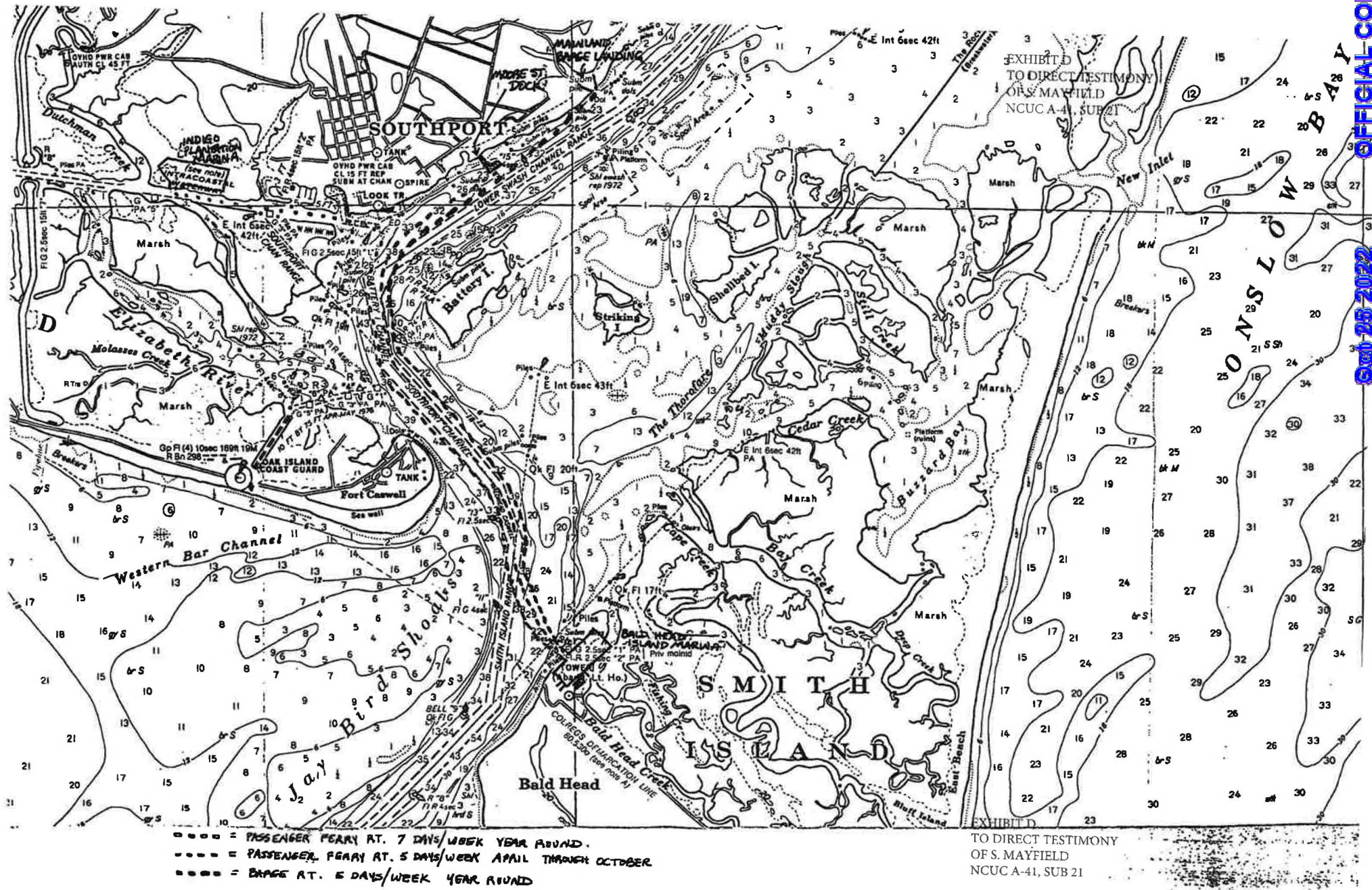
Attached

EXHIBIT D Applicant's assets and liabilities are as follows: As of December 31, 1992:

<u>ASSETS</u>		<u>LIABILITIES</u>	
Real Estate	\$ <u>-0-</u>	Liens on Real Estate	\$ <u>-0-</u>
Rolling Equipment	<u>773,208</u>	Liens on Equipment	<u>835,710</u>
Cash on Hand	<u>800</u>	Judgments	<u>-0-</u>
Cash in Bank	<u>14,713</u>	Other Liabilities	<u>53,612</u>
Other Assets	<u>197,773</u>	Advances from Parent Co.	<u>1,297,321</u>
Total	<u>\$1,486,494</u>	Total	<u>\$ 2,186,643</u>

EXHIBIT A (cont'd.)

3. From Landing located off E. Moore Street, northeast of the Town of Southport, south along the Cape Fear River, thence eastward on the Cape Fear River to Bald Head Island, North Carolina.
4. Nonregular route for "sunset cruises" which may be offered between April and October, approximately 90 minutes in duration, possibly twice weekly, aboard vessel licensed for transport on the Cape Fear River, Atlantic Intracoastal Waterway and Atlantic Ocean not more than 20 miles from a harbor of safe refuge between Cape Hatteras, NC and Little River, SC.



REBUTTAL EXHIBIT STG-1**Excerpt from BHA Informational Meeting, July 27, 2022²**

1 ROBERT DRUMHELLER [BHA Board member]

2
3 Q. All right. Thankfully I'm going to skip over three because I think you largely
4 addressed that in your comments. So let me move on to four. If it turns out that
5 the barge and the parking do actually become regulated is that likely to result in a
6 meaningful increase or decrease in future rates that otherwise would be charged in
7 an unregulated environment. Could there be a large plant acquisition adjustment
8 which might end up increasing the rates over what they otherwise would be.
9 What I'm trying to get at, is, if it does turn out to be regulated could we be
10 potentially worse off perhaps at the beginning because of some mechanics of how
11 the regulation sets the ferry, sets the pricing.

12
13 LEE ROBERTS

14
15 A. Yeah it's back to Utilities Commission and that's a good point. I do think that
16 that's a risk because of the way the Utilities Commission calculates what they call
17 the rate base, they've got a reasonably complex formula – Scott's alluded to this,
18 for, as has Susan, for how they calculate the cost of providing a service and I
19 think you're right, I think there's a decent chance that if you incorporate the other
20 operating businesses that are currently not regulated the way they calculate a rate
21 base could end up with a rate increase. It reinforces what I said earlier, which is
22 that we don't really think there's a need for regulating the parking and the barge
23 because we think incentives are already aligned. We would be short-sighted and
24 foolhardy to raise rates for either of those operating businesses beyond normal
25 cost of living increases which is what the Commission would allow under any
26 circumstances and so I think we believe that the status quo from a regulatory
27 standpoint is the best answer for that reason, among others.

² Available at <https://youtu.be/CxcAInAJups?t=3652> (last viewed Sept. 25, 2022).

I/A

REBUTTAL EXHIBIT STG-2

**CONSUMER POSITION STATEMENT
OF ROBERT BLAU AND PAUL CAREY**

September 14, 2022

Via Electronic Filing

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

Re: ***Docket A-41, Sub 21***
Village of Bald Head Island v. Bald Head Island Transportation, and Bald
Head Island Limited, LLC

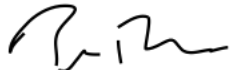
and;

Docket 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 Certificate to Bald Head Island Ferry Transportation, LLC,
and Permission to Pledge Assets

Dear Ms. Dunston:

Transmitted herein is a ***Consumer Statement of Position*** in both of the aforementioned proceedings. Should you have any questions, please do not hesitate to contact us.

Respectfully yours,



Robert T. Blau
5 Starrush Trail
Bald Head Island, NC 28461
Email: blaur@bellsouth.net



J. Paul Carey
611 Currituck Way
Bald Head Island, NC 28461
Email: paul.carey@icloud.com

Enclosure

cc: Christopher Ayers, Director, NC Public Staff
Lucy Edmondson, Chief Counsel, NC Public Staff
Gina Holt, Manager, Legal Division, NC Public Staff
Zeke Creech- NC Public Staff
Jessica Heironimus -NC Public Staff

OFFICIAL COPY

SEP 23 2022

September 14, 2022

Consumer Statement of Position

Re: Docket A-41 Sub 21 and Docket A-41 Sub 22

The following *Consumer Statement of Position* discusses issues that the NC Utilities Commission will consider in Docket A-41, Sub 21, the Village of Bald Head Island's petition to regulate the Bald Head Island transportation system (System) in its entirety, as well as Docket A-41, Sub 22, Bald Head Island Limited's (BHIL) application to transfer ownership of the System's regulated passenger ferry, along with the System's unregulated parking and barge operations, to SharpVue Capital (SharpVue), a private equity investor, for \$56M.

In 1995, the NC Utilities Commission determined that the Bald Head Island (BHI) passenger ferry is an essential service that must operate with a certificate of public necessity and convenience. The ferry terminal and parking facility at the Deep Point marina in Southport NC are ancillary services that clearly are essential to the provision passenger ferry service. Similarly, because the System's barge operation is a common carrier that transports virtually all goods, produce, materials, and service vehicles between the mainland and the island, it too is essential to sustaining the BHI community, and, by extension, the BHI passenger ferry. Few would bother to park at the Deep Point ferry terminal if the passenger ferry didn't run, just as few would bother to park at Deep Point and get on the passenger ferry, if the barge ceased operations and did not deliver the goods and materials needed to sustain the community of Bald Head Island.

This analysis documents why the entire BHI transportation System – passenger ferry, parking facility and barge – provides mutually interdependent, essential services and should be regulated as a commercially owned and operated local monopoly. It draws on financial projections for the System that were developed by the Bald Head Island Transportation Authority (BHITA) which, in late 2020, proposed to acquire the System for \$47.75M and finance the deal through a \$56M revenue bond issue.

The NC Local Government Commission (LGC), which must approve the issuance of all public debt in North Carolina, did not approve BHITA's bond application. In the course of discussing the application, members of the LGC expressed concern that the real estate appraisals on which BHITA's proposed acquisition price and bond issue were based were excessive and deeply flawed. It was noted, for example, that BHITA's appraised value of the Deep Point ferry terminal, including the parking and barge facility, was two and a half times what the Brunswick County tax assessor estimated they were worth. LGC members also expressed concern that a **20 percent** across-the-board increase in ferry, parking and barge rates that BHITA proposed to implement immediately after acquiring the system in 2021 -- in order to recoup annual debt service costs on its proposed \$56M revenue bond issue -- would have unfairly enriched the Mitchell Family Corporation, which owns BHIL, at the expense of captive System users.

BHITA spent nearly four years developing an extensive factual record pertaining to the System's operational and financial performance. That record has a direct bearing on the Village's petition to regulate the System's parking and barge operations, as well as BHIL's application to transfer

ownership of the regulated BHI passenger ferry to SharpVue. It should be reviewed and considered by the Commission and its Public Staff in resolving both proceedings.

Q. ARE THEIR SPECIFIC ELEMENTS OF BHITA'S BOND APPLICATION THAT THE COMMISSION AND THE PUBLIC STAFF SHOULD CONSIDER?

A. Three documents developed for or by the BHITA are particularly relevant to Docket A-41, Sub 21 and Docket A-41, Sub 22. The first report, *Bald Head Island Sellers Due Diligence*, was done by Mercator International for BHIL, the seller, in January 2018. It estimated the enterprise value of the System at \$56M, as well as its three components: the BHI passenger ferry (\$3.6M), the Deep Point parking facility (\$38.2M), and the barge (\$14M).

The second report, BHITA's *Bond Feasibility Study* also was done by Mercator International, in December 2020. It estimated how much cash flow the System could generate to cover annual debt service costs on a revenue bond issue that BHITA would have used to finance its acquisition of the System. The third report, a *Credit Presentation* that BHITA made to the LGC staff on Dec. 3&4, 2020, outlined BHITA's plans and financial wherewithal to acquire the System from BHIL for \$47.75M, and finance the deal through a \$56M revenue bond issue that S&P Global tentatively rated BBB-, or one notch above junk.

Q. HOW SPECIFICALLY ARE THESE DOCUMENTS RELEVANT TO ISSUES PRESENTED IN DOCKET A-41, SUB 21 AND DOCKET A-41, SUB 22?

A. All three documents provide extensive factual evidence that the System and its three principal components – the passenger ferry, parking facility at the Deep Point ferry terminal in Southport NC, and the tug & barge operation which transports virtually all goods and materials between the mainland and the island – constitute an integrated, commercially-owned local monopoly that provides essential services to one geographic market: the community of Bald Head Island. All three documents also highlight the fact that BHIL's barge service currently operates as an unregulated monopoly/common carrier.

Second, all three documents conclusively demonstrate that earnings on BHIL's unregulated parking and barge operations are: 1) well in excess of earnings derived from its regulated passenger ferry, 2) excessive and indicative of monopoly pricing abuse, and 3) responsible for very high market valuations that both BHITA and SharpVue placed on the System.

Third, all three documents highlight the hard fact that if the System's parking and barge services remain unregulated, captive users of those services will end up paying for a disproportionately large amount of the System's purchase price -- however unreasonably high, it might turn out to be. For reasons discussed below, there also is ample reason to believe that if the System's unregulated parking and barge operations are transferred to another commercial operator, like SharpVue, both will likely be sold off to an owner/operator(s) with no financial interest in the regulated passenger ferry. Doing so could preclude the imputation of parking and/or barge revenues to the passenger ferry and cut off one way of keeping regulated ferry rates lower than

they would otherwise be -- as the Commission did when it approved a settlement agreement that resolved BHIL's last rate case in 2010.

Q. DO ANY OF THE THREE REPORTS DISPUTE THAT THE SYSTEM, AND EACH OF ITS THREE COMPONENTS, THE PASSENGER FERRY, DEEP POINT PARKING FACILITY AND BARGE, CONSTITUTE A COMMERCIALY-OWNED, LOCAL MONOPOLY?

A. Both Mercator reports as well as BHITA's *Credit Presentation* provide extensive documentation that the System is the sole provider of transportation services to BHI, and has the capacity to serve the island's transportation needs (i.e., passenger ferry, mainland parking, and barge capacity) for the foreseeable future. As Mercator's *Bond Feasibility* report put it: "Vehicle parking demand is derivative of passenger ferry traffic." (p. 50)

Q. WHAT DO THE THREE REPORTS SAY ABOUT THE SYSTEM'S PROFITABILITY?

A. All three reports indicate that the System's unregulated parking and barge operations are substantially more profitable than the regulated passenger ferry. The Mercator *Due Diligence* report estimated EBITDA margins for all three components, and the System as a whole, as follows:

EBITDA Margins (Earnings Before Interest, Taxes, and Depreciation/Amortization as a % of Revenues)

Component	Year								
	2016	2017	2018	2019	2020	2025	2030	2035	2040
Ferry	-3.1%	5.6%	10.3%	12.1%	11.8%	15.0%	12.4%	12.6%	12.3%
Parking	70.1%	71.7%	82.3%	83.0%	83.1%	84.0%	84.8%	85.5%	86.1%
<u>Barge</u>	<u>71.8%</u>	<u>71.3%</u>	<u>74.8%</u>	<u>76.5%</u>	<u>76.9%</u>	<u>78.9%</u>	<u>80.5%</u>	<u>82.0%</u>	<u>83.2%</u>
Consolidated	25.6%	31.4%	43.2%	45.0%	45.2%	47.6%	48.0%	49.3%	50.3%

Source: Mercator International *Bald Head Island Sellers Due Diligence*, January 2018, Tables 13-16, pp. 66-71.

Tables on pages 44-47 of BHITA's *Credit Presentation* indicate that EBITDA margins on the currently regulated passenger ferry service would have increased from **24.6%** of revenues in 2022 to **27.5%** in 2030 had BHITA acquired the System in 2021. EBITDA margins on the System's unregulated parking service were projected to rise from **81.8%** to **82.8%** over the same time frame, whereas EBITDA margins on its unregulated barge operations were expected to decline marginally from **70%** in 2022 to **68%** in 2030. Again, projected EBITDA margins for 2022 were based on expectations that BHITA would have acquired the System in 2021 and immediately raised ferry, parking and barge rates by **20 percent** in order to recoup annual debt service costs on its proposed \$56M revenue bond issue.

Q. IN THIS INSTANCE, ARE EBITDA MARGINS IN THE 70% TO 80%+ RANGE INDICATIVE OF MONOPOLY PRICING ABUSE?

A. Yes, particularly in view of the fact that the System's parking and barge operations are mature, low growth lines-of-business that require only modest amounts of capital spending and, thus, have low depreciation expenses relative to operating revenues. Each, of course, also currently operates as a commercially-owned, unregulated local monopoly.

Most publicly traded companies that make up the S&P 500 have EBITDA margins in the range of 11%-15%, with anything above 10% considered "good." EBITDA margins do vary by industry with capital intensive businesses like water utilities and railroads having greater EBITDA margins (e.g., 40% to 45%) given that they have large on-going capital spending requirements and related depreciation expenses relative to their operating revenues. But EBITDA margins in the 70%-80%+ range for businesses with very modest capital spending and depreciation expenses are excessive and, in this instance, clearly indicative of monopoly pricing abuse.

Q. HOW DO THE SYSTEM'S EBITDA AND EBITDA MARGINS RELATE TO ITS MARKET VALUE AND SALES PRICE?

A. For privately owned businesses like the System that are not publicly traded, market or enterprise valuations (EV) are commonly developed, and expressed as a multiple of the firm's projected EBITDA which is discounted back to a present value (i.e., EV) using its weighted average cost-of-capital as the discount rate. Techniques for doing so are well explained in Mercator's *Bald Head Island Sellers Due Diligence* report. On page 72, the report notes, for instance:

A summary level view of Mercator's calculation of EV relative to EBITDA, as forecast for 2018, is ... approximately 11.1x (or \$56M). By unit, the ferry and tram business generates a 5.7x ratio (\$3.6M), the parking and facilities lease business generates an 11.2x ratio (\$38.2M), and the tug and freight barge business generates a 14.1x ratio (\$14M).

Of note, on page 72, the report goes on to state:

The "parking and marine terminal business" of the BHIL group is much like a property-based business and as such could be valued using a traditional real estate "capitalization rate" methodology... [T]ransactions in that space have been reported at average capitalization rates on the order of 7 percent (as opposed to BHIL's estimated 9.5% weighted average cost-of-capital which Mercator used to discount future cash flows/EBITDA and arrive at a \$38.2M valuation). Using that (7%) as a reference, the parking and "marine terminal business" within BHI Limited, with EBITDA of \$3.61M in 2018, could have a sale value on the order of \$51 million (14.1x) which exceeds the \$38 million valuation derived above for the parking and facilities (lease) business and indicates the \$38 million valuation is likely conservative.

Q. WHY IS MERCATOR'S VALUATION, PARTICULARLY OF BHIL'S PARKING OPERATION, RELEVANT TO THE VILLAGE OF BALD HEAD ISLAND'S PETITION TO REGULATE THE SYSTEM'S PARKING AND BARGE OPERATIONS, AND BHIL'S APPLICATION TO TRANSFER OWNERSHIP OF THE SYSTEM TO SHARPVUE FOR \$56M?

A. Mercator's valuation report contends that the System may be worth \$56M (or possibly more), but *only because BHIL's unregulated parking and barge operations are earning an excessive amount of monopoly profits that "justifies" or produces a valuation that high.* Again, this is evidenced by extremely high EBITDA margins (e.g., 70 to 80%+) for both operations. Favorable action on the Village's petition would obviously help correct that problem and protect captive System users from monopoly pricing abuse going forward.

Mercator's valuation report as well as financial data presented in its *Bond Feasibility* study and BHITA's *Credit Presentation* also underscore the need for the Commission to rule on the Village's petition before acting on BHIL's transfer of ownership application. The reasons for this have to do with the fact if the Commission were to: 1) defer taking favorable action the Village's petition to regulate BHIL's parking and barge operations and 2) subsequently approve transferring ownership of the System from BHIL to SharpVue, the System would likely be broken up and its regulated and unregulated components sold off to different owners.

Q. WHY WOULD SHARPVUE, OR ANY OTHER COMMERCIAL OPERATOR, BE INCLINED TO PURCHASE THE SYSTEM AS A SINGLE ENTITY, AND SUBSEQUENTLY SELL OFF ITS FERRY, PARKING AND BARGE OPERATIONS TO DIFFERENT OWNERS?

A. It is reasonable to expect that the higher the price a private equity investor, like SharpVue, might agree to pay for the System, the greater the likelihood that the System will be broken up with the unregulated piece-parts (i.e., parking and barge) sold off to an owner(s) who does not have a financial stake in the regulated passenger ferry. This is simply because separating ownership of the System's currently regulated and unregulated assets would preclude the imputation of unregulated parking or barge revenues to the regulated passenger ferry operation in an effort to keep ferry rates lower than they would otherwise be.

In 2010, when the Commission approved a settlement agreement in BHIL's last major rate case, BHIL agreed to impute \$523,097 annually in BHIL's parking revenues to help offset the annual cost of operating the regulated passenger ferry, at least thru 2016 when the agreement terminated. BHIL did so in order to gain Commission approval of a general rate increase, and to forego Commission consideration of whether BHIL's parking and barge operations should be regulated. In 2011, the passenger ferry's revenue requirement that resulted from the 2010 settlement was \$5.238M, so approximately 10 percent of that amount was satisfied through the imputation of unregulated parking revenues.

Quite obviously, if SharpVue acquired the System and filed a general rate case requesting a significant increase in regulated ferry rates, and if its parking and barge operations remained unregulated and exceedingly profitable as they are today, the issue of imputing parking or barge

revenues to the regulated passenger ferry's annual revenue requirement (in an effort to keep ferry rates down) would certainly come up again. Since SharpVue or any other commercial buyer would very much want to avoid any such imputation in a future rate case, it would have a clear incentive to sell off the parking and barge operations to a third party before a new rate case for regulated ferry service was filed. Were that to occur, revenue imputation would no longer be a practical option. And the combined market value of the System's three components would likely be greater than the System's value as long as it continued to operate as a single, partially regulated entity.

Q. WOULD BREAKING UP OWNERSHIP OF THE SYSTEM ADVERSELY AFFECT CAPTIVE SYSTEM USERS?

A. Yes, particularly if the Commission did not assert jurisdiction over BHIL's parking and barge operations before transferring ownership of the regulated passenger ferry from BHIL to SharpVue, or another commercial operator. In that instance, user fees would very likely go up, possibly sharply, for two reasons. First, the regulated passenger ferry would have to stand on its own financially (e.g., without subsidies or revenues imputed from the System's unregulated parking operation). Given that the ferry currently operates at a financial loss, a new owner presumably would file a general rate case asking for significant rate increases that the Commission would likely have to approve.

Second, and potentially far more problematic, if a new (and different) owner of the System's unregulated parking or barge monopolies understood that it could not be compelled to impute parking and barge revenues to the regulated passenger ferry, assuming the Commission declined to assert jurisdiction over BHIL's parking and barge operations, they too would likely raise rates simply because they could.

Imputing revenues from an unregulated monopoly to a regulated one, after all, is a form of regulating both. If that threat is removed, it stands to reason that a commercial owner of a totally unregulated monopoly would be more inclined to increase operating profits by raising user rates. The incentive to do so would become that much more apparent, and potentially problematic for captive System users, if that owner were a private equity investor who planned to sell the unregulated parking or barge business at a healthy multiple of whatever price they might have paid for it. Conceivably, ownership of both operations could be "flipped" from one buyer/investor to another – at progressively higher prices – in which case user fees for unregulated parking and barge service would continue to escalate until the cost of getting people, products and materials to and from the island exceeded the willingness of those who live, work, vacation or do business on BHI to pay those costs.

Q. IF THE COMMISSION ASSERTED JURISDICTION OVER THE PARKING AND BARGE OPERATIONS AND IT WAS SUBSEQUENTLY SOLD TO ANOTHER COMMERCIAL OPERATOR, LIKE SHARPVUE, WOULD THE NEW OWNER BE MORE INCLINED TO OPERATE THE SYSTEM AS A SINGLE ENTITY?

A. If the entire System were regulated, as it should be, a new owner would be less inclined to break the System up into separately owned piece-parts simply because the System would be more profitable if operated as a single entity. To begin with, keeping the System together would allow the owner to share or spread common managerial, maintenance and administrative costs (e.g., the salary of a general manager) over its ferry, parking and barge operations and, thus, avoid the need to duplicate those costs (for each service) as would be the case if the System were broken up. A single owner also would have the flexibility to determine how the System's ferry, parking and barge services should be priced to meet its overall revenue requirement (e.g., given differences in demand elasticities and cost characteristics of the different services). This too should improve operational efficiencies and lower costs. Third, because the System's ferry, parking and barge operations carry different degrees of operational and financial risk, the System's overall level of risk, and cost-of-capital, should be lower if it were operated as a single entity.

Q. IS IT REASONABLE TO ASSUME, AS BHIL AND SHARPVUE HAVE ASSERTED, THAT SHARPVUE WOULD CONTINUE TO OPERATE THE SYSTEM IN MUCH THE SAME WAY AS BHIL HAS OPERATED IT?

A. SharpVue Capital is a private equity investor. Private equity companies are in the business of maximizing returns on their clients' capital investments. Unlike BHIL which developed much of the island's real estate on behalf of George P. Mitchell and his family, and, thus, had an incentive to keep ferry, parking and barge rates widely affordable, SharpVue has no similar ties to or interests in BHI. The same would very likely be true of any other commercial buyer of the System.

The System is a business. It also is a local monopoly as are each of its three components – the ferry, parking facility and the barge. As long as the System or any one of its components is commercially owned and operated, captive System users will need to be protected against monopoly pricing abuse. Again, that's what exceedingly high EBITDA margins (i.e., 70 to 80%+) on BHIL's unregulated parking and barge operations clearly demonstrate. That's also why all states, including North Carolina, have a state regulatory commission.

Q. IF THE COMMISSION WERE TO REGULATE THE ENTIRE SYSTEM WOULD SHARPVUE BACK-OUT OF THE DEAL AND COULD BHIL FIND ANOTHER QUALIFIED BUYER?

A. If the System were fully regulated, its market value and sales price should go down since its prospective earnings (e.g., EBITDA) also would be lower. But that does not mean that SharpVue or another commercial operator would not be interested in acquiring the System, albeit at a lower price.

The basic problem with BHITA's proposed \$56M bond issue, which the LGC would not approve, as well as SharpVue's proposal to buy the System for \$56M using high-cost private equity capital (e.g., 15% vs. an anticipated 4.75% interest rate on BHITA's revenue bonds) have to do with the fact that both deals were/are predicated on a local monopoly being completely unregulated in the case of BHITA's bond application, or remaining partially unregulated in the case of SharpVue's deal. ***In either case, a \$56M price tag would effectively monetize future monopoly profits on the System's unregulated operations which would accrue immediately to BHIL, the seller, in the form of an inflated sales price that captive System users would have no choice but to pay for over time.*** That's not how a reasonably efficient, competitive market works, nor is it how the BHI transportation System should be allowed to operate.

If SharpVue is not interested in acquiring the System, fully regulated, presumably at a lower price, some other commercial operator would be. What is important for everyone concerned, is that a new commercial operator understand at the outset – before an acquisition price is finalized-- how the System will be regulated going forward. Changing the rules of the game in the bottom of the fourth inning is not a good idea.

Q. COULD THE COMMISSION TAKE A “WAIT AND SEE” APPROACH TO REGULATING THE PARKING AND BARGE, AND DO SO ONLY IF IT BECAME APPARENT THAT SHARPVUE OR ANOTHER COMMERCIAL OPERATOR WAS ABUSING ITS MONOPOLY PRICING POWER?

A. Taking a “wait and see” approach would carry a significant amount of avoidable risk to System users as well as a new owner/operator. To begin with, it is unclear how the Commission could judge whether, or to what degree, a commercial operator might be abusing its unregulated monopoly, and how much that might be costing captive System users. This is simply because the Commission does not collect financial data on business operations that it does not regulate. BHIL has been steadfast in refusing to disclose publicly how much it is earning on its unregulated parking and barge monopolies for a reason.

Equally, and possibly more problematic, if SharpVue paid \$56M for the System on expectations that its excessively profitable parking and barge monopolies would remain unregulated, and the Commission subsequently decided to regulate the entire System, actual returns on Sharpvue's investment could potentially fall well below levels on which the \$56M acquisition price were based. Should that to occur, SharpVue may be reluctant to invest any more capital in the System than is minimally necessary -- in which case, service quality and reliability would very likely deteriorate at least until a new owner stepped in and acquired the System at a lower price.

Q. ARE BHI PROPERTY OWNERS CONCERNED ABOUT THE QUALITY AND COST OF TRANSPORTATION SERVICES TO AND FROM THE ISLAND?

A. Yes, in growing numbers. On August 1, 2022 more than 400 BHI property owners signed a letter to Chairwoman Charlotte Mitchell ([Bald Head Island Community Letter to NCUC](#)) urging that the Commission regulate the entire System before it is sold to SharpVue, or any other commercial operator. On August 31, the Bald Head Association, released the results of a survey ([BHA Survey on Ferry Regulation](#)) in which property owners were asked whether the System's

parking and barge operations should be regulated along with the passenger ferry: 72% voted in favor of regulating the entire System, 15% against, with the remaining 13% saying they aren't sure, or did not have enough information to make a decision.

Individual comments filed with both the letter and BHA survey further indicate that a growing number of BHI property owners are concerned about deteriorating service quality due to a perceived unwillingness on the part of BHIL to capitalize much needed System improvements.

Q. IS THERE A WAY THAT THE PARTIES TO BOTH PROCEEDINGS COULD WORK OUT A MUTUALLY BENEFICIAL SETTLEMENT THAT WOULD PROTECT CAPTIVE SYSTEM USERS?

A. Yes, provided that all parties were prepared to give a little in order to get a little. A mutually beneficial, straightforward settlement could easily be structured in a way that would: a) protect System users from excessive profiteering going forward, b) enable BHIL to sell the System for a very reasonable price that would certainly be fair to the Mitchell Family estate that owns BHIL, c) incent a new commercial owner to make needed capital improvements to the System and d) minimize the amount of time and resources that the Commission would need to commit to overseeing the System's operations.

Q. WHAT MIGHT SUCH A SETTLEMENT LOOK LIKE?

A. One possible settlement agreement could involve the following three elements or stipulations. First, all parties would agree that the Commission can and should assert regulatory jurisdiction over the entire System, including its parking and barge operations. Second, the parties and the Commission would agree that current user fees for ferry, parking, and barge services are presumed to be reasonable until BHIL, or a new owner, elects to file a general rate case with the Commission that would determine a revenue requirement for the entire System. Once that revenue requirement is determined, the System owner/operator also would be given the discretion to decide how user fees for its ferry, parking and barge operation should be set to satisfy or meet the System's overall revenue requirement.

Third, if BHIL, or a new owner/operator like SharpVue, elected to break the System up and sell the ferry, parking or barge operation to a different owner(s), it would agree to do so with the understanding that the allowable rate base for the operation in question (e.g., parking facility) would reflect the net book value of its capital plant-in-service, less accumulated depreciation, as determined by actual capital expenditures by BHIL, or subsequent owners, on the separate operation in question. Any intangible asset (e.g., "good will") that results from an acquisition price for the operation exceeding its net book value (based of straight-line depreciation schedules) would not be allowed in that operation's rate base.

Q. WHY WOULD THIS TYPE OF SETTLEMENT BE MUTUALLY BENEFICIAL TO SYSTEM USERS AND BHIL, OR ANOTHER COMMERCIAL OWNER LIKE SHARPVUE.

A. A settlement structured along these lines would protect System users from future rate increases that would result from a new owner/operator, like SharpVue, over-paying for an unregulated monopoly. The agreement also would remove financial incentives for BHIL or another commercial owner/operator like SharpVue, to break the System up in an effort to avoid being compelled to impute revenue from its unregulated parking or barge operation to its regulated passenger ferry.

BHIL, and a subsequent commercial owner/operator, would benefit because leaving current user rates in tact would result in the System continuing to generate significantly higher earnings than would be the case if all three components (i.e., ferry, parking and barge) were regulated and the System's rate base and revenue requirement were determined immediately after the Commission asserted jurisdiction over the entire System. That higher level of earnings also would allow BHIL and SharpVue, or another buyer if SharpVue opted out, to renegotiate a purchase price that would be fair to both the buyer, and the Mitchell Family estate – without asking captive System users to pay for a substantial mark-up in the System's value that would only result from the Commission allowing the parking and barge operations to continue operating as an unregulated monopoly (in perpetuity) with EBITDA margins in the 70-80%+ range.

Lastly, since it would be up to the System's operator to decide if and when to file a new rate case for the System as a whole, the Commission would not be required to commit much time or resources to overseeing the System's operation until a new rate case was filed. Once a rate case was filed, the Commission could limit its involvement to determining the System's overall revenue requirement and leave it up to the owner/operator to decide how user fees for various classes of ferry, parking and barge service are set to satisfy the System's overall revenue requirement. Moreover, there would be no need for the Commission to oversee how the System's common costs were allocated between its regulated ferry and unregulated parking and barge services as is now the case.

Q. ARE THERE OTHER ISSUES THAT THE COMMISSION SHOULD CONSIDER IN THE COURSE OF RESOLVING DOCKETS A-41 SUB 21 AND A-41 SUB 22?

A. Yes, there are two other issues. First, it is entirely possible that System users would benefit from SharpVue, or some other commercial operator, purchasing the System -- provided it is regulated. Again, if the System is regulated, a prospective commercial operator presumably would negotiate the purchase price down which would lower user fees for ferry, parking and barge services over time. If a commercial operator acquired the System, it also would do so using private capital, as opposed to public debt, and would likely manage the System more efficiently since it would be putting its own capital at risk.

Second, relative to other proceedings currently before the Commission, both of these Dockets involve modest amounts of money, or consumer welfare. For people who live, work, vacation, visit or do business on Bald Head Island, however, the disposition of both proceedings is vitally

important. The BHI passenger ferry, parking facility at the Deep Point ferry terminal and the barge operation are interdependent components of a single transportation System on which the community of Bald Head Island totally depends and cannot survive without. At a minimum, the Commission needs to facilitate a mutually beneficial settlement that would resolve both docketed proceedings in a manner that is permanent and fair to all concerned. Once that settlement is in place, a new owner/operator will have the financial incentives and wherewithal to keep the System operating safely, reliably, and in good working order for the foreseeable future.

Robert T. Blau, CFA
5 Starrush Trail
Bald Head Island, NC

J. Paul Carey
611 Currituck Way
Bald Head Island, NC

REBUTTAL EXHIBIT JAW-1

DOCKET NO. A-66, SUB 0 and Sub 2

**Affidavit of Kenneth Mack Best, President, CEO, and General Manager of
Cape Lookout Cabins & Camps, Inc.
Docket No. A-66, Sub 0**

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. A-66, SUB 0

FILED
MAY 13 2008
Clerk's Office
N.C. Utilities Commission

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Cape Lookout Cabins & Camps, Inc. P. O.
Box 251, Davis, North Carolina, 28524 –
Application to Transport Passengers in Ferry
Operations

*
*
* AFFIDAVIT OF
* KENNETH MACK BEST
*
*

KENNETH MACK BEST, being first duly sworn, deposes and says:

1. I am President, CEO, and General Manager of Cape Lookout Cabins & Camps, Inc., applicant for common carrier authority to transport passengers and their personal effects, including motor vehicles, by water in ferry operations from Davis, North Carolina to Core Banks, and return.
2. There is substantial need for ferry service of the type that we propose to operate in this area. There is heavy public traffic from the mainland to Core Banks, particularly during the spring, summer, and fall seasons for fishing, vacationing, and tourism. There was previously a ferry operation providing this service operating from Davis. However, that entity is no longer in business.
3. I will be active in day to day management of Cape Lookout Cabins & Camps, Inc. I have more than 33 years experience in successfully operating various types of businesses, including construction, land clearing, heavy equipment operation, construction of lakes, dams, and seawalls, and erection of telephone towers. We have erected telephone towers for such companies as Nextel, Verizon, Alltel, and Crown.
4. My wife, Brenda E. Best, is Secretary-Treasurer of Cape Lookout Cabins & Camps, Inc., and will also be active in day to day management of the ferry operation. She also has many years experience in business management and finance.
5. Cape Lookout Cabins & Camps, Inc. is solvent and financially capable of providing the proposed ferry transportation service adequately, efficiently, and without interruption, as evidenced by the Schedule of Assets and Liabilities shown on Exhibit C attached to the Application for Certificate of Authority.

6. We have constructed new, modern facilities at 124 Grady Davis Lane, Davis, North Carolina, that will provide safe, comfortable accommodations for ferry customers. This includes new buildings and facilities for loading and unloading vehicles and passengers. We are currently having a new ferry boat built to US Coast Guard specifications.

7. We have employed two (2) licensed boat captains to operate the ferry boats. We will also employ other personnel as needed to provide complete and efficient service to our customers.

This 6th day of May, 2008.

Kenneth Mack Best
Kenneth Mack Best, Affiant

Sworn to and subscribed before me this 6th day of May, 2008. My
commission expires: June 2, 2011.

(Notary Seal)



Diana C. Carlson
Diana C. Carlson, Notary Public
(Printed/Typed Name of Notary Public)

**Cape Lookout Cabins & Camps – Davis, NC Ferry Website
Advertising Vehicle and Passenger Service**

The screenshot displays the homepage of the Cape Lookout Cabins & Camps website. The header features the logo, navigation links (HOME, Ferry, Facilities, Cabins, Rentals, Gallery, Location, Blog, Contact), and a 'RESERVATION INFO' button. The main content area includes a 'Welcome to CALO Cabins, Camps & Ferry, Davis, NC' banner, followed by a section titled 'Ferry Services | Vehicle & Passenger Ferry to South Core Banks from Davis, NC'. This section states that ferry service may be increased or decreased based on seasonal demand and/or weather conditions. It features three images: a ferry boat, a small red ferry, and a cabin. Below these images, it says 'The Cleanest, Closest, Classiest & Least Expensive* Ferry to South Core Banks'. A red banner highlights that 'Ferry times may be changed based on seasonal demand and/or weather conditions' and that times are subject to change during Labor Day Weekend (Aug 31 to Sep 4) and in October & December. At the bottom, there is a link to the 'Ferry Schedule | Departure & Return Times' and a button to 'Click Here to make Ferry Reservations'.

Cape Lookout CABINS & CAMPS

DAVIS, NC FERRY CAPE LOOKOUT & SOUTH CORE BANKS

RESERVATION INFO Click CLICK HERE

HOME Ferry Facilities Cabins Rentals Gallery Location Blog Contact

**(252) 729-9751
(252) 729-9752**

Call for Reservations

Fishing Report

Welcome to CALO Cabins, Camps & Ferry, Davis, NC

Ferry Services | Vehicle & Passenger Ferry to South Core Banks from Davis, NC
Ferry service may be increased or decreased based on seasonal demand and/or weather conditions

The Cleanest, Closest, Classiest & Least Expensive* Ferry to South Core Banks

Ferry times may be changed based on seasonal demand and/or weather conditions
Times are subject to change Labor Day Weekend, Aug 31 to Sep 4, the month of October & December.

>>> Ferry Schedule | Departure & Return Times | [Click Here to make Ferry Reservations](#)

Source: <https://cape-lookout-cabins-camps-ferry-davis-nc.com/ferry-south-core-banks-cape-lookout-nc>

OFFICIAL COPY

Oct 25 2022

**Affidavit of Kenneth Mack Best, President, CEO, and General Manager of
Cape Lookout Cabins & Camps, Inc. d/b/a Cape Lookout Cabins & Camps, Inc.
Docket No. A-66, Sub 2**

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. A-66, SUB 2

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Cape Lookout Cabins & Camps, Inc., d/b/a
Cape Lookout Cabins & Camps Ferry Service,
P. O. Box 251, Davis, North Carolina, 28524 –
Application to Transport Passengers in Ferry
Operations

AFFIDAVIT OF
KENNETH MACK BEST

KENNETH MACK BEST, being first duly sworn, deposes and says:

1. I am President, CEO, and General Manager of Cape Lookout Cabins & Camps, Inc. d/b/a Cape Lookout Cabins & Camps Ferry Service, applicant for common carrier authority to transport passengers and their personal effects and vehicles to points and places in North Carolina via water. I am active in day to day management of Cape Lookout Cabins & Camps, Inc. d/b/a Cape Lookout Cabins & Camps Ferry Service. My wife, Brenda E. Best, is Secretary – Treasurer of the corporation and is also active in day to day management of the ferry operation.

2. Cape Lookout Cabins & Camps, Inc., d/b/a Cape Lookout Cabins & Camps Ferry Service has been in operation since 2009 under the existing common carrier authority which allows transportation of passengers and their personal effects and vehicles from Davis, North Carolina, to Core Banks, and return. We have experienced continual increase in demand for our services since inception.

3. There is substantial need for ferry service of the type that we propose in other areas along the central coast of North Carolina. We receive frequent requests to transport passengers and their vehicles to and from Portsmouth Island, from Harkers Island to Cape Lookout and from various other points on the mainland to points on the outer banks and to points along the edges of the sounds. We have also been asked to provide site-seeing tours from Harkers Island to the Cape Lookout National Seashore. There is heavy public traffic from the mainland to the Outer Banks, particularly during the spring, summer, and fall seasons for fishing, vacationing, and tourism, there is continuing increase in this type of traffic, and continuing increase in the need for transportation services to points and places that we are not currently authorized to provide. Such services as are available are not adequate to meet the need.

4. Cape Lookout Cabins & Camps, Inc. d/b/a Cape Lookout Cabins & Camps Ferry Service currently has three (3) vessels in operation with which to provide transportation services. These include a 48-foot, 54-ton ferry which was constructed new in 2008 – 2009 at a cost of \$850,000.00. This vessel is authorized to transport up to 26 passengers and 6 vehicles, or, with less vehicle and equipment weight, up to 49 passengers. We also have a 27-foot Carolina skiff which is authorized to transport 17 passengers together with a Captain and deck hand. Finally, we have a 25-foot Carolina skiff vessel which is authorized to transport 6 passengers with a Captain and crew member. We are currently making plans for the construction/acquisition of a 64-foot ferry to provide the additional transportation services that are needed.

5. Cape Lookout Cabins & Camps, Inc. d/b/a Cape Lookout Cabins & Camps Ferry Service currently has 7 full time employees, including my wife and myself, and 4 part time employees. These employees include 6 individuals who are licensed as Captains by the US Coast Guard.

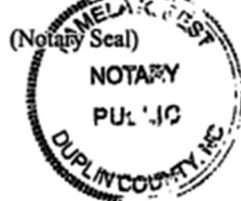
6. Cape Lookout Cabins & Camps, Inc. d/b/a Cape Lookout Cabins & Camps Ferry Service incurred substantial start up expense in 2008 – 2009, including costs of construction of the ferry boat and construction of the new, modern facilities located at 124 Grady Davis Lane, Davis, North Carolina. A Schedule of Assets and Liabilities is shown on Exhibit C attached to the Application for Certificate of Authority. We have experienced increasing revenues as business has increased, and we continue to experience increasing revenues. Cape Lookout Cabins & Camps, Inc. d/b/a Cape Lookout Cabins & Camps Ferry Service is solvent and financially capable of providing the proposed ferry transportation services adequately, efficiently, and without interruption.

7. Cape Lookout Cabins & Camps, Inc. d/b/a Cape Lookout Cabins & Camps Ferry Service currently has the facilities, equipment, and personnel, to provide safe and comfortable accommodations for ferry customers, and will provide additional facilities, equipment, and personnel as needed.

This 10 day of April, 2011.

Kenneth Mack Best
Kenneth Mack Best, Affiant

Sworn to and subscribed before me this 10 day of April, 2011. My commission expires: September 28, 2013.



Pamela K. Best
(Signature of Notary Public)

Pamela K. Best
(Printed/Typed Name of Notary Public)

**Order Granting Common Carrier Authority
Cape Lookout Cabins & Camps, Inc.
Docket No. A-66, Sub 2**

**STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. A-66, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Cape Lookout Cabins & Camps, Inc., Post Office Box 251,
Davis, North Carolina 28524 – Application to Transport
Passengers in Ferry Operations

**ORDER GRANTING
COMMON CARRIER
AUTHORITY**

BY THE COMMISSION: On February 18, 2008, Cape Lookout Cabins & Camps, Inc. (Applicant), filed with the Commission an application seeking certain common carrier authority, which was particularly described in the Commission Order dated March 6, 2008, assigning the matter for hearing.

No protests to the application were filed with the Commission within the time prescribed by the March 6, 2008, Order. On April 4, 2008, the Applicant requested that the Commission cancel the hearing and decide the matter on the basis of the existing record. By Order dated April 4, 2008, the hearing was canceled, with the matter to be decided upon the application and other matters of record in this docket.

Upon consideration of the application and the entire record in this docket, the Commission finds and concludes that:

1. The public convenience and necessity require that the proposed service be offered in addition to existing authorized transportation service;
2. The Applicant is fit, willing, and able to properly perform the proposed service on a continuing basis;
3. The Applicant is solvent and financially able to furnish adequate service on a continuing basis;
4. The Applicant has satisfied the burden of proof imposed by G.S. 62-262(e) and Commission Rule R2-15(a); and
5. The Applicant should be granted the authority described in Exhibit A attached to this Order.

IT IS, THEREFORE, ORDERED as follows:

1. That the Applicant is hereby granted the common carrier authority set forth in Exhibit A attached to this Order and made a part hereof.

2. That the Applicant shall file with the North Carolina Utilities Commission, Operations Division, evidence of the required liability insurance and designation of process agent, and shall file with the North Carolina Utilities Commission – Public Staff, Transportation Rates Division, a tariff of rates and charges, timetable, and otherwise comply with the rules and regulations of the Commission.

3. That unless the Applicant complies with the requirements set forth in ordering paragraph 2 above and begins operating as herein authorized within 30 days after the date of this Order, unless such time is extended in writing by the Commission upon request for such extension, the operating authority granted herein will cease.

4. That the Applicant shall maintain its books and records in such a manner that all of the applicable items of information required in the prescribed Annual Report to the Commission are available for use by the Applicant in the preparation of such Annual Report. A copy of the Annual Report form shall be furnished to the Applicant upon request to the Transportation Rates Division.

5. That the Applicant shall maintain its books and records in such a manner that all of the applicable items of information requested in its prescribed quarterly Public Utilities Regulatory Fee Report are available for use by the Applicant in the preparation of such report and payment of quarterly regulatory fee. Any questions regarding the regulatory fee report and/or regulatory fee should be directed to the Commission's Fiscal Management Division at (919)733-5265.

6. That this Order shall constitute a certificate until a formal certificate has been issued and transmitted to the Applicant authorizing the common carrier transportation described and set forth in Exhibit A attached hereto.

ISSUED BY ORDER OF THE COMMISSION.

This the 2nd day of October, 2008.

NORTH CAROLINA UTILITIES COMMISSION

Gail L. Mount

Gail L. Mount, Deputy Clerk

br100108.01

REBUTTAL EXHIBIT JAW-2

DOCKET NO. A-65, SUB 0

Davis Shore Ferry Service, LLC
Application for Certificate of Authority to Transport Passengers
as a Common Carrier in Ferry Operations
Docket No. 65, Sub 0

OFFICIAL COPY

**APPLICATION FOR CERTIFICATE OF AUTHORITY TO TRANSPORT
PASSENGERS IN FERRY OPERATIONS**

FILED

JAN 30 2008

Docket No. #65 Sub 0
Filing Fee \$ \$25

Clerk's Office
N.C. Utilities Commission

TO: NORTH CAROLINA UTILITIES COMMISSION
4325 MAIL SERVICE CENTER, RALEIGH, NORTH CAROLINA 27699-4325

Davis Shore Ferry Service, LLC

Corporate or Individual/Trade Name

148 Willis Road Davis NC 28524

Address

City

State

Zip

Telephone

LMitchum@Duke.edu

E-Mail Address

hereby makes application under the provisions of the Public Utilities Act for a certificate to transport passengers as a common carrier in ferry operations via boat.

1. That the Applicant will be sole owner and in control of the passenger transportation business herein proposed; that said Applicant is: () an individual; () a partnership; () a corporation incorporated under the laws of the State of NC; that the names and addresses of the partners (if a partnership), or of the principal managing officers (if a corporation) are as follows:

(X) A Limited Liability Company

Name	Address	City	State	Zip
William Lanier Mitchum	148 Willis Road	Davis	NC	28524

2. That the Applicant has a copy of the Public Utilities Act and/or is familiar with the meaning of terms as defined in Section 62-3; with the procedure and proof required for a certificate as set forth in Section 62-262 (also outlined in the instructions attached hereto); with the insurance requirements as set forth in Section 62-268 and Commission Rule R2-36 (also outlined in the instructions attached hereto); and with the requirements with respect to rates and charges and the filing of tariffs as set forth in Section 62-136.
3. That in support of this application, Applicant completes applicable Exhibits A, B, and C on the reverse side of this application.

ALL APPLICATIONS FILED ON BEHALF OF A CORPORATION OR AN ASSOCIATION MUST BE SIGNED AND FILED BY AN ATTORNEY LICENSED TO PRACTICE IN THE STATE OF NORTH CAROLINA IN ACCORDANCE WITH COMMISSION RULE R1-5.

(gk)
AS
Benji
Foster
Ramae
Lita
PJ Legal
PJ Trans

OFFICIAL COPY

Oct 25 2022

VERIFICATION

Stevenson L. Weeks

Attorney for Applicant

P.O. Box 360

Beaufort, NC 28516

Address

Davis Shore Ferry Service, LLC

Name of Applicant

By

Signature

STATE OF North Carolina

COUNTY OF Carteret

The above-named Applicant, Stevenson L. Weeks, personally appeared before me this day and, being first duly sworn, says that the facts stated in the foregoing application and all exhibits, documents, and statements attached hereto or completed herein are true as he/she verily believes.

WITNESS my hand and notarial seal, this 25th day of January, 2008

Deborah S. Latorre
Notary Public



My Commission Expires June 15, 2008

EXHIBIT A - The Applicant proposes to operate regular routes over the following fixed routes:
(Example: Transportation of passengers and their personal effects from Beaufort to Shackleford Banks and return.)

Transportation of passengers, and their personal effects, including motor vehicles from Davis, NC to Core Banks and return.

EXHIBIT B - The Applicant proposes to engage in irregular route operations within the following area(s) of North Carolina:

None

EXHIBIT C - Applicant's assets and liabilities are as follows:

ASSETS		LIABILITIES	
Real Estate	\$ 554,705	Liens on Real Estate	\$ 200,000
Rolling Equipment	38,500	Liens on Equipment	8,728
Cash on Hand	1,000	Judgements	-0-
Cash in Bank	20,000	Other Liabilities	6,800
Other Assets	30,000		
Total	\$ 644,205	Total	\$ 215,528

Letter to Commission from Davis Shore Ferry Service, LLC
Docket No. 65, Sub 0

OFFICIAL COPY

FILED

MAR 11 2008

Clerk's Office
N.C. Utilities Commission

March 7, 2008

Public Staff
Transportation Division
4326 Mail Service Center
Raleigh, NC 27699

Re: A-65, Sub0

To the Commission,

I am writing in response to my application to operate the Davis Shore Ferry Service, LLC from Davis to Core Banks.

I was a commercial fisherman for 15 years before being hired in 1990 by Duke University Marine Lab in Beaufort as Master of one of their research vessels. I am now Supervisor of Marine Operations at the Marine Lab. Duke classes, visiting classes, aquariums, Maritime Museum and other educational or research groups contact me to reserve the research vessel. I am responsible for the maintenance, hiring additional crew when needed and am involved in the budget decisions related to marine operations. Through the years, I also worked part-time as captain on the ferries owned by my wife's family that operated out of Davis up until 2005. I hold a 100 ton Master license with a radar endorsement, am certified in CPR and first aid.

My son, who holds a 100 ton Masters license with a towing endorsement and my wife, who has 27 years experience in ferry operations, will be on staff. Also, I will hire additional staff necessary to provide sufficient service. Our combined knowledge and experience will be a significant asset to this operation. Financially, I am more than capable of furnishing this service on a continuing basis.

The ferries will be the Capt. Alger and the Kathryn T. Both are Coast Guard inspected to carry 6 standard size vehicles and 77 passengers combined. We are also in the process of adding an additional ferry.

For over 50 years there has been a passenger/vehicle service to South Core Banks from Davis. At present, there is no service available.

I request the Commission grant me a North Carolina Utilities Authority to provide this much needed service.

Sincerely,

William Lanier Mitchum SR.

William Lanier Mitchum, Sr.
Davis Shore Ferry Service, LLC.

Clerk ^{mt}
Brace R.
Kite
Trans.

Elizabeth S. Pritchard
Notary Public
6.30.10
My Commission Expires:

Order Granting Common Carrier Authority

OFFICIAL COPY

Oct 25 2022

Davis Shore Ferry Service, LLC
Docket No. A-65, Sub 0**STATE OF NORTH CAROLINA**
UTILITIES COMMISSION
RALEIGH

DOCKET NO. A-65, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of
Davis Shore Ferry Service, LLC, 148 Willis Road,
Davis, North Carolina 28524 – Application to
Transport Passengers in Ferry Operations

) ORDER GRANTING
) COMMON CARRIER
) AUTHORITY

BY THE COMMISSION: On January 30, 2008, Davis Shore Ferry Service, LLC (Applicant), filed with the Commission an application seeking certain common carrier authority which was particularly described and published in the Commission Order dated February 11, 2008, assigning the matter for hearing.

No protests to the application were filed with the Commission within the time prescribed by the Order. On March 10, 2008, the Applicant requested that the Commission cancel the hearing and decide the matter on the record. By Order dated March 11, 2008, the hearing was canceled with the matter to be decided upon the application, supporting affidavits, and other matter of record in this docket.

Upon consideration of the application, the sworn affidavits submitted by the Applicant, and the entire record in this docket, the Commission finds and concludes that:

1. Public convenience and necessity require the proposed service be offered in addition to existing authorized transportation service;
2. The Applicant is fit, willing, and able to properly perform the proposed service on a continuing basis; and
3. The Applicant is solvent and financially able to furnish adequate service on a continuing basis.

The Commission concludes that the Applicant has satisfied the burden of proof imposed by G.S. 62-262(e) and Commission Rule R2-15(a). Consequently, the Applicant will be granted the authority described in Exhibit A attached to this Order.

IT IS, THEREFORE, ORDERED as follows:

1. That the Applicant is hereby granted the common carrier authority set forth in Exhibit A attached to this Order and made a part hereof.

2. That the Applicant shall file with the North Carolina Utilities Commission, Operations Division, evidence of the required liability insurance and designation of process agent, and shall file with the North Carolina Utilities Commission – Public Staff, Transportation Rates Division, a tariff of rates and charges, timetable, and otherwise comply with the rules and regulations of the Commission.

3. That unless the Applicant complies with the requirements set forth in ordering paragraph 2 above and begins operating as herein authorized within 30 days after the date of this Order, unless such time is extended in writing by the Commission upon request for such extension, the operating authority granted herein will cease.

4. That the Applicant shall maintain its books and records in such a manner that all of the applicable items of information required in the prescribed Annual Report to the Commission can be used by the Applicant in the preparation of such Annual Report. A copy of the Annual Report form shall be furnished to the Applicant upon request to the Transportation Rates Division.

5. That the Applicant shall maintain its books and records in such a manner that all of the applicable items of information requested in its prescribed quarterly Public Utilities Regulatory Fee Report can be used by the Applicant in the preparation of such report and payment of quarterly regulatory fee. Any questions regarding the regulatory fee report and/or regulatory fee should be directed to the Commission's Fiscal Management Division at (919)733-5265.

6. That this Order shall constitute a certificate until a formal certificate has been issued and transmitted to the Applicant authorizing the common carrier transportation described and set forth in Exhibit A attached hereto.

ISSUED BY ORDER OF THE COMMISSION.

This the 14th day of March, 2008.

NORTH CAROLINA UTILITIES COMMISSION



Patricia Swenson, Deputy Clerk

br031308.02

Davis Ferry Website Advertising Vehicle and Passenger Service

Address: Davis Shore Ferry Service
PO Box 45
148 Willis Road
Davis, North Carolina 28524

Phone: (252) RAW-FISH or
(252) 729-3474
Fax: (252) 729-8411

[Rates & Schedules](#)[Links](#)[Videos](#)

Office hours are 7 am - 6 pm

Ferry Reservations are currently available by phone only - please call 252-729-3474.

Davis Shore Ferry Service - the original Davis Ferry - has been operating for four generations, carrying vehicles and passengers to Great Island Camp on South Core Banks (Cape Lookout).

Davis Shore Ferry Service is proud to offer vehicle and passenger service leaving from Davis, NC to South Core Banks (Great Island Cabins/Camp) and return.

Ferry Service, Ice, Bait, Tackle, and other supplies are available through Davis Shore Ferry Service.

Free Parking!

[Lanier Mitchum Fishing Guide](#)
[Click for Info!](#)

Cabin rentals/reservations are controlled by and made with the National Park Service on Core Banks South.
Cabins and Gas will be paid for on the Island and not at Davis Shore Ferry Service.
(Payment on the island can be made by cash, check, or credit card)
[Reservations available online through Recreation.gov](#)
<https://recreation.gov>
For those without web access, please call 1-877-444-6777 to make your reservation.
For more info visit <https://www.nps.gov/calocalplanyourvisit/lodging.htm>.

Source: <https://davisferry.com/>



Address: Davis Shore Ferry Service
 PO Box 45
 148 Willis Road
 Davis, North Carolina 28524

Phone: (252) RAW-FISH or
 (252) 729-3474
 Fax: (252) 729-8411


[Home](#)
[Rates & Schedules](#)
[Links](#)
[Videos](#)

Davis Shore Ferry Service is proud to offer vehicle and passenger service to
 Cape Lookout National Seashore.
 Our Ferries leave from Davis, NC to South Core Banks (Great Island Camp and Cabins).
[Rates for Great Island Cabins from NPS](#)

Departures from Davis:	Returns from Great Island:
7:00 am	8:00 am
9:00 am	10:00 am
11:00 am	12:00 noon
1:00 pm	2:00 pm
3:00 pm	4:00 pm

Additional times may be available based on demand.

Ferries operate (weather allowing) March 15 – December 31. Ferry service may be increased or decreased based on seasonal demand. Ferry operators are Licensed Captains (Masters) and are operating inspected vessels under USCG regulations.

TRANSPORTATION RATES

One-way Fares are 1/2 of Round Trip \$\$	
Passengers (Round Trip)	
Age 11 and older	\$ 16.00
Age 5 to 10	\$ 8.00
Age 4 and under	FREE
Group Fares (10 or More Passengers)	
Age 11 and older	\$ 14.00
Age 5 to 10	\$ 7.00
Vehicles (Round Trip)	
Under 20 feet	\$ 85.00
Over 20 feet to 24 feet	\$ 105.00
Over 24 feet to 28 feet	\$ 140.00
Over 28 feet to 40 feet	\$ 160.00
Vehicle or Equipment taking full deck	\$ 360.00
ATVs	
ATV (factory - No additions)	\$ 35.00
with Trailer under 20 feet	\$ 75.00
with Trailer over 20 feet - 24 feet	\$ 105.00
with Trailer over 24 feet - 28 feet	\$ 140.00
Mules, Gators, Kabuto (and similar)	
Under 20 feet	\$ 75.00
Kayaks/Canoes	\$ 30.00
In addition to above vehicle rates, the loading of unattended vehicles on or off the ferry will be an additional \$25.00	

Source: https://davisferry.com/Sched_Rates.htm

REBUTTAL EXHIBIT JAW-3

DOCKET NO. A-76, SUB 0

Order Granting Common Carrier Authority
Crystal Blue Holding Co., LLC d/b/a Morehead Ferry Service
Docket No. A-76, Sub 0

STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH

DOCKET NO. A-76, SUB 0

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	
Crystal Blue Holding Co., LLC, d/b/a)
Morehead Ferry Service, 113 Turner)
Street, North Carolina 28516 – Application)
to Transport Passengers in Ferry)
Operation)

**ORDER GRANTING
COMMON CARRIER
AUTHORITY**

BY THE COMMISSION: On January 12, 2015, Crystal Blue Holding Co., LLC, d/b/a Morehead Ferry Service, (Applicant), filed with the Commission an application seeking certain common carrier authority, which was particularly described in the Commission Order dated February 3, 2015 assigning the matter for hearing.

No protests to the application were filed with the Commission within the time prescribed by the February 3, 2015 Order. On March 17, 2015, the Applicant requested that the Commission cancel the hearing and decide the matter on the basis of the existing record. By Order dated March 17, 2015, the hearing was cancelled, with the matter to be decided upon the application and other matters of record in this docket.

Upon consideration of the application and the entire record in this docket, the Commission finds and concludes that:

1. The public convenience and necessity require that the proposed service be offered in addition to existing authorized transportation service;
2. The Applicant is fit, willing, and able to properly perform the proposed service on a continuing basis;
3. The Applicant is solvent and financially able to furnish adequate service on a continuing basis;
4. The Applicant has satisfied the burden of proof imposed by G.S. 62-262(e); and
5. The Applicant should be granted the authority described in Exhibit A attached to this Order.

IT IS, THEREFORE, ORDERED as follows:

1. That the Applicant is hereby granted the common carrier authority set forth in Exhibit A attached to this Order and made a part hereof.

2. That the Applicant shall file with the North Carolina Utilities Commission, Operations Division, evidence of the required liability insurance and designation of process agent, and shall file with the Public Staff – North Carolina Utilities Commission, Transportation Rates Division, a tariff of rates and charges, timetable, and otherwise comply with the rules and regulations of the Commission.

3. That unless the Applicant complies with the requirements set forth in Ordering Paragraph 2 above and begins operating as herein authorized within 30 days after the date of this Order, unless such time is extended in writing by the Commission upon request for such extension, the operating authority granted herein will cease.

4. That the Applicant shall maintain its books and records in such a manner that all of the applicable items of information required in the prescribed Annual Report to the Commission are available for use by the Applicant in the preparation of such Annual Report. A copy of the Annual Report form shall be furnished to the Applicant upon request to the Public Staff's Transportation Rates Division.

5. That the Applicant shall maintain its books and records in such a manner that all of the applicable items of information requested in its prescribed quarterly Public Utilities Regulatory Fee Report are available for use by the Applicant in the preparation of such report and payment of quarterly regulatory fee. Any questions regarding the regulatory fee report and/or regulatory fee should be directed to the Commission's Fiscal Management Division at 919-733-5265.

6. That this Order shall constitute a certificate until a formal certificate has been issued and transmitted to the Applicant authorizing the common carrier transportation described and set forth in Exhibit A attached hereto.

ISSUED BY ORDER OF THE COMMISSION.

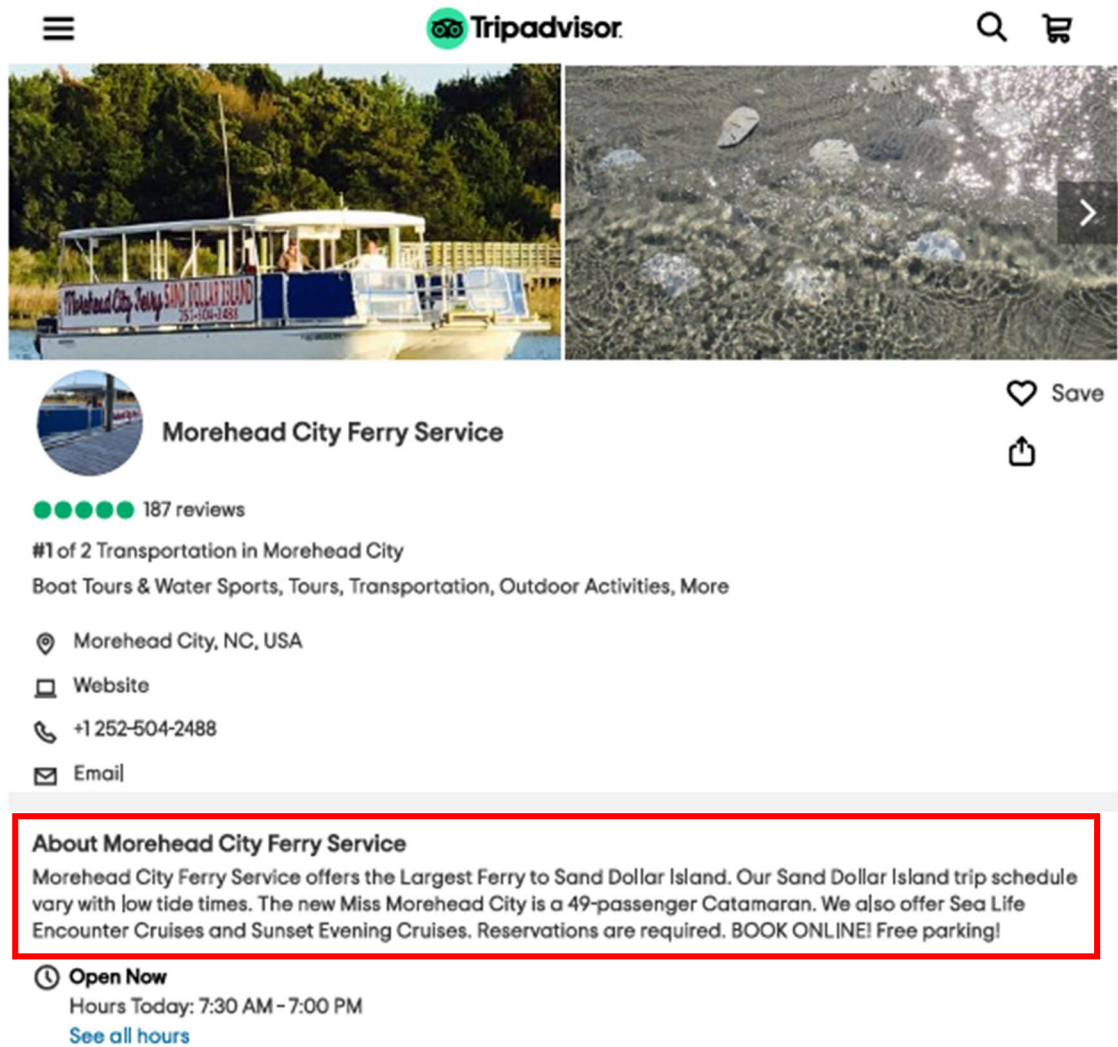
This the 30th day of March, 2015.

NORTH CAROLINA UTILITIES COMMISSION

Gail L. Mount

Gail L. Mount, Chief Clerk

Chairman Edward S. Finley, Jr., and Commissioners ToNola D. Brown-Bland and Don M. Bailey did not participate in this decision.

Morehead City Ferry Service TripAdvisor Page Advertising Free Parking

Morehead City Ferry Service

187 reviews

#1 of 2 Transportation in Morehead City

Boat Tours & Water Sports, Tours, Transportation, Outdoor Activities, More

Morehead City, NC, USA

Website

+1 252-504-2488

Email

About Morehead City Ferry Service

Morehead City Ferry Service offers the Largest Ferry to Sand Dollar Island. Our Sand Dollar Island trip schedule vary with low tide times. The new Miss Morehead City is a 49-passenger Catamaran. We also offer Sea Life Encounter Cruises and Sunset Evening Cruises. Reservations are required. **BOOK ONLINE! Free parking!**

Open Now

Hours Today: 7:30 AM - 7:00 PM

[See all hours](#)

REBUTTAL EXHIBIT JAW-4

DOCKET NO. A-26, SUB 0 and 4

**Recommended Order Approving Rate Increase
Docket No. A-26, Sub 4****STATE OF NORTH CAROLINA
UTILITIES COMMISSION
RALEIGH**

DOCKET NO. A-26, SUB 4

BEFORE THE NORTH CAROLINA UTILITIES COMMISSION

In the Matter of	
Morris Marina, Kabin Kamps and Ferry)
Service, Inc. - Suspension and Investigation)
of Proposed Increases in Rates and Charges)
Applicable on Passengers via Water)
	RECOMMENDED
	ORDER APPROVING
	RATE INCREASE

HEARD IN: Atlantic Fire Department, Atlantic, North Carolina, on Wednesday,
June 2, 1999, at 10:00 a.m.

BEFORE: Danny C. Stallings, Hearing Examiner

APPEARANCES:

For the Applicant:

No Attorney of Record

For the Public Staff:

Robert S. Gillam, Staff Attorney, Public Staff - North Carolina Utilities
Commission, Post Office Box 29520, Raleigh, North Carolina 27626-0520
For: The Using and Consuming PublicSTALLINGS, HEARING EXAMINER: On February 10, 1999, a tariff filing was issued
by Morris Marina, Kabin Kamps and Ferry Service, Inc. (Morris Marina), seeking approval
of increased rates and charges as published in Tariff NCUC No. 7.The tariff filing proposes varying percentage increases in certain rates ranging from
4% to 16.67%. New rates have been proposed to provide for round trip rates and one way
rates, separately. Other new rates have been proposed to provide rates for items and
circumstances not covered in Tariff NCUC No. 6.On March 11, 1999, the Commission issued its Order of Suspension, Investigation
and Notice of Hearing.The matter was heard as scheduled. Morris Marina offered the testimony of
Kari C. Fulcher, Secretary-Treasurer. The Public Staff offered the affidavit of David A.
Poole, Staff Accountant.

Based on the evidence of record in this matter the Hearing Examiner now makes the following:

FINDINGS OF FACT

1. Morris Marina is lawfully engaged in North Carolina common carrier service of passengers via water.
2. The test year period used in this proceeding is the 12 months ended December 31, 1998.
3. Test year operating revenues amounted to \$171,227, and test year operating revenue deductions totaled \$173,672, resulting in a net operating loss of \$2,445.
4. The rate increase requested by the Company would produce an increase of \$22,703 in annual revenues for a total of \$193,930. Annual operating revenue deductions would increase to \$177,024, leaving a net operating income of \$16,906. When applied to the Company's rate base of \$266,772, this would produce an overall rate of return of 6.34% per year.
5. The proposed rates are reasonable to both Morris Marina and the consuming public and should be approved.
6. That Morris Marina should maintain better records for Commission and rate case purposes.

EVIDENCE AND CONCLUSIONS FOR FINDINGS OF FACT NOS. 1-5

The evidence in support of these findings is found in the testimony of witnesses Fulcher and Poole.

Witness Poole testified that when the requested increase was applied to the Company's rate base of \$266,772, it would produce an overall rate of return of 6.34%. Accordingly, witness Poole testified that the proposed increase in rates and charges are not unreasonable and should be approved. No other party testified in opposition to the requested rate increase.

Based thereon, the Hearing Examiner concludes that the proposed rate increase is not unreasonable and should be allowed.

EVIDENCE AND CONCLUSIONS FOR FINDING OF FACT NO. 6

The evidence in support of this finding of fact is contained in the testimony of witnesses Fulcher and Poole.

Witness Poole testified that the Company was not aware of the Commission's filing requirements for rate increases, and therefore it has not presented any testimony as to its revenues, expenses or investment in transportation property. Witness Poole further testified that under the circumstances, the Public Staff has basically assembled the rate case for the Company. During the on-site investigation a considerable amount of time was spent explaining Commission rate case procedures and filing requirements to Ms. Karl Fulcher, Secretary and Treasurer for the Company. In addition, Phillip Cooke of the Public Staff's Transportation Rates Division and Mr. Poole discussed the Company's need to maintain better records for Commission and rate case purposes, including keeping detailed counts of vehicles transported, by vehicle category. Witness Poole also testified that Ms. Fulcher also needs to make an effort, as much as possible and feasible without being overly burdensome, to keep regulated ferry boat operating expenses separate from non-regulated operations.

Mr. Poole recommended that the Company keep accurate counts of the various categories of vehicles transported, as specified in its proposed tariff, in order to accommodate Public Staff investigations in future rate case proceedings. He also recommended that the Company make all reasonable efforts to accurately record expenses in its general ledger and to segregate, as much as possible, operating revenues that relate specifically to regulated ferry boat operations. Witness Poole noted that the Public Staff will be happy to discuss, informally, ways to maintain or track regulated expenses separately from non-regulated expenses. Finally, Mr. Poole recommended that the Company make every possible effort to be prepared to provide and file the minimum filing requirements for future rate increases.

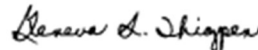
Witness Fulcher agreed with the recommendations of the Public Staff and agreed to maintain better records.

IT IS, THEREFORE, ORDERED that the proposed rate increase is allowed and that Tariff NCUC No. 7 is hereby approved.

ISSUED BY ORDER OF THE COMMISSION.

This the 9th day of June, 1999.

NORTH CAROLINA UTILITIES COMMISSION



Geneva S. Thigpen, Chief Clerk

ms060999.02

**Excerpt from Affidavit of David A. Poole – Exhibit I Schedule 3-3
Including Parking Lot Expenses in Rate Base Calculation
Docket No. A-26, Sub 4**



**NORTH CAROLINA
PUBLIC STAFF
UTILITIES COMMISSION**

OFFICIAL COPY

May 20, 1999



Mrs. Geneva S. Thigpen, Chief Clerk
North Carolina Utilities Commission
Post Office Box 29510
Raleigh, North Carolina 27626-0510

Re: Docket No. A-26, Sub 4
Morris Marina Kabin Kamps
and Ferry Services, Inc.

Dear Mrs. Thigpen:

Enclosed for filing, in the above referenced docket are six (6) copies of the Affidavit of David A. Poole.

By copy of this letter, I am forwarding a copy to the parties of record.

Sincerely,

Robert S. Gillam

Robert S. Gillam
Staff Attorney

Banning
Shayne
Kentley/Knight
Hosmer/Kite
Stalling RSG:dd
Repartus Enclosure

c: Parties of Record

Executive Director 733-2435	Communications 733-2810	Economic Research 733-2902	Legal 733-6110	Transportation 733-7766
Accounting 733-4279	Consumer Services 733-9277	Electric 733-2267	Natural Gas 733-4326	Water 733-5610

P.O. Box 29520 • Raleigh, North Carolina 27626-0520 • Fax (919) 733-9565

An Equal Opportunity / Affirmative Action Employer



MORRIS MARINA KABIN KAMPS and FERRY SERVICE, INC.
Docket No. A-26, Sub 4
CALCULATION OF UTILITIES EXPENSE
For the Test Year Ended
December 31, 1998

Poole Exhibit I
Schedule 3-3

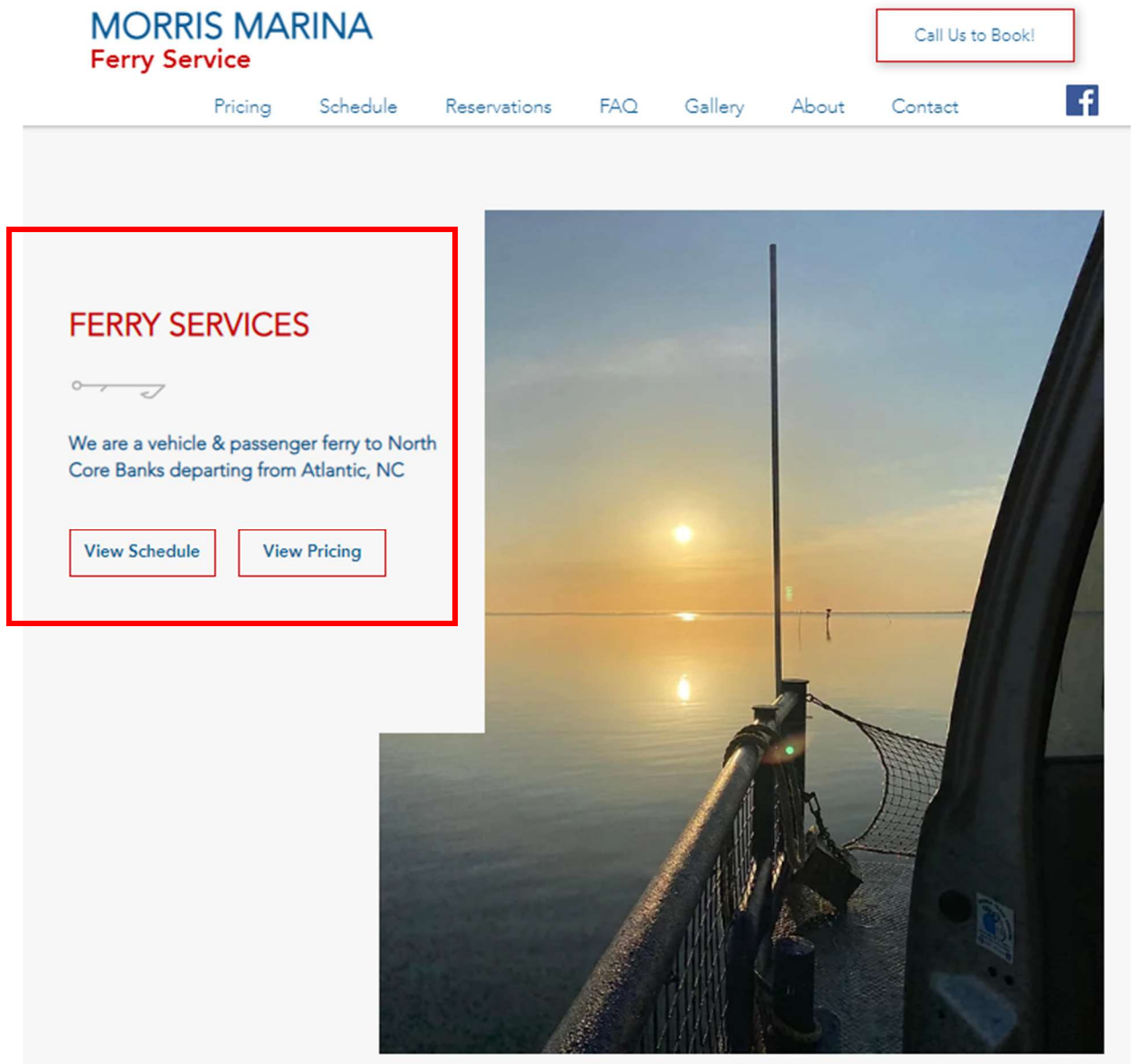
Line No.	Month	House/ Office (a)	Garage (b)	Ice House (c)	Captain's Apartment (d)	Other Apartment (e)	Parking Lot Lights (f)	Total (g)	[3]
1.	January	\$124.87	\$22.59	\$52.43	\$63.35		\$12.36		
2.	February	258.38	23.65	54.98	104.44		12.36		
3.	March	175.26	22.15	49.78	72.81		12.36		
4.	April	142.02	12.80	126.77	76.23		12.36		
5.	May	208.67	12.36	157.85	69.54		12.36		
6.	June	287.49	12.36	174.40	81.69		12.36		
7.	July	230.16	16.06	169.68	116.67		12.36		
8.	August		14.56	176.16	126.58		12.36		
9.	September		12.71	163.34	94.42		12.36		
10.	October	175.41	13.25	168.49	57.38	\$51.15	12.36		
11.	November	127.68	13.50	160.80	39.70	38.53	12.36		
12.	December		12.89	174.34		80.38	12.36		
13.	Total	1,729.94	188.88	1,629.02	902.81	170.06	148.32		
14.	Annualized amount [1]	2,306.59	188.88	1,629.02	984.88	680.24	148.32		
15.	Allocation percentage [2]	20.00%	50.00%	33.33%	100.00%	70.00%	33.33%		
16.	Allocated amount (L14 times L15)	\$461.32	\$94.44	\$542.95	\$984.88	\$476.17	\$49.44	\$2,609	

[1] Annualized based on average monthly amount times 12 months.

[2] Percentages based on information provided by the Company.

[3] Sum of Columns (a) through (f).

Morris Marina Ferry Service Website
Advertising Services as Vehicle and Passenger Ferry



Source: <https://www.morrismarinaferry.com/>

Morris Marina Ferry Service Website – Vehicle & Truck Pricing

MORRIS MARINA
Ferry Service

Call Us to Book!

Pricing Schedule Reservations FAQ Gallery About Contact

PRICING

VEHICLES & TRUCKS with or without campers/trailers Round Trip		OVERHEAD & TRUCK CAMPERS Round Trip		OTHER Round Trip	
Less than 22'	\$125	Less than 22'	\$165	UTV/Kabota/Gator/Mule	\$95
22'-26'	\$155	22'-26'	\$175	*any with attachments, price will be determined	
26'-30'	\$175	26'-30'	\$195	ATV/4wheeler Standard	\$50
30'-35'	\$225	30'-35'	\$250-350*	Military Trucks	\$300
More than 35'	\$325			Adult Passenger	\$18
				Children 4-10	\$9
				Children under 4	Free
				*Children must be accompanied by an adult	

* Prices may vary depending on width and weight.

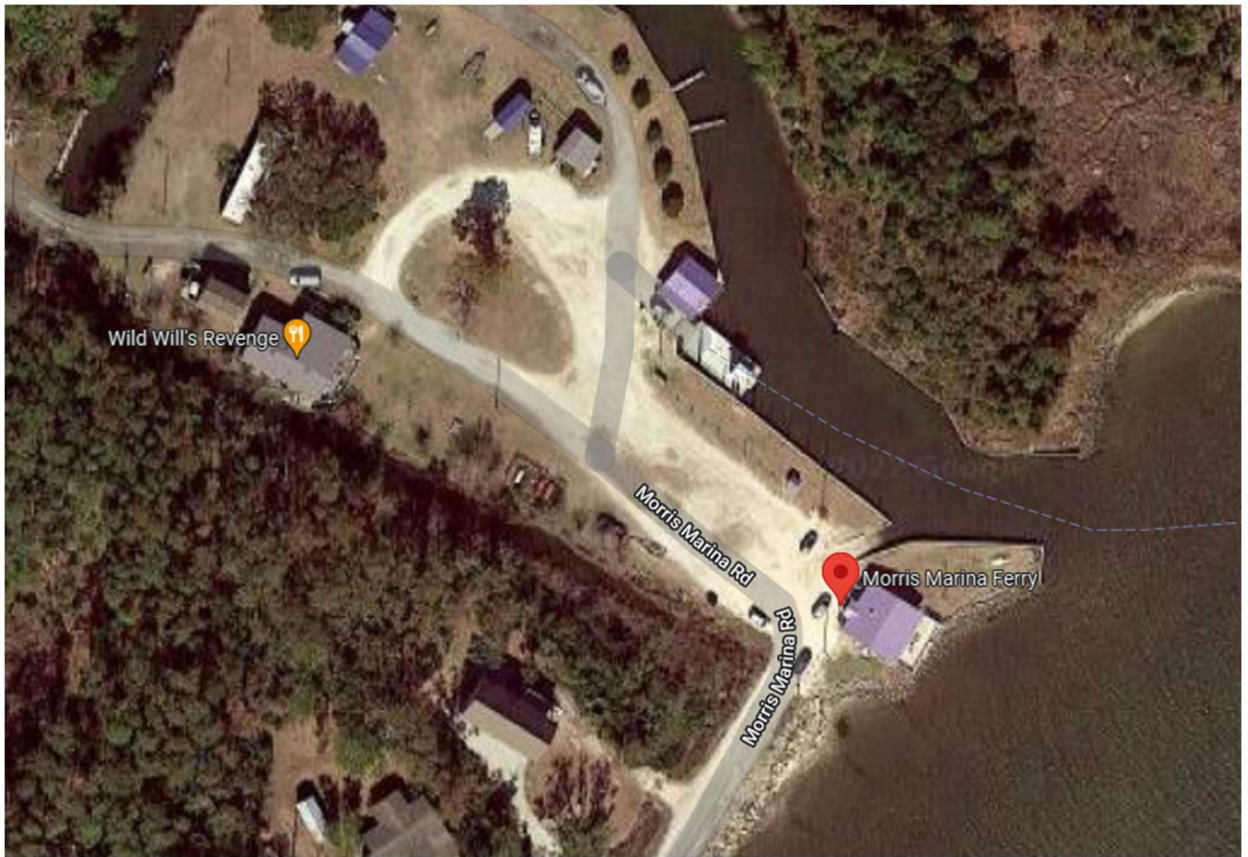
Anything over 8' wide will incur an additional charge of \$35

* Prices may vary depending on width and weight.

View Our Schedule Make a Reservation

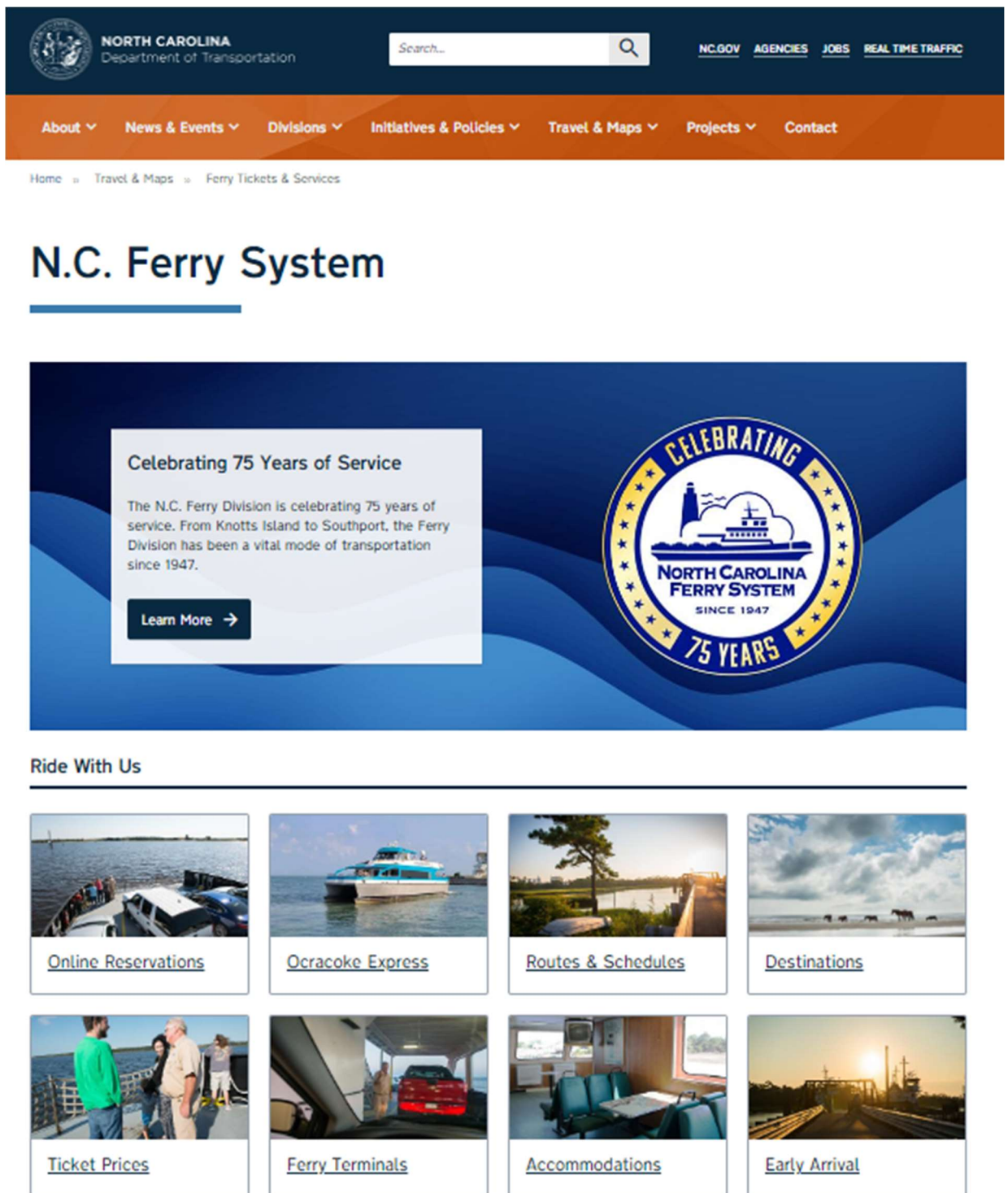
Source: <https://www.morrismarinaferry.com/pricing>

Google Earth View of Morris Marina Ferry



REBUTTAL EXHIBIT JAW-5

North Carolina Department of Transportation – Ferry System Website




The screenshot displays the official website of the North Carolina Department of Transportation's Ferry System. The header features the department's logo, a search bar, and navigation links for NC.GOV, AGENCIES, JOBS, and REAL TIME TRAFFIC. A secondary navigation bar includes links for About, News & Events, Divisions, Initiatives & Policies, Travel & Maps, Projects, and Contact. Below this, a breadcrumb trail shows the path: Home > Travel & Maps > Ferry Tickets & Services.

N.C. Ferry System









Celebrating 75 Years of Service

The N.C. Ferry Division is celebrating 75 years of service. From Knotts Island to Southport, the Ferry Division has been a vital mode of transportation since 1947.

[Learn More →](#)




Ride With Us

 Online Reservations	 Ocracoke Express	 Routes & Schedules	 Destinations
 Ticket Prices	 Ferry Terminals	 Accommodations	 Early Arrival

Source: <https://www.ncdot.gov/travel-maps/ferry-tickets-services/Pages/default.aspx>

North Carolina Department of Transportation – Ticket Prices for Pedestrians, Vehicles Riding Cedar Island, Ocracoke, Swan Quarter, and Fort Fisher Ferries



NORTH CAROLINA
Department of Transportation

[NC.GOV](#)
[AGENCIES](#)
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[Home](#) » [Travel & Maps](#) » [Ferry Tickets & Services](#) » [Ticket Prices](#)

Ticket Prices

Service for most of North Carolina's seven ferry routes is free, but fares are charged for service on the popular Cedar Island-Ocracoke and Swan Quarter-Ocracoke routes as well as the Southport-Fort Fisher route and the Ocracoke Express (Hatteras-Ocracoke) passenger ferry route.

Purchase tickets [online](#) or by calling 1-800-BY-FERRY. Tickets are also available at each ferry terminal's ticket booth outside the terminal entrance. Payments using Visa, Mastercard, Discover and American Express are accepted online and over the phone. These payment methods, as well as cash, are accepted at terminal ticket booths.

Note: [Reservations are recommended](#) on the Cedar Island-Ocracoke, Swan Quarter-Ocracoke and the Ocracoke Express Passenger Ferry between Hatteras and Ocracoke

Travel & Maps

- [Traffic & Travel](#)
- [Ferry Tickets & Services](#)
- [Routes & Schedules](#)
- [Online Reservations](#)
- [Ocracoke Express](#)
- Ticket Prices**
- [Ferry Terminals](#)

Cedar Island, Ocracoke, Swan Quarter

Type	One-Way Fare
Pedestrian	\$1 (free for ages under 5)
Bicycle Rider	\$3
Motorcycle	\$10
Scooter	\$10
Golf Cart or ATV	\$10
3-Wheel Motorcycle	\$10
Motorcycle with Trailer	\$15
Motorcycle with Side Car	\$15
Vehicle and/or Combination Less Than 20 Feet	\$15
Vehicle and/or Combination 20 to 40 Feet	\$30
Vehicle and/or Combination 40 to 65 Feet	\$45

Southport-Fort Fisher

Type	One-Way Fare
Pedestrian	\$1 (free for ages under 5)
Bicycle Rider	\$2
Motorcycle	\$3
Scooter	\$3
Golf Cart or ATV	\$3
3-Wheel Motorcycle	\$3
Motorcycle with Trailer	\$7
Motorcycle with Side Car	\$7
Vehicle and/or Combination Less Than 20 Feet	\$7
Vehicle and/or Combination 20 to 40 Feet	\$14
Vehicle and/or Combination 40 to 65 Feet	\$28

Last updated Dec. 1, 2020

Source: <https://www.ncdot.gov/travel-maps/ferry-tickets-services/Pages/ticket-prices.aspx>

REBUTTAL EXHIBIT JAW-6

**Excerpts from Final Revised Tariffs
for A & R Marine Ferry from Bristol to Prudence Island**

Schedule A
Passenger Rates
Docket No. 4586
Rhode Island Public Utilities Commission
Effective: May 28, 2016

Between

Bristol
and
Prudence Island

One-Way Single Fare Adult	\$ 5.40
One-Way Single Fare Child under 12 (See Note A)	\$ 1.90
Twenty One-Way Trip Frequent User Tickets *	\$ 55.00
Ten One-Way Trip Frequent User Tickets *	\$ 32.50

Note A	Children between five (5) and not over twelve (12) years will be charged at the rates named below: One-Way between Bristol and Prudence Island	\$ 1.90
--------	--	---------

* See Rule 10 for Advanced Frequent User tickets

Schedule D
Vehicle Tariffs
Docket No. 4586
Rhode Island Public Utilities Commission
Effective: May 28, 2016

SUV, Vans & Pick-up Trucks: up to 1 ton	\$ 62.00	R/T
Other 1 Ton (rated capacity) Pickups & Vans	\$ 86.00	R/T
2-3 Ton (rated capacity) Pickups & Vans	\$ 136.00	R/T
Other Trucks 4 - 5 Tons	\$ 150.00	R/T
Other Trucks 5 - 10 Tons	\$ 248.00	R/T
Other Trucks 10 - 20 Tons	\$ 310.00	R/T
Other Trucks 20 - 30 Tons	\$ 496.00	R/T

Moving Vans, U-Haul, Cube Trucks	- refer truck category
Cement Trucks	- refer truck category
Camp Trailers	- refer truck category
Recreational self propelled vehicles	- refer truck category

Trailers & Tent Trailers	
Utility - up to 10'	\$ 62.00 R/T
Utility - 10' to 20'	\$ 74.00 R/T
Utility - over 20'	\$ 100.00 R/T

Boats - only - up to 10'	\$ 62.00 R/T
Boats - only - 10' to 20'	\$ 74.00 R/T
Boats - only - over 20'	\$ 100.00 R/T

Boat & Trailer - up to 10'	\$ 74.00 R/T
Boat & Trailer - 10' to 20'	\$ 100.00 R/T
Boat & Trailer - over 20'	\$ 150.00 R/T

Note: Multiple trip vehicle tickets do not apply to above.

REBUTTAL EXHIBIT JAW-7

Ferry Service	Is parking provided at the Ferry Terminal	Other ways to get to the ferry destination ?	Total Number of Parking Facilities			Are vehicles, including trucks, allowed on ferry?	Is Parking at Ferry Terminal Regulated and Who Regulates This Parking?	Other Features	Exhibit Reference
			Provided by Ferry	Located within 0.3 miles of Ferry Terminal (approx. 500 yds)	Located less than 3 miles of Ferry Terminal				
Freedom Cruise Line - Harwich to Nantucket	Yes	Yes (other ferries)	1	1	2	No			JAW Rebuttal Exhibit 7.1
Steamship Authority, Hyannis to Nantucket	Yes	Yes (other ferries)	4	1	8	Yes	Yes - Steamship Authority, created by Massachusetts Legislature		JAW Rebuttal Exhibit 7.2
Hy-Line, Hyannis to Nantucket	Yes	Yes (other ferries)	7	1	13	No			JAW Rebuttal Exhibit 7.3
Seastreak, New Bedford to Nantucket	Yes	Yes (other ferries)	2	1	3	No			JAW Rebuttal Exhibit 7.4
Rhode Island Fast Ferry to Martha's Vineyard	Yes	Yes (other ferries)	1	1	1	No		Ferry is close to Amtrak station and airport; ferry offers shuttle to airport	JAW Rebuttal Exhibit 7.5
Steamship Authority to Martha's Vineyard	No	Yes (other ferries)	3	1	4	Yes	Yes, depends on terminal -Steamship Authority created by Massachusetts Legislature		JAW Rebuttal Exhibit 7.6
Island Commuter to Martha's Vineyard	Yes	Yes (other ferries)	1	1	3	No			JAW Rebuttal Exhibit 7.7
Seastreak New Bedford to Martha's Vineyard	Yes	Yes (other ferries)	2	1	6	No	Yes, New Bedford municipal parking regulated by city govt.		JAW Rebuttal Exhibit 7.4
Hy-Line, Hyannis to Martha's Ferry	Yes	Yes (other ferries)	7	1	13	No			JAW Rebuttal Exhibit 7.3
Cuttyhunk Ferry to Cuttyhunk Island	Yes	Yes (18-passenger	2	1	6	No		Island only has 10 residents.	JAW Rebuttal Exhibit 7.8

Ferry Service	Is parking provided at the Ferry Terminal	Other ways to get to the ferry destination ?	Total Number of Parking Facilities			Are vehicles, including trucks, allowed on ferry?	Is Parking at Ferry Terminal Regulated and Who Regulates This Parking?	Other Features	Exhibit Reference
			Provided by Ferry	Located within 0.3 miles of Ferry Terminal (approx. 500 yds)	Located less than 3 miles of Ferry Terminal				
		water taxi service)							
Bay State Ferry to Provincetown	No	Yes (car)	None	3	12+	No	Yes -Town of Provincetown	Ferry does not provide parking Numerous close-by public parking facilities provided by the town of Provincetown	JAW Rebuttal Exhibit 7.9
Viking Fleet Ferry – Montauk to Block Island	Yes	Yes (other ferries)	1	1	2	No			JAW Rebuttal Exhibit 7.10
Interstate Navigation Narragansett (Pt. Judith) to Block Island	No	Yes (other ferries)	None	5	6+	Yes		Ferry does not provide parking Municipal parking is close by	JAW Rebuttal Exhibit 7.11
Block Island Express New London to Block Island	Yes	Yes (other ferries)	1	3	2+	No			JAW Rebuttal Exhibit 7.12
Interstate Navigation Newport to Block Island	No	Yes (other ferries)	None	4	5+	No		Ferry does not provide parking Municipal parking is close by	JAW Rebuttal Exhibit 7.11
Rhode Island Fast Ferry to Block Island	Yes	Yes (other ferries)	1	1	4	No			JAW Rebuttal Exhibit 7.5
A&R Marine to Prudence Island	No	No	None	2	2	Yes		Ferry does not provide parking Municipal parking, including free parking, is close by	JAW Rebuttal Exhibit 7.13

Ferry Service	Is parking provided at the Ferry Terminal	Other ways to get to the ferry destination ?	Total Number of Parking Facilities			Are vehicles, including trucks, allowed on ferry?	Is Parking at Ferry Terminal Regulated and Who Regulates This Parking?	Other Features	Exhibit Reference
			Provided by Ferry	Located within 0.3 miles of Ferry Terminal (approx. 500 yds)	Located less than 3 miles of Ferry Terminal				
Sayville Ferry to Fire Island	Yes, across street	Yes (car, other ferries)	None	1	2	No		Parking is across the street	JAW Rebuttal Exhibit 7.14
Fire Island Ferry Bayshore to Fire Island	Yes	Yes (car, other ferries)	3	6	7+	No	Yes -Town of Provincetown		JAW Rebuttal Exhibit 7.15
Davis Park Ferry to Fire Island	Yes	Yes (car, other ferries)	None	1	3	No	Yes - Town of Brookhaven NY	Ferry does not provide parking	JAW Rebuttal Exhibit 7.16
Daufuskie Island Ferry	Yes	Yes (other ferries; water taxi)	2	2	4	No		Ferry operates under contract with County Council of Beaufort County, South Carolina; Beaufort County allocates 60 free parking spots for island residents	JAW Rebuttal Exhibit 7.17
Washington Island Ferry Northpoint	Yes	Yes (plane)	2	2	2	Yes			JAW Rebuttal Exhibit 7.18
Madeline Island Ferry from Bayfield	Yes	Yes (plane)	1	4	4	Yes	Yes -Parking at terminal regulated by City of Bayfield		JAW Rebuttal Exhibit 7.19
Star Line Mackinaw City to Mackinac Island	Yes	Yes (other ferries; plane)	4	3	4	No			JAW Rebuttal Exhibit 7.20
Star Line St. Ignace to Mackinac Island	Yes, plus 2 valet	Yes (other ferries; plane)	2	2	2	No			JAW Rebuttal Exhibit 7.20
Shepler's Mackinaw City to Mackinac Island	Yes	Yes (other ferries; plane)	3	1	4	No			JAW Rebuttal Exhibit 7.21

Ferry Service	Is parking provided at the Ferry Terminal	Other ways to get to the ferry destination ?	Total Number of Parking Facilities			Are vehicles, including trucks, allowed on ferry?	Is Parking at Ferry Terminal Regulated and Who Regulates This Parking?	Other Features	Exhibit Reference
			Provided by Ferry	Located within 0.3 miles of Ferry Terminal (approx. 500 yds)	Located less than 3 miles of Ferry Terminal				
Shepler's St. Ignace to Mackinac Island	Yes	Yes (other ferries; plane)	2	2	3	No			JAW Rebuttal Exhibit 7.21
Beaver Island Ferry – Charlevoix to Beaver Island	Free shuttle 2 places	Yes (plane)	1	2	4	Yes			JAW Rebuttal Exhibit 7.22
Miller Boat Co. Catawba to Put-In-Bay	Yes	Yes (other ferries)	8	7	9	Yes			JAW Rebuttal Exhibit 7.23
Jet Express to Put-in-Bay	Yes	Yes (other ferries)	1	1	1	No			JAW Rebuttal Exhibit 7.24
Key West Express Ft. Myers	Yes	Yes (car; other ferries)	1	1	4+	No			JAW Rebuttal Exhibit 7.25
Catalina Express Long Beach to Catalina Island	Yes	Yes (other ferries)	None	5	6+	No		Ferry does not provide parking	JAW Rebuttal Exhibit 7.26
Catalina Express San Pedro to Catalina Island	Yes	Yes (other ferries)	None	2	6+	No		Ferry does not provide parking	JAW Rebuttal Exhibit 7.26
Catalina Express Dana Point to Catalina	Yes	Yes (other ferries)	None	4	7+	No		Ferry does not provide parking	JAW Rebuttal Exhibit 7.26
Catalina Flyer Newport Beach to Catalina Island	Yes	Yes (other ferries)	None	6	6+	No	Yes – City of Newport Beach	Ferry does not provide parking	JAW Rebuttal Exhibit 7.27
WA State Ferry to San Juan Islands	Yes	Yes (other ferries; plane)	3	3	3	Yes	Yes – Washington Department of Transportation		JAW Rebuttal Exhibit 7.28
WA State Ferry Seattle to Bainbridge Island	Yes	Yes (car)	None	6	10+	Yes	Unclear, ferry and terminal is operated by the Washington Dept of Transportation	Ferry does not provide parking	JAW Rebuttal Exhibit 7.29

Ferry Service	Is parking provided at the Ferry Terminal	Other ways to get to the ferry destination ?	Total Number of Parking Facilities			Are vehicles, including trucks, allowed on ferry?	Is Parking at Ferry Terminal Regulated and Who Regulates This Parking?	Other Features	Exhibit Reference
			Provided by Ferry	Located within 0.3 miles of Ferry Terminal (approx. 500 yds)	Located less than 3 miles of Ferry Terminal				
Black Ball Line Pt. Angeles to Victoria BC	Yes	Yes (car; plane; other ferries)	None	7	7+	Yes		Ferry does not provide parking; Ferry crosses international border	JAW Rebuttal Exhibit 7.30
Victoria Clipper Seattle to Victoria BC	Yes	Yes (car; plane; other ferries)	None	7	7+	No		Ferry does not provide parking; Ferry crosses international border	JAW Rebuttal Exhibit 7.31
BC Ferries Tsawwassen to Gulf & Van Islands	Yes	Yes (other ferries)	None	1	1	Yes	Yes - City of Delta	Ferry does not provide parking; Ferry is in Canada	JAW Rebuttal Exhibit 7.32
BC Ferries Horseshoe Bay to Gulf Van Islands	Yes	Yes (other ferries)	None	1	1	Yes		Ferry does not provide parking; Ferry is in Canada	JAW Rebuttal Exhibit 7.33

REBUTTAL EXHIBIT JAW-7.1

Freedom Cruise Line - Harwich to Nantucket

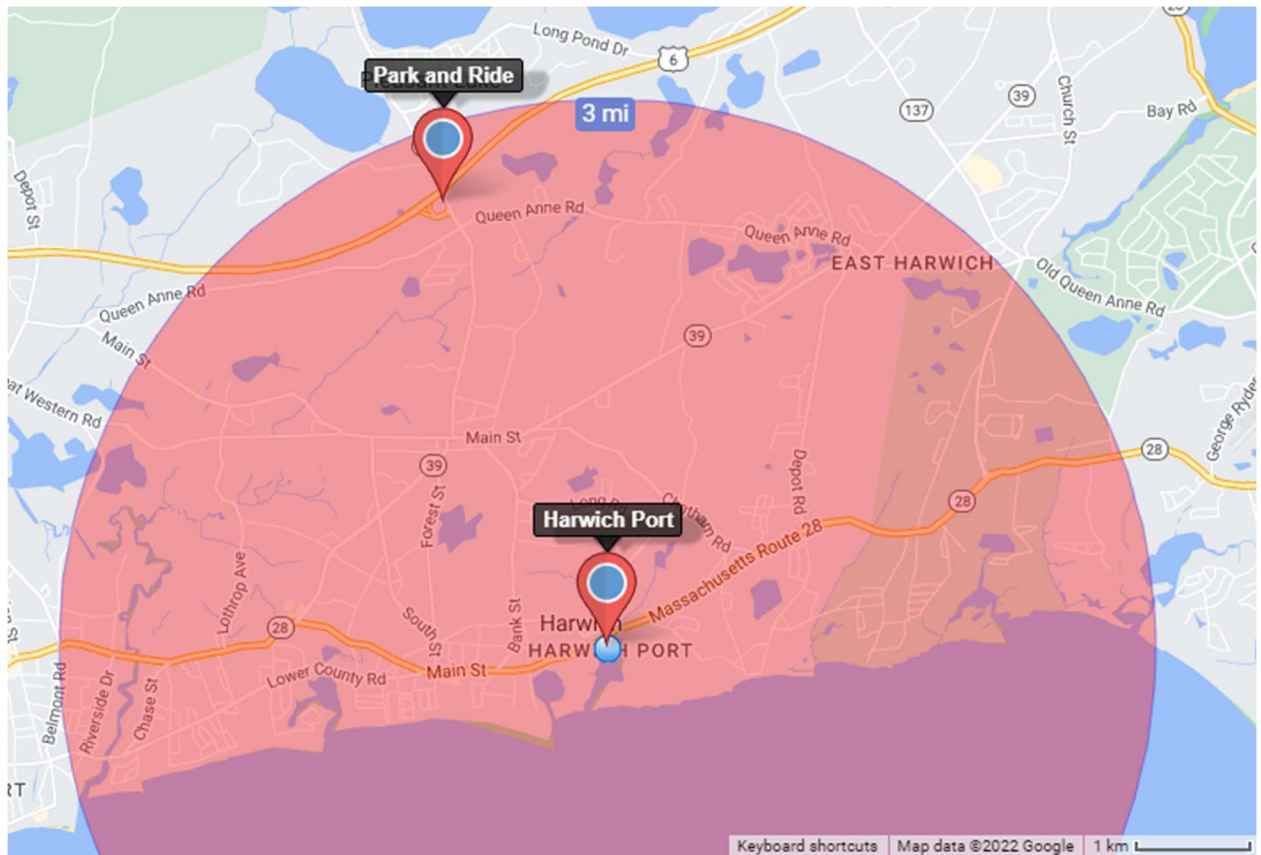
Freedom Cruise Line Website Advertising On-Site Parking

The screenshot displays the Freedom Cruise Line website. At the top, there is a blue navigation bar with links for "Contact" and "Book a reservation". Below this is the Freedom Cruise Line logo, which features a ship inside a red circle with the word "FREEDOM" above it and "CRUISE LINE" and "NANTUCKET FERRY" below it. To the right of the logo, the text "Freedom Cruise Line" is prominently displayed. Below the logo and title, there is a horizontal menu with links: "HOME", "RESERVATIONS", "SCHEDULES", "CONTACT US", "LOGIN", and "FREEDOM OFFSHORE ADVENTURES".

The main content area features a banner with four images: a sailboat race, a street scene in Nantucket, a historical illustration of a whaling ship, and a lighthouse. Below the banner, the heading "Nantucket Ferry" is followed by the text "Less than 80 minutes from Harwich Port" and "Tickets for the 2022 season now on sale!". A section titled "FERRY SERVICE DOCKS AT STRAIGHT WHARF IN DOWNTOWN NANTUCKET" describes the service. Further down, there are paragraphs about the historic whaling port and the experience of stepping ashore. On the right side, there is a section for "FREE PARKING for Day Trippers!" with a button to "BOOK TICKETS or CONFIRM RESERVATION". Below this, there are links to "Click here for Travel & Reservations Terms and Conditions / Cancellation Fees", a Facebook link, and a "Weather on Nantucket Island" button. At the bottom right, there is a "Reservations Info" box with the phone number (508) 432-8999.

Source: <https://www.freedomferry.com/>

Public Parking Lots within a Three-Mile Radius of Harwich Port



I/A

Rebuttal Exhibit JAW-7
Docket No. A-41, Sub 21
Page 9 of 115

REBUTTAL EXHIBIT JAW-7.2

Steamship Authority, Hyannis to Nantucket

OFFICIAL COPY

Oct 25 2022

Steamship Authority Website Advertising On-Site Parking – Hyannis

Sign In to use your SSA account.
[New User?](#)

SCHEDULES RESERVATIONS VISITORS RESIDENTS **TRAVELING TODAY** ABOUT Filter Site by: Both Islands

Traveling Today
Directions
Current Status
Parking Lots
Accessibility
On-Island Transportation
Nantucket/Hyannis Standby

BOOK NOW!

Parking Lots

We Make Parking Easy with Convenient Lots and Free Shuttles

Parking for Nantucket Travelers

When headed to Nantucket, please be advised that we offer limited on-site parking at our Hyannis terminal. Off-site parking however, is always available with free shuttle service to and from our Hyannis terminal. During the summer season and holiday weekends, we experience high passenger and automobile traffic volume. Plan to arrive one hour before your departure time to allow time for parking.

Current Parking

Parking is available at:
Brooks Road Lot
30 Brooks Road, Hyannis,
MA 02601
[Directions](#)

Current/real-time parking lot information is readily available as you approach the terminals by:

- Calling our Hyannis Parking Information Line at (508) 775-PARK (7275)
- Visiting our mobile site at m.SteamshipAuthority.com
- Tuning into 1610 AM radio
- Watching for road signs on approaching highways

All shuttle buses have bike racks, capable of accommodating two bikes during daylight hours. A bike shuttle bus is available every day throughout the summer season.

Source: https://www.steamshipauthority.com/traveling_today/parking

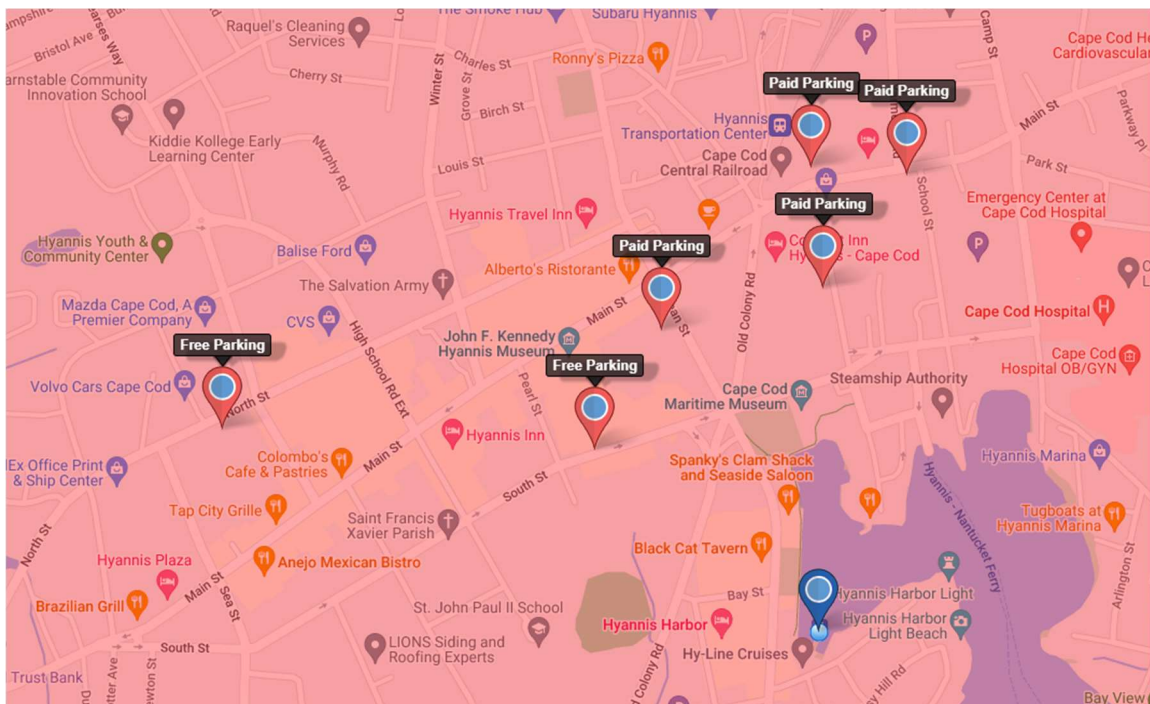
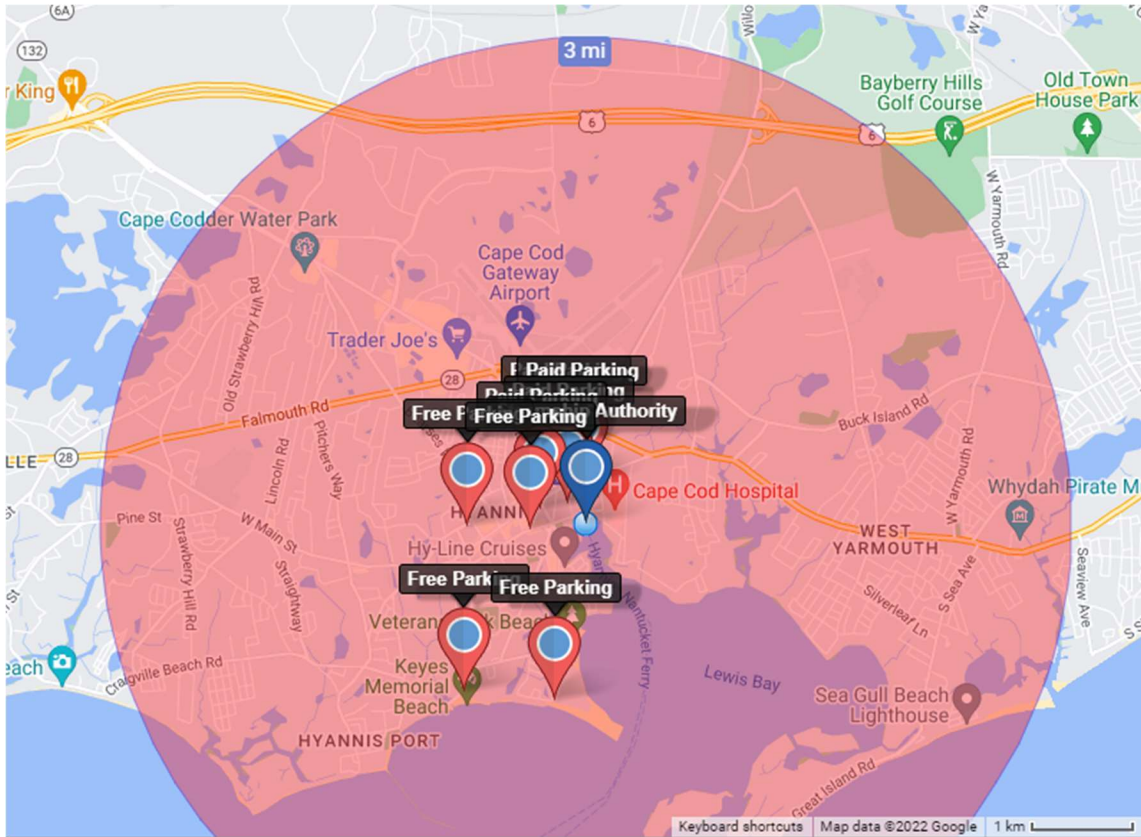
Steamship Authority Website Advertising On-Site Parking – Hyannis (continued)

RATE PER CALENDAR DAY						
Parking Lot	11/1/2021 thru 12/14/2022	12/15/2022 thru 3/31/2022	4/1/2022 thru 4/30/2022	5/1/2022 thru 6/14/2022	6/15/2022 thru 9/14/2022	9/15/2021 thru 10/31/2021
Hyannis Main Lot 65 South Street Hyannis, MA 02601	\$10.00	\$5.00	\$10.00	\$15.00	\$20.00	\$15.00
Off-Site Lewis Bay Road Lot 65 Lewis Bay Road Hyannis, MA 02601	\$10.00	\$5.00	\$10.00	\$12.00	\$15.00	\$12.00
Off-Site Yarmouth Road Lot 75 Yarmouth Road Hyannis, MA 02601	\$10.00	\$5.00	\$10.00	\$12.00	\$15.00	\$12.00
Off-Site Brooks Road Lot 30 Brooks Road Hyannis, MA 02601	\$10.00	\$5.00	\$10.00	\$12.00	\$15.00	\$12.00

If you are traveling to Nantucket and have questions about Hyannis parking information, please call the Hyannis Parking Lot Manager at: (508) 771-4000

Source: https://www.steamshipauthority.com/traveling_today/parking

**Public Parking Lots within a Three-Mile Radius of Steamship Authority Terminal -
Hyannis
(does not include ferry-provided parking)**

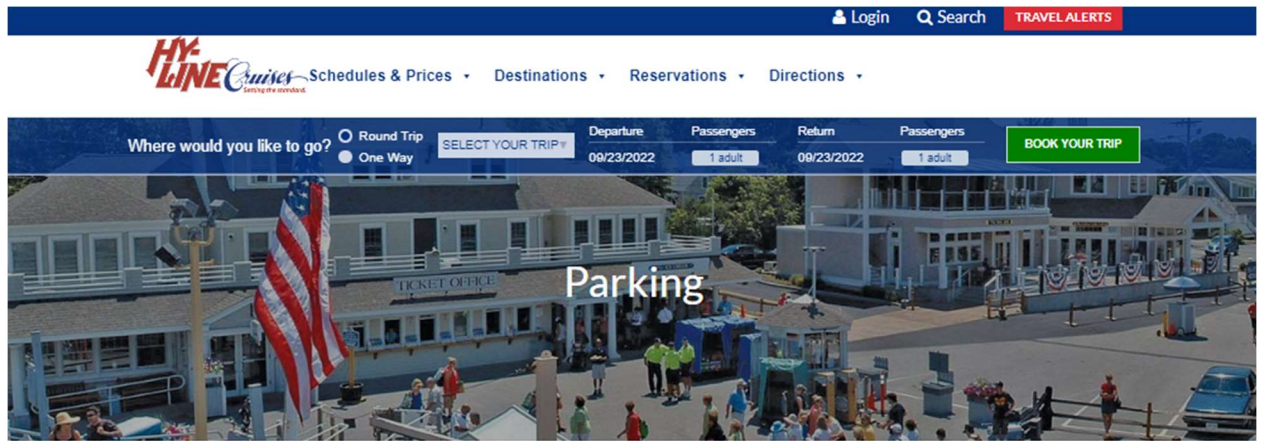


REBUTTAL EXHIBIT JAW-7.3

Hy-Line, Hyannis to Nantucket

Hy-Line, Hyannis to Martha's Vineyard

Hy-Line Cruises Website Advertising On-Site Parking



Hy-Line Cruises owns and operates its own parking lots along Ocean Street, in downtown Hyannis. We have parking lots both on-site, along Ocean Street, as well as off-site, one mile away with free shuttle service.

On-Site Parking

A limited portion of these on-site lots is available to reserve in advance, with your ferry reservation, while the rest is saved for day of sailing purchase. On the day of sailing, our on-site parking is only sold from our terminal. If you have booked on-site parking with your ferry trip, please proceed to our terminal at 220 Ocean Street parking to be directed to the lot in use at that time.

Any operators selling parking directly from lots along Ocean Street are not affiliated with Hy-Line Cruises and we do not control their pricing or policies.

For on-site parking use GPS **220 Ocean Street** to come directly to our Parking Gazebo.

Our 2022 on-site prices are as follow:


Map of On-Site Parking



Map of Hy-Line Off-Site Parking

Source: <https://hylinecruises.com/parking/>

Hy-Line Cruises Website Advertising Off-Site Parking within One Mile of Terminal


[Schedules & Prices](#)
[Destinations](#)
[Reservations](#)
[Directions](#)

[Login](#)
[Search](#)
[TRAVEL ALERTS](#)

[BOOK YOUR TRIP](#)

December 6 – December 14	\$15.00
December 15 – December 31	\$10.00

The above prices are charged on a per vehicle, per calendar day basis. These prices are subject to change without notice.

Off-Site Parking Lots

We offer off-site parking, with free shuttle service, just 1-mile away from our terminal. These lots are located in Hyannis at 183 Iyannough Road. A secondary overflow location at 33 Brooks Road is operated at times of peak demand. A limited portion of our off-site parking spaces can be booked in advance, with your ferry reservation, while the rest is saved for day-of sailing purchase. Off-site day of sailing parking may be purchased at our 220 Ocean Street terminal or directly from the parking kiosks located in these lots (credit/debit card only). If you have reserved off-site parking, you can go directly to our 183 Iyannough Road lots to check in with the attendant and park or you can also first drop-off luggage, bikes or travelers at our 220 Ocean Street terminal depending on your needs. Please inquire at the Parking Gazebo at our Hyannis terminal in person or by calling (508) 815-2221 for more information.

Shuttle service operates through October 30th and then again from November 22nd through December 5th for Thanksgiving and Christmas Stroll.


How to get to 183 Iyannough Road from the Ocean Street Dock

OFF-SITE PARKING

183 Iyannough Road Lot

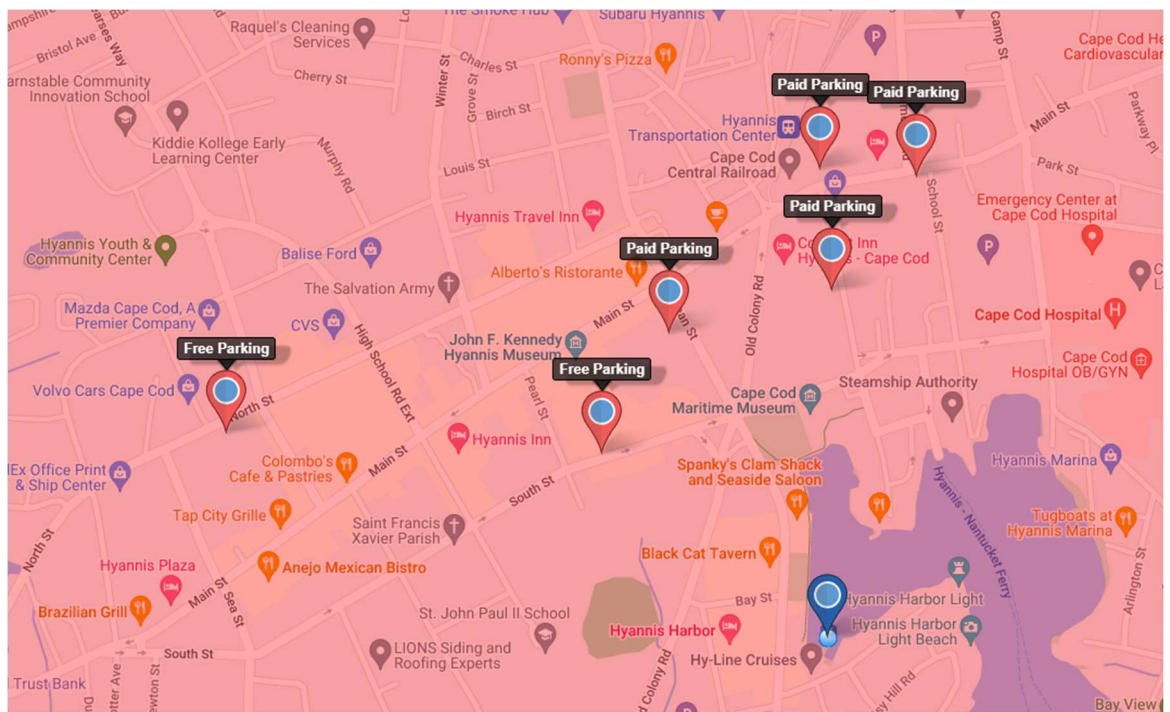
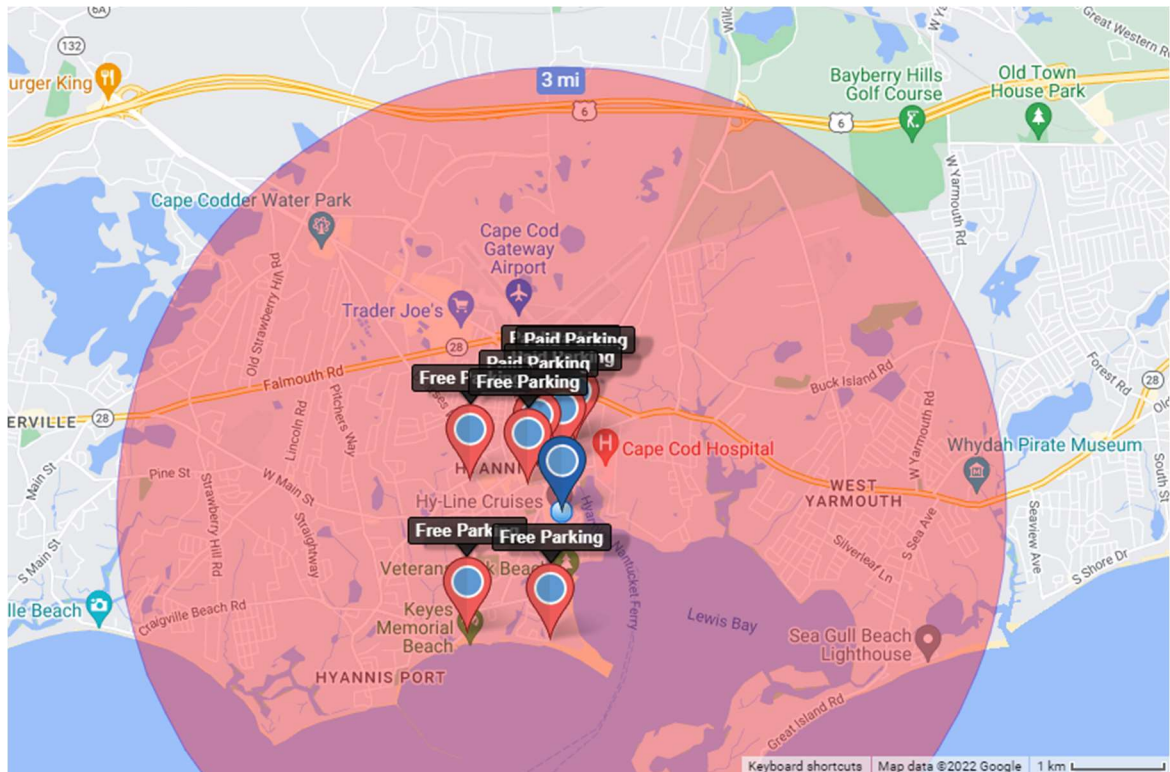
1.3-miles

- North on Ocean Street
- At light, slight right onto Old Colony Rd.
- At next light (cross Main St) go straight (Center St)
- Turn right onto Ridgewood Avenue (Chevy dealer)
- In 500 feet turn right at ferry sign
- Take next left
- Hy-Line off-site lots are on both sides



Source: <https://hylinecruises.com/parking/>

**Public Parking Lots within a Three-Mile Radius of Hy-Line Terminal
(does not include ferry-provided parking)**



REBUTTAL EXHIBIT JAW-7.4


Seastreak, New Bedford to Nantucket

Seastreak New Bedford to Martha's Vineyard

Seastreak Website Advertising On-Site and Off-Site Parking

RECOMMENDED

AVAILABLE ALL SEASON



Valet Parking

\$30 / per calendar day

Convenient valet parking is available at our New Bedford terminal. With our SMS Valet service, you no longer need to make reservations ahead of time via our website.


When dropping off your vehicle, please pull up to the valet booth and provide our valet attendant with your name and mobile number. You will receive a 'Welcome' text message from Seastreak at that time.

While on your return ferry trip back to New Bedford, simply locate the 'Welcome' text message and follow the instructions to request your vehicle and pay via your mobile phone. The valet booth will get a digital notification that you are returning and will move your car to a nearby location. Upon exiting the ferry, please proceed to the valet booth and present your ticket number to our attendant.

Valet Parking Address
49 State Pier
New Bedford, MA 02740

[Read Less](#)

AVAILABLE ALL SEASON



Offsite Parking

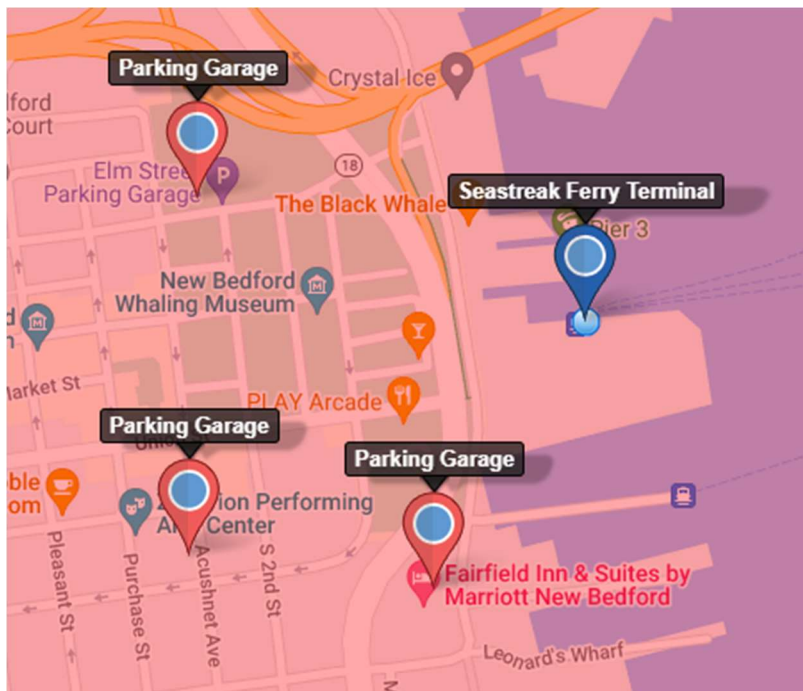
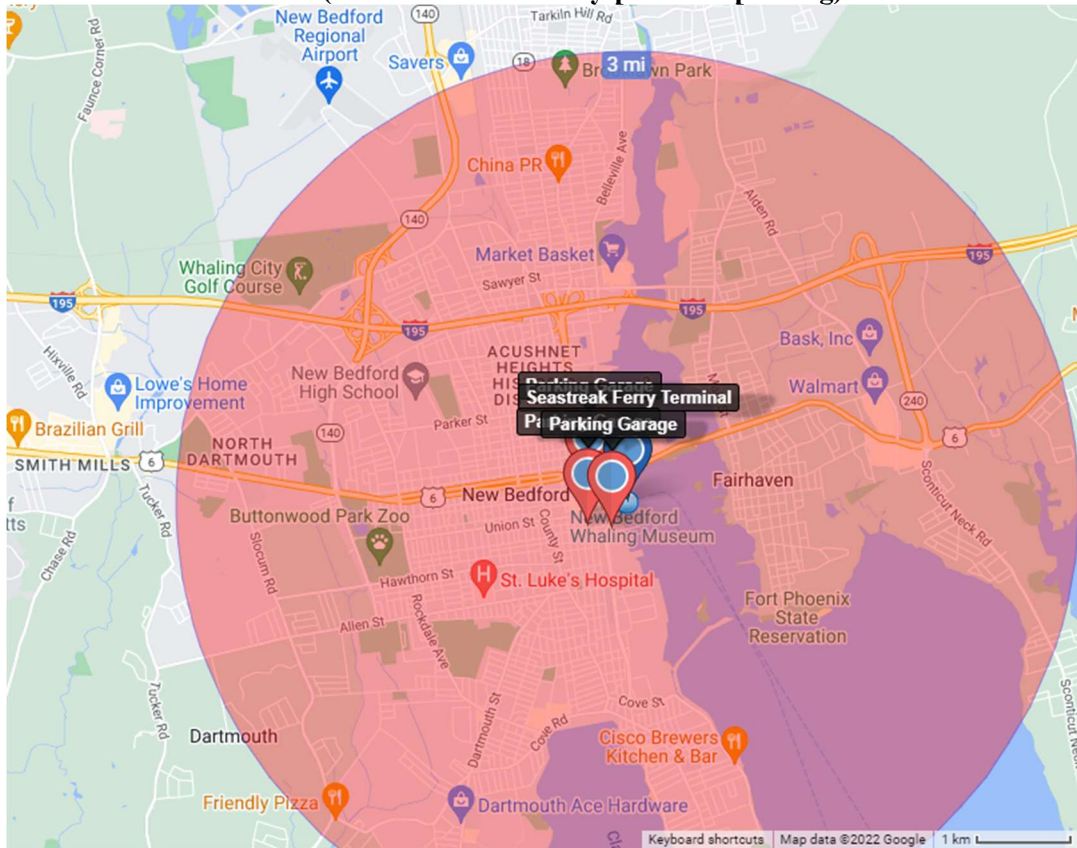
\$15 / per calendar day

Offsite parking is available at the Whales Tooth parking lot. Complimentary shuttle service is provided between the lot and pier. Passes may be reserved ahead of time through Seastreak, or purchased at the Whale's Tooth parking lot booth (subject to availability).

Whales Tooth Parking Lot Address
532 Acushnet Avenue
New Bedford, MA 02740

Source: <https://seastreak.com/ferry-routes-and-schedules/between-new-bedford-marthas-vineyard-ma/>

**Public Parking Lots within a Three-Mile Radius of Seastreak Terminal
(does not include ferry-provided parking)**

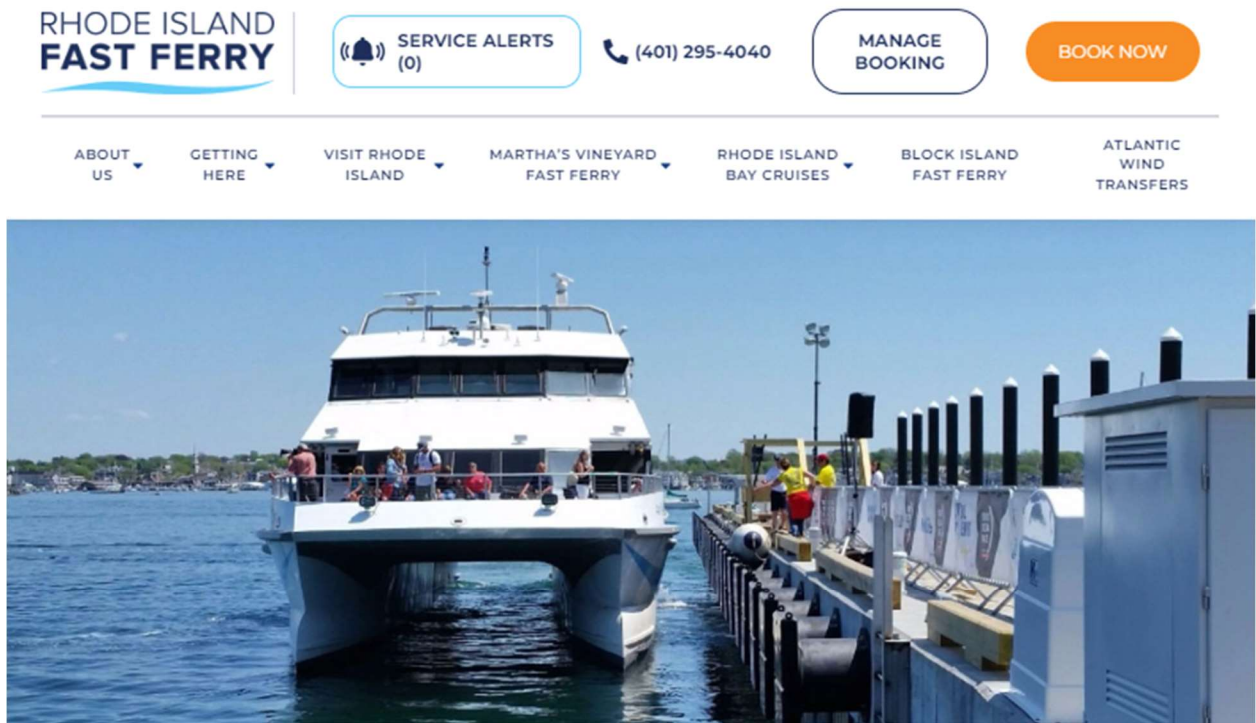


REBUTTAL EXHIBIT JAW-7.5

Rhode Island Fast Ferry – Quonset Point to Martha’s Vineyard

Rhode Island Fast Ferry – Quonset Point to Block Island

Rhode Island Fast Ferry Website Advertising On-Site Parking at Quonset Point Terminal



PARKING IN QUONSET POINT

Dockside Parking - \$15 per calendar day **

Dockside Parking is \$15 per calendar day. We have an enormous dockside parking lot here in Quonset Point – our ticket office, parking lot, and the the ferry dock are all part of the same facility. It's that easy, navigate to 1347 Roger Williams Way, North Kingstown, RI, pay to park, park your car a few hundred feet from the dock, and you're ready to start your vacation!



** Please be prepared to pay parking fees with cash upon arrival in our lot. We do not have an ATM on-site and credit cards are not accepted for parking payments.

Source: <https://www.fastferry.com/marthas-vineyard-fast-ferry/parking-in-quonset-point/>

**Rhode Island Fast Ferry Website Advertising On-Site Parking at Quonset Point Terminal
(continued)**

The screenshot displays the Rhode Island Fast Ferry website. At the top, the logo "RHODE ISLAND FAST FERRY" is on the left, followed by a "SERVICE ALERTS (0)" button, a phone number "(401) 295-4040", a "MANAGE BOOKING" button, and a "BOOK NOW" button. Below this is a navigation bar with links: "ABOUT US", "GETTING HERE", "VISIT RHODE ISLAND", "MARTHA'S VINEYARD FAST FERRY" (highlighted), "RHODE ISLAND BAY CRUISES", "BLOCK ISLAND FAST FERRY", and "ATLANTIC WIND TRANSFERS". A secondary navigation bar includes "OVERVIEW", "SCHEDULE & RATES", "DIRECTIONS", "MARTHA'S VINEYARD", "FAQ", "ISLAND TOURS", and a "BUY TICKETS" button. The main content area is titled "Overview" and contains text about the ferry's luxury, speed, and amenities, as well as information about dockside parking. To the right of the text is a large image of the "Julia Leigh" ferry boat on the water.

RHODE ISLAND FAST FERRY

🔔 SERVICE ALERTS (0) ☎️ (401) 295-4040

MANAGE BOOKING BOOK NOW

ABOUT US GETTING HERE VISIT RHODE ISLAND **MARTHA'S VINEYARD FAST FERRY** RHODE ISLAND BAY CRUISES BLOCK ISLAND FAST FERRY ATLANTIC WIND TRANSFERS

OVERVIEW SCHEDULE & RATES DIRECTIONS MARTHA'S VINEYARD FAQ ISLAND TOURS **BUY TICKETS**

Overview

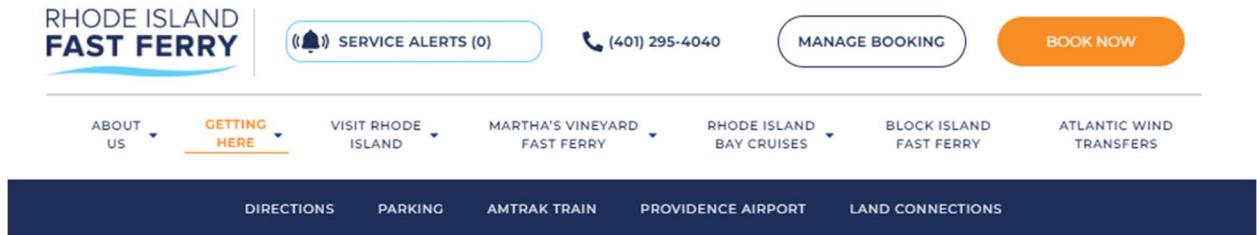
Your vacation starts right on the Martha's Vineyard ferry!

We operate the most luxurious fast ferry to the island of Martha's Vineyard. Enjoy the sundeck or sit in plush air-conditioned comfort, you will be amazed at the breathtaking scenery along the way. We are the only ferry to Martha's Vineyard that truly avoids all the Cape Cod traffic. Martha's Vineyard Fast Ferry is only minutes from I-95 and is the most convenient and time saving ferry to Martha's Vineyard – we will save you hours in travel time each way!

Our vessels are among the the most advanced high-speed ferries in the country! We offer business-class level amenities with the most leg room, luxurious Beurteaux seating, interior luggage areas, flat screen satellite TVs and the most advanced MDI Trim Tab Ride Control System in the world offering the smoothest ride possible. Whether you are traveling to Martha's Vineyard for a day-trip or staying overnight Rhode Island Fast Ferry is your best choice for First-Class travel to/from the island and if you are driving from Connecticut and New York we have 5 acres of dockside parking for only \$15 per day, we also offer the quickest shuttle connections to/from Amtrak and the Providence Airport.

Source: <https://www.fastferry.com/marthas-vineyard-fast-ferry/>

Rhode Island Fast Ferry Website Advertising Proximity of Quonset Point Terminal to Amtrak Station and Airport (via shuttle)



Amtrak Train

Getting to Martha's Vineyard from NYC (and other points North and South) has never been easier! Our ferry terminal in Quonset Point, North Kingstown, RI by far the closest option to connect to MV via Amtrak.



Amtrak Train Connections

Both our Quonset Point, RI Terminal and Providence Amtrak Station are well-served by Uber and Lyft, and there is a taxi stand located at the Amtrak Station. Taxis are not readily available at our Quonset Point, RI terminal, they require advanced arrangements.

Travel time between Providence Station and our Terminal are approximately 35 minutes, we recommend leaving at least 90 minutes connection time between train arrival and ferry departure to ensure that your connections are made.



Providence Airport

Providence Airport to Martha's Vineyard

We are the closest Martha's Vineyard ferry to the Providence TF Green Airport (PVD). If you are flying in or out of the Providence Airport we can provide you with a convenient and hassle-free connection to Martha's Vineyard.

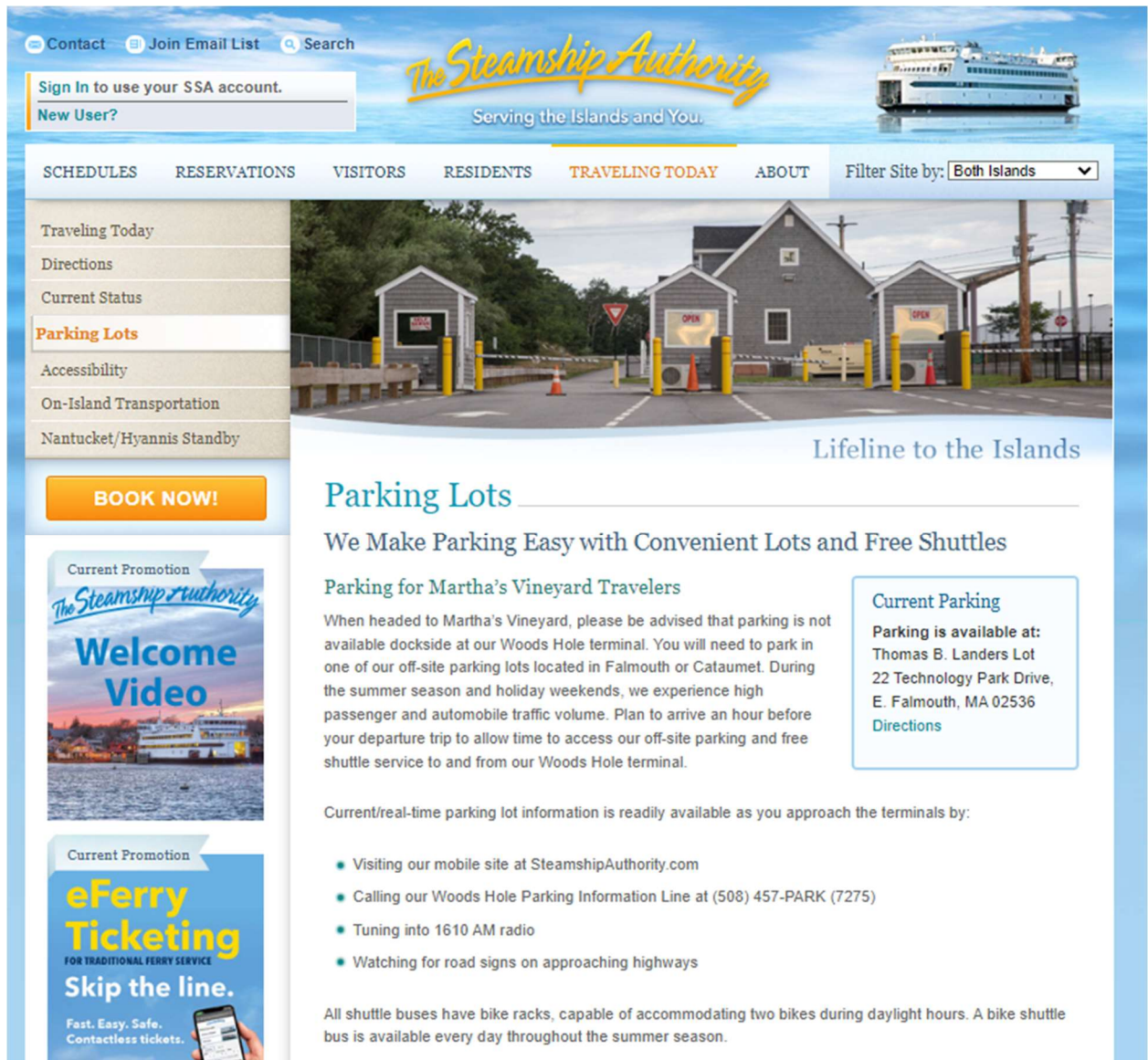
Our ferry terminal is located only 15 minutes from the Providence Airport. Both our Quonset Point, RI Terminal and PVD Airport are well-served by Uber and Lyft, and there is a taxi stand located at the Amtrak Station. Taxis are not readily available at our Quonset Point, RI terminal, they require advanced arrangements.

Source: <https://www.fastferry.com/getting-here/#providenceAirport>

REBUTTAL EXHIBIT JAW-7.6

Steamship Authority to Martha's Vineyard

Steamship Authority Website Advertising On-Site Parking – Woods Hole



The screenshot shows the Steamship Authority website. At the top, there's a navigation bar with links: Contact, Join Email List, Search, and a 'Sign In to use your SSA account. New User?' button. The main header features the 'The Steamship Authority' logo and the tagline 'Serving the Islands and You.' with an image of a ferry. Below the header is a navigation menu with links: SCHEDULES, RESERVATIONS, VISITORS, RESIDENTS, TRAVELING TODAY (highlighted), and ABOUT. A 'Filter Site by: Both Islands' dropdown is also present. The left sidebar contains a list of links: Traveling Today, Directions, Current Status, **Parking Lots** (highlighted), Accessibility, On-Island Transportation, and Nantucket/Hyannis Standby. Below this is a 'BOOK NOW!' button. The main content area is titled 'Lifeline to the Islands' and features a large image of a parking lot entrance. The section is titled 'Parking Lots' and includes the text: 'We Make Parking Easy with Convenient Lots and Free Shuttles'. A sub-section 'Parking for Martha's Vineyard Travelers' provides information about parking at Falmouth or Cataumet. A 'Current Parking' box lists the location: Thomas B. Landers Lot, 22 Technology Park Drive, E. Falmouth, MA 02536, with a 'Directions' link. A list of ways to get real-time parking information is provided: visiting the mobile site, calling the parking information line, tuning into 1610 AM radio, and watching for road signs. A note mentions that all shuttle buses have bike racks. At the bottom, there are two promotional banners: 'Welcome Video' and 'eFerry Ticketing FOR TRADITIONAL FERRY SERVICE Skip the line.'.

Source: https://www.steamshipauthority.com/traveling_today/parking

Steamship Authority Website Advertising On-Site Parking – Woods Hole (continued)



American Auto Transporters

Nationwide transport, BBB A+,
Guaranteed pick up date, on time
delivery

shipcar.com

All shuttle buses have bike racks, capable of accommodating two bikes during daylight hours. A bike shuttle bus is available every day throughout the summer season.

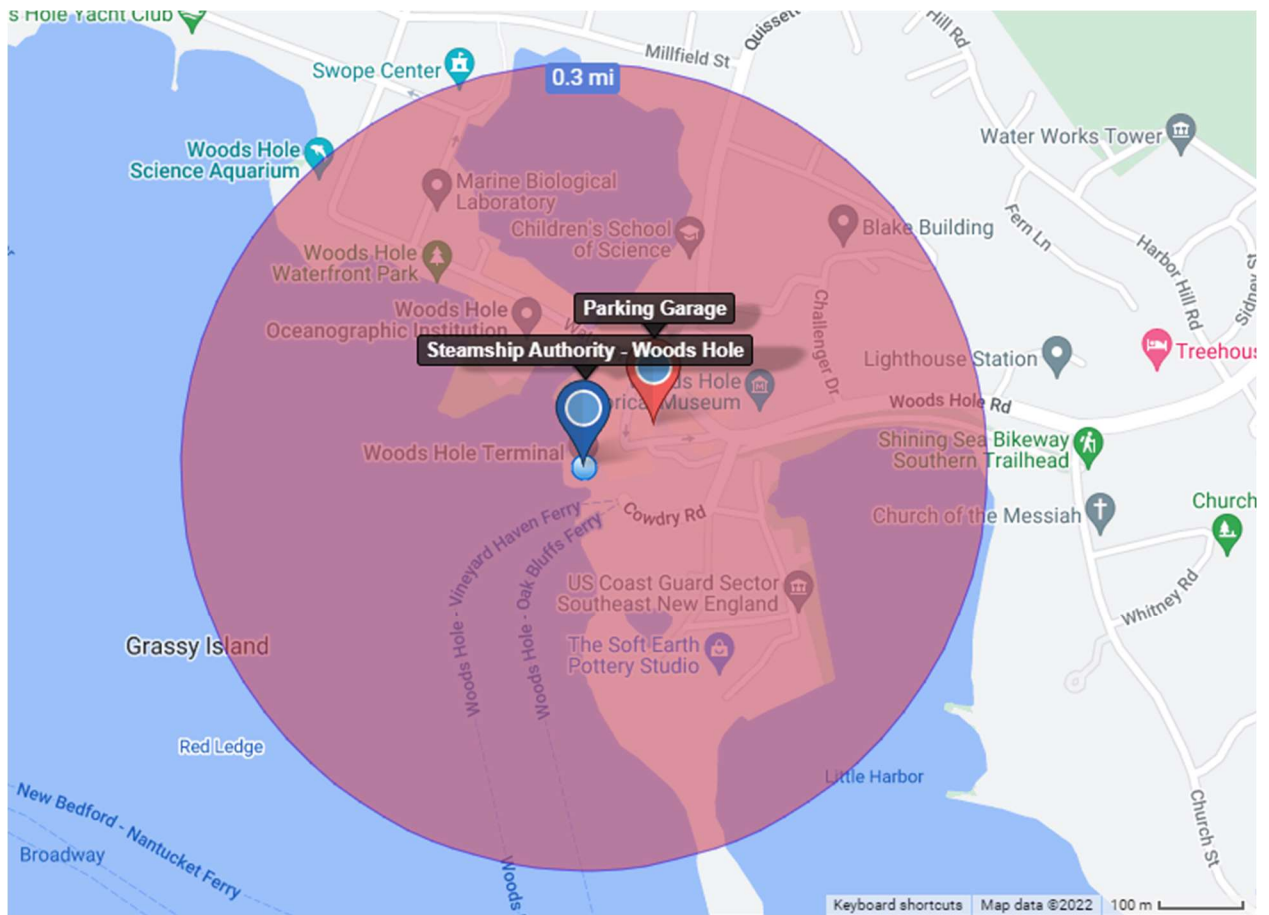
Parking Lots	RATE PER CALENDAR DAY			
	11/1/2021 thru 3/31/2022	4/1/2022 thru 5/14/2022	5/15/2022 thru 9/14/2022	9/15/2022 thru 10/31/2022
Palmer Avenue Lot 286 Palmer Avenue Falmouth, MA 02540	\$10.00	\$13.00	\$15.00 (Mon-Fri) \$20.00 (Sat & Sun)	\$13.00
Thomas B. Landers 22 Technology Park Drive East Falmouth, MA 02536	\$10.00	\$13.00	\$15.00 (Mon-Fri) \$20.00 (Sat & Sun)	\$13.00
Cataumet Lot Route 28A Cataumet, MA 02534	\$10.00	\$13.00	\$15.00 (Mon-Fri) \$20.00 (Sat & Sun)	\$13.00

*If you are traveling to Martha's Vineyard and have questions about
Falmouth parking information, please call the Falmouth parking lot
manager at
(508) 548-5011, ext. 291.*



Source: https://www.steamshipauthority.com/traveling_today/parking

**Public Parking Lots within a 0.3-Mile Radius of Steamship Authority Terminal
(does not include ferry-provided parking)**



REBUTTAL EXHIBIT JAW-7.7

Island Commuter to Martha's Vineyard

Island Commuter (a/k/a Island Queen) Website Advertising Parking within Walking Distance



Parking and Rates

Parking is conveniently located within walking distance of the ferry terminal for both day & overnight parking.

- **Parking is available on a first-to-arrive basis and is not reserved with your ferry booking.**
- Passengers are welcome to drop off their luggage at the dock, prior to parking.
- Handicap Parking is available on a first-to-arrive basis, at the ferry dock for \$20.00 (day-trips only).
- Valet Parking may be available at the dock, adjacent to the Boarding Area for an additional fee.
- In July and August and on holiday weekends, plan to arrive **at least 30-minutes** prior to departure.
- Our parking lots open daily at 8:00AM and close 15-minutes after the arrival of our last sailing of the day.
- EMERGENCY LET-OUTS from our parking lots may be available for an additional fee of \$20.00 (cash only) by calling 508-958-2230.

Parking Rates

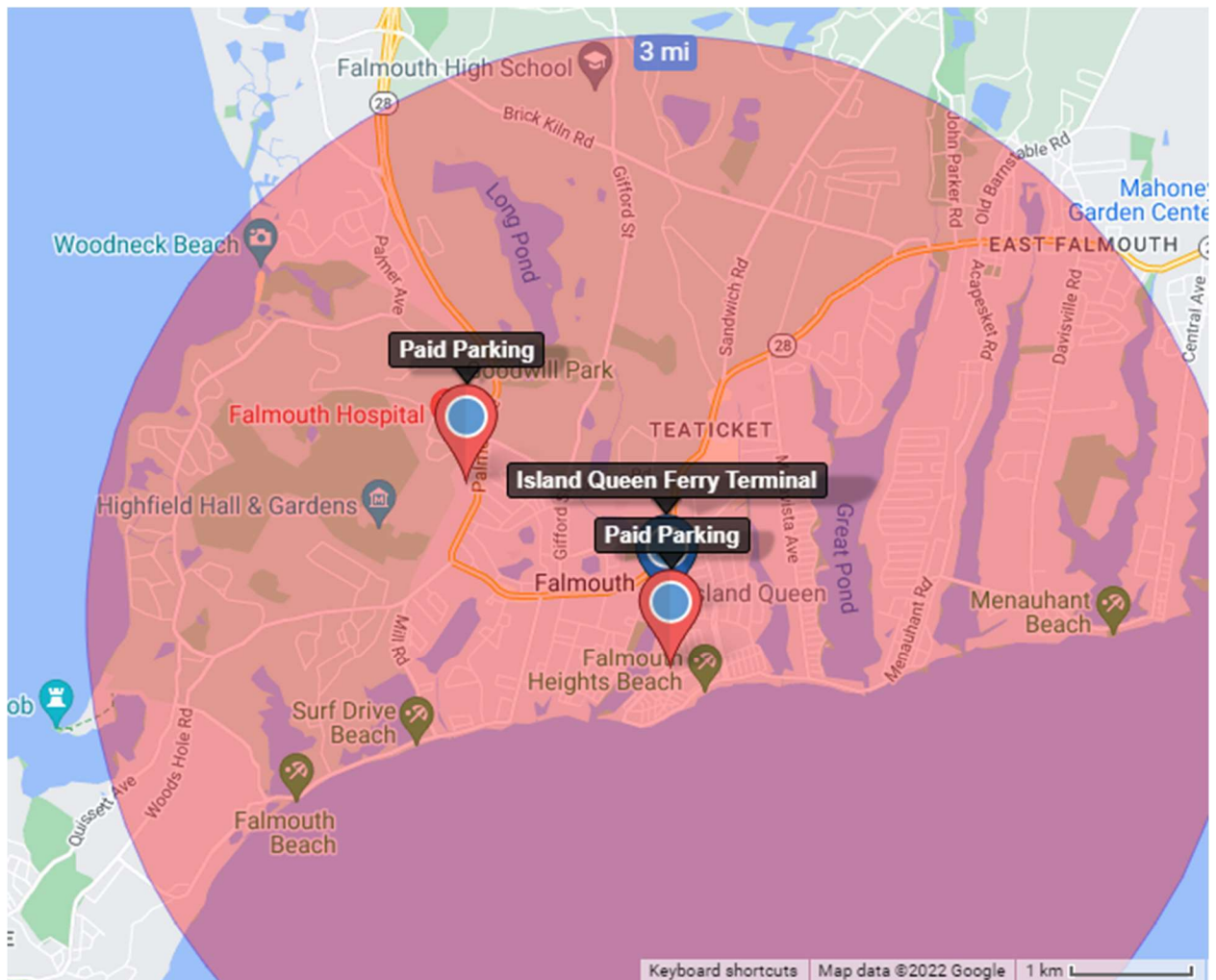
General Parking

Day & Overnight
\$20.00 per calendar day
Cash Only

[TO DOCK](#)
[FARES](#)
[DIRECTIONS](#)

Source: <https://islandqueen.com/parking/>

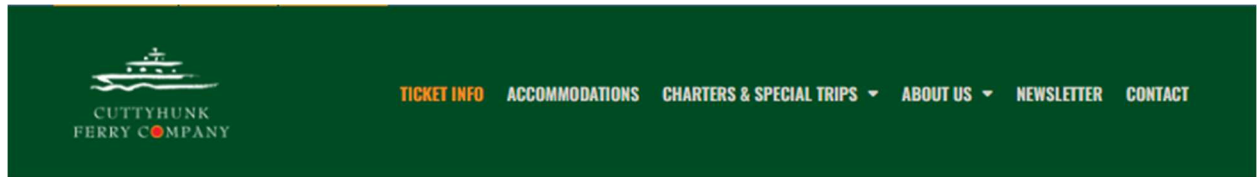
**Public Parking Lots within a Three-Mile Radius of Island Queen Terminal
(does not include ferry-provided parking)**



REBUTTAL EXHIBIT JAW-7.8

Cuttyhuck Ferry to Cuttyhunk Island

Cuttyhunk Ferry Website Advertising On-Site and Off-Site Parking



TICKET INFO

Please understand that spiking fuel costs may cause ticket increases.

ADULT	CHILD (12 & UNDER)	COMMUTER 10 PASS	LUGGAGE
One Way: \$42.00 Round-Trip (same day) \$62.00	One Way: \$33.00 Round-Trip (same day) \$48.00	\$315.00	\$5 per item up to 40lbs \$10 per item 40-75lbs Over 75lbs \$.15 per lb

RESERVATIONS ARE REQUIRED FOR ALL PASSENGERS AND FREIGHT

To get a ticket you must have a reservation through our [online reservation system](#).
During this April-June period all Parking, Tickets, and Freight must be reserved.

[MAKE A RESERVATION](#)[CONFIRM RESERVATION \(WAIT 24HRS\)](#)

No charge for children 2 years and younger. The office must be notified at time of ticket purchase about each child 2 years and under that will be traveling with you in order to accurately count all persons on board the vessel. Children traveling alone must have custodial adult in attendance, at the dock, until ferry departs and have custodial adult receive the child at landing. Both sets of adults must provide active cell phone numbers to the office in case of emergency or sailing changes.

Dogs, on leash, are welcome at no charge.

For non-web or special group payments and for check, cash or different form of payment, please email reservations@cuttyhunkferryco.com or call 508.992.0200. You can leave a message and your reservation will be held.

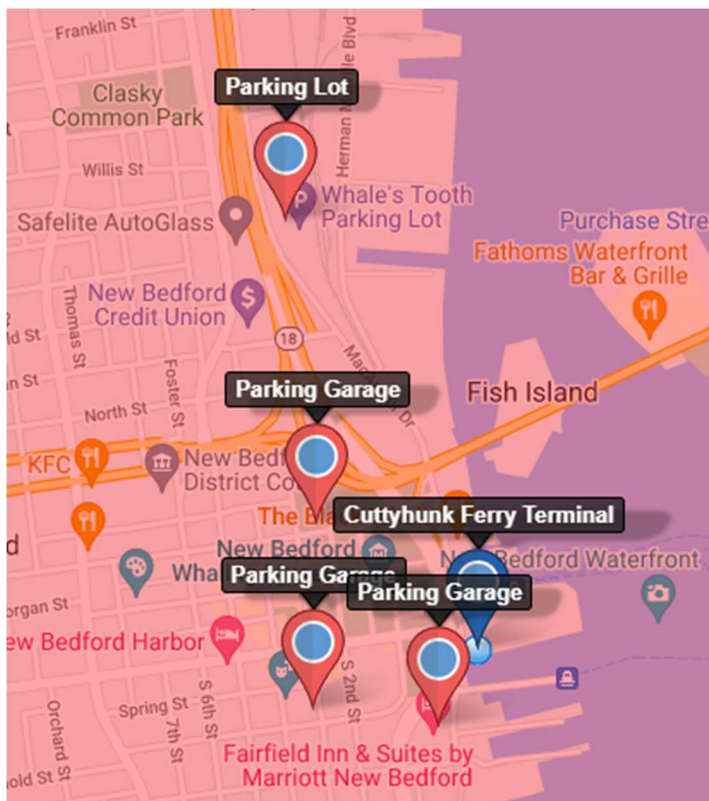
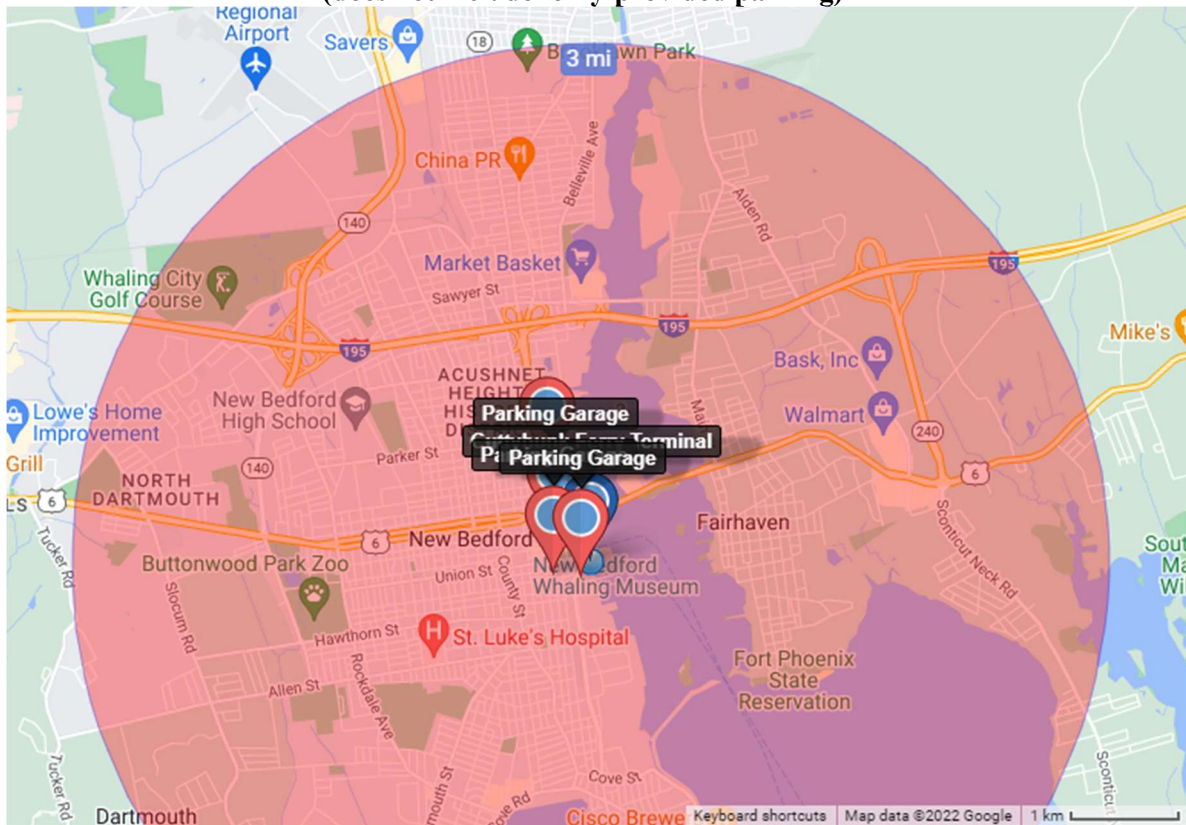
PARKING

Cuttyhunk Ferry Company offers limited on-site parking spaces on a first come first served basis. Parking is \$18 daily. Parking permits are required and are available at the Cuttyhunk Ferry Company office. Strict enforcement on State Pier includes towing and fines.

Alternate parking is available at the Whale's Tooth Parking Lot with monthly & yearly options. [Click for more info.](#)

Source: <https://cuttyhunkferryco.com/tickets/>

**Public Parking Lots within a Three-Mile Radius of Cuttyhunk Ferry Terminal
(does not include ferry-provided parking)**



REBUTTAL EXHIBIT JAW-7.9

Bay State Ferry to Provincetown

Bay State Ferry (a/k/a Provincetown Fast Ferry) Website Advertising Off-Site Parking



**PROVINCETOWN
FAST FERRY®**
(617) 748-1428

MANAGE RESERVATIONS ▶

PROVINCETOWN FERRY SCHEDULE & FARES

PURCHASE PTOWN FERRY TICKETS

FREQUENTLY ASKED QUESTIONS

Before you send your question please take a look at the Frequently Asked Questions (listed with answers) below.

[Can I Bring My Car, Motorcycle, Moped Or Motor Scooter?](#)

[Can I Bring My Bicycle And Is There A Charge For That?](#)

[Are Dogs Allowed Aboard?](#)

[Do I Need A Reservation?](#)

[I Made An Online Reservation. Where Do I Pick Up My Tickets? And Do I Need To Pick Up Tickets?](#)

[Are There Tickets Available On ... ?](#)

[Is There Any Automobile Ferry Service To Provincetown?](#)

[Is There Public Transportation From The Airport To The Dock In Boston?](#)

[Is The Boston To Provincetown Ferry Service Wheelchair Accessible?](#)

[Is Overnight Parking Available Near Your Boston Docks? Could I Park There For Several Days?](#)

Yes, there are several underground parking lots within a block of our pier, and, they all permit overnight parking. The Seaport Hotel's underground lot across the street from us is the most convenient distance-wise from our pier. One block inland from the Seaport Hotel's parking lot, on Congress Street, is another very large and convenient parking lot that permits overnight parking. This lot is called the South Boston Waterfront Transportation Center.

Source: <https://baystatecruisecompany.com/faqs/>

REBUTTAL EXHIBIT JAW-7.10

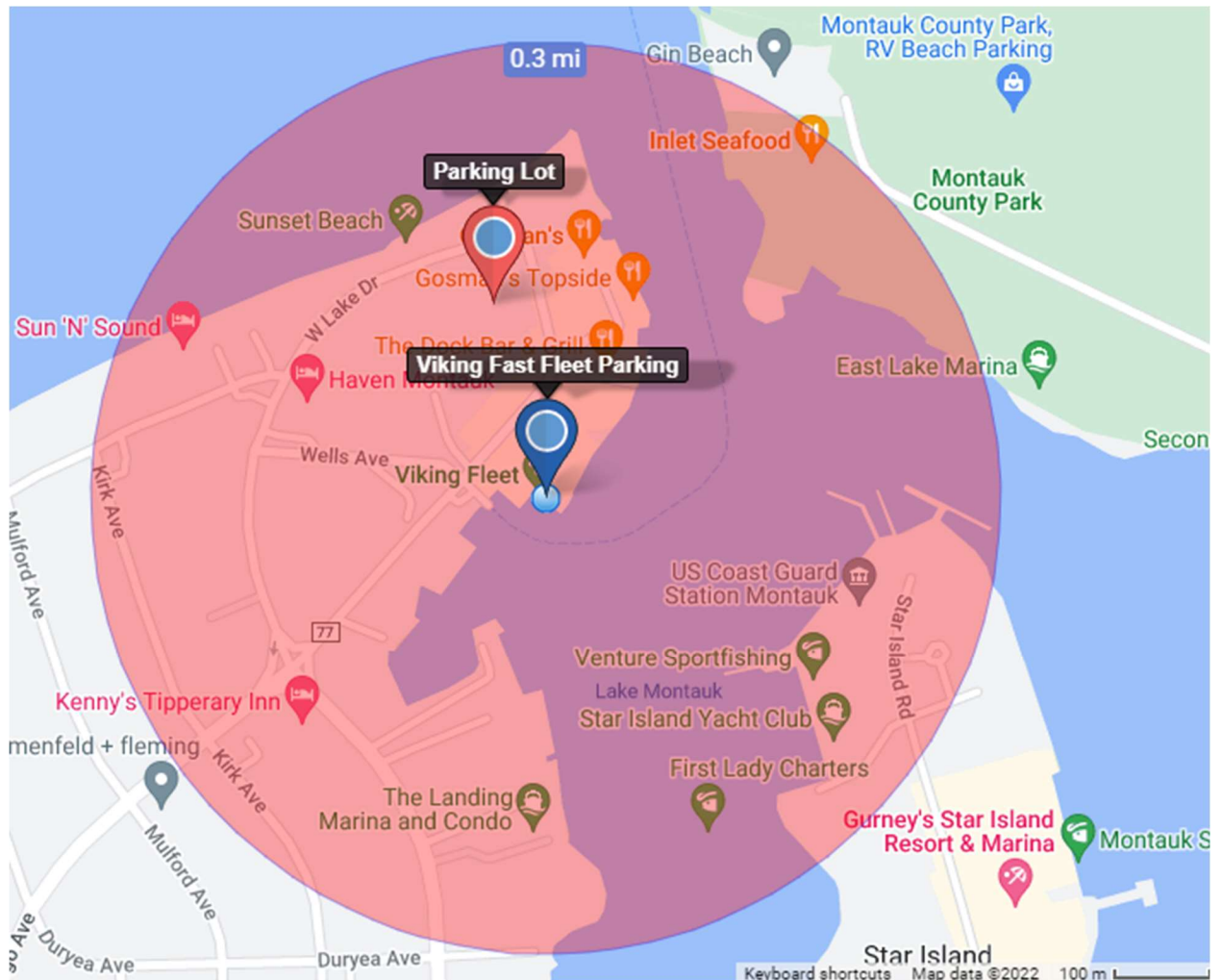
Viking Fleet Ferry – Montauk to Block Island

Viking Fleet Ferry Website Advertising On-Site Parking**General**

Is there parking available?	^
Yes! There are parking options in Montauk and New London, CT.	
In Montauk	
Parking is across the street from the office. Parking is \$15 per day. You will receive a parking pass when you pick up your tickets. Please display the parking permit on the dashboard.	
In New London	
Parking is available at the Water Street Parking Garage in New London, directly across the street from the ferry terminal. The parking garage rates are \$6 per calendar day Mon. – Thurs. and \$15 per calendar day Fri. – Sun. and holidays.	
Rates are subject to change without notice. Please call (860) 443-1775 to verify parking garage rates.	

Source: <https://vikingfleet.com/fast-ferry-policies/>

**Public Parking Lots within a 0.3-Mile Radius of Viking Fast Fleet Ferry Terminal
(does not include ferry-provided parking)**



REBUTTAL EXHIBIT JAW-7.11

Interstate Navigation Co. - Narragansett (Pt. Judith) to Block Island

Interstate Navigation Co. - Newport to Block Island

**Interstate Navigation Co. (d/b/a The Block Island Ferry) Website Advertising Off-Site
Parking at
Pt. Judith (Narrangansett) and Newport Terminals**

[BUY TICKETS](#)[SCHEDULES & FARES](#)[EXTRAS](#)[INFORMATION](#)

WHERE ARE THE PARKING FACILITIES?



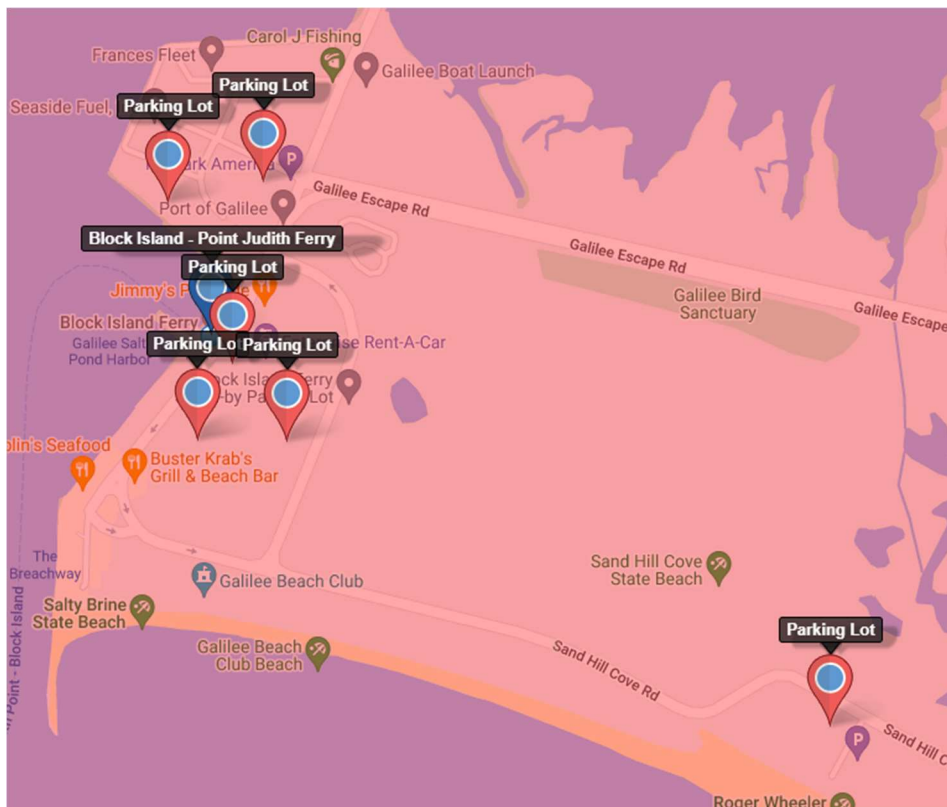
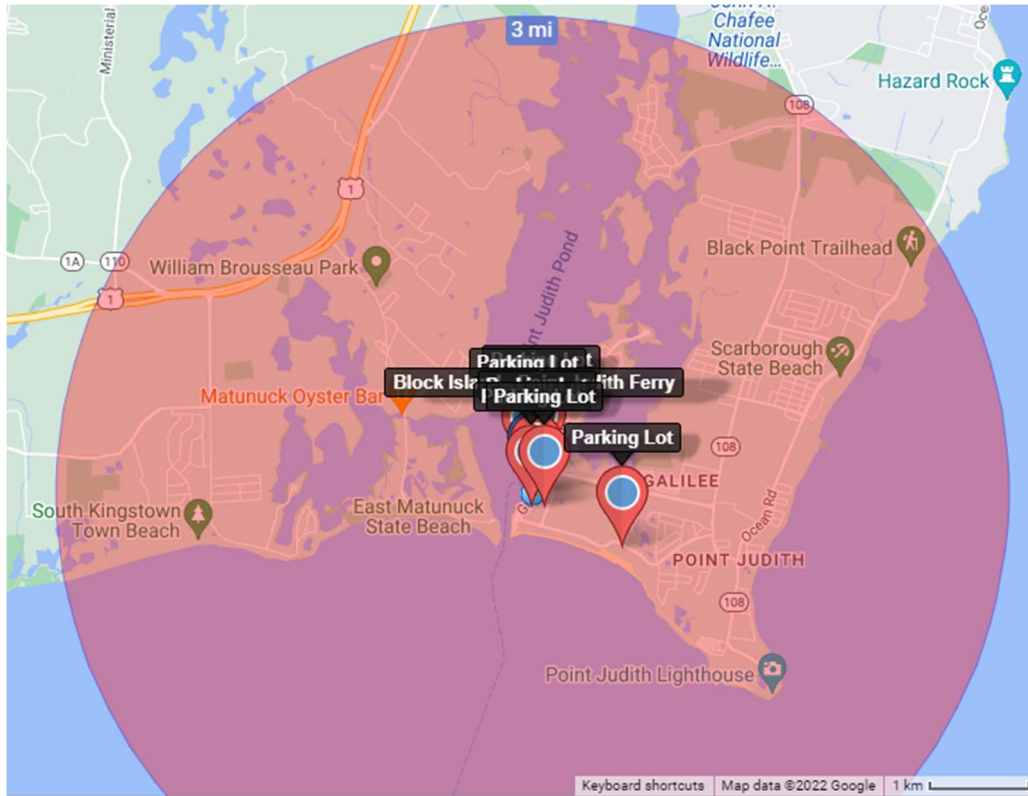
We do NOT own or operate any of the parking facilities near our departure locations in Pt. Judith & Newport. They are independently owned and operated, and have no affiliation with Block Island Ferry. During the summertime travel season, parking lots fill up quickly so be sure to plan accordingly.

Pt. Judith: All of the parking for the Pt. Judith ferries are conveniently located right on the same road as the ferry, directly across the street. All lots are independently owned, and pricing ranges from \$5-\$15/day, depending on the time of year. All parking lots are within walking distance of the ferry terminal.

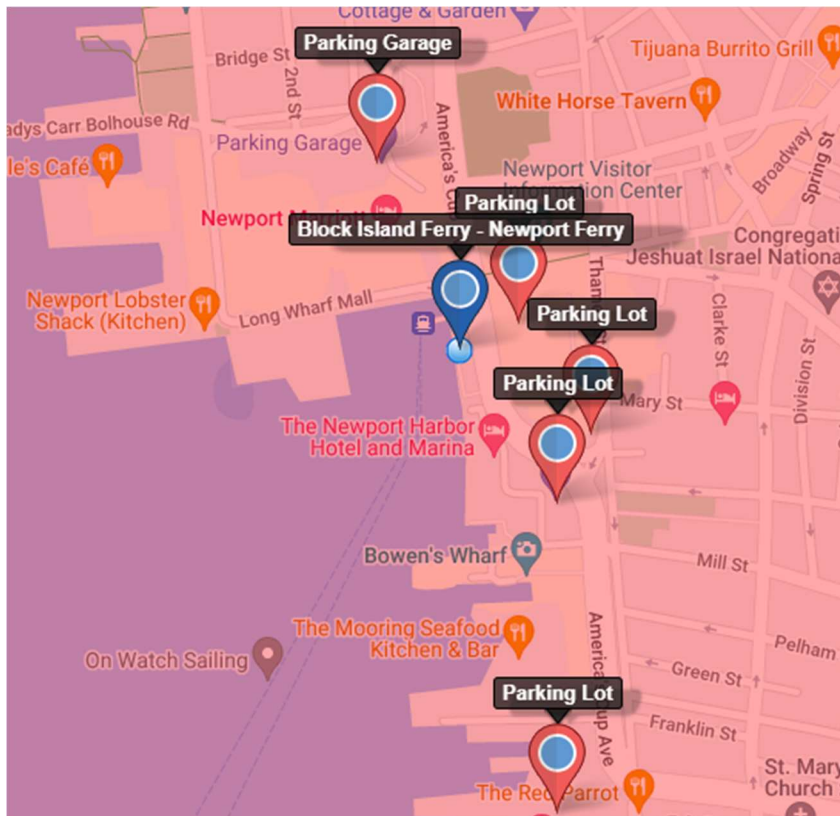
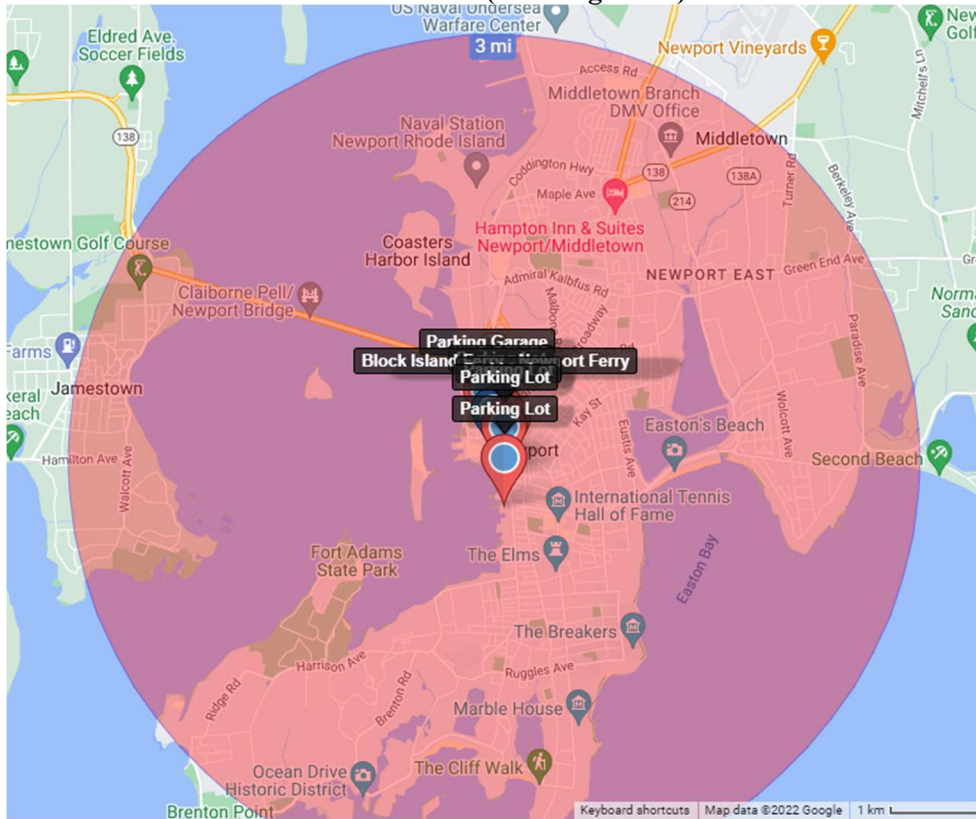
Newport: A public parking garage is located a few blocks from Perrotti Park, adjacent to the Newport Visitor's Center and Marriott Hotel. The cost is \$3.00/car per hour, up to \$24.50 for the day. Privately owned lots are within walking distance.

Source: <https://www.blockislandferry.com/information/faqs>

**Public Parking Lots within a Three-Mile Radius of Interstate Navigation Co. -
Pt. Judith (Narrangansett) Terminal**





**Public Parking Lots within a Three-Mile Radius of Interstate Navigation Co. -
Pt. Judith (Narragansett) Terminal**






REBUTTAL EXHIBIT JAW-7.12

Block Island Express New London to Block Island

Block Island Express Website Advertising On- and Off-Site Parking


BLOCK ISLAND EXPRESS
New London, CT  Block Island, RI

(860) 444-4624 or (401) 466-2212

Directions & Parking

To New London

2 Ferry St, New London, CT, 06320


Directions

Parking

Click [Here](#) for an over view Map of the approach to Block Island Ferry and the Parking Garages. Limited on site parking is available at \$10.00 per calendar day at the New London ferry terminal, first come first served. Additional parking is available at the Water Street Parking Garage in New London, directly across the street from the ferry terminal. The parking garage rates are \$10 per calendar day Mon-Fri and \$15 per calendar day Sat-Sun & Holidays. Rates are subject to change without notice. Please call (860) 443-1775 to verify parking garage rates.


Parking is also available at the Governor Winthrop Parking Garage across from the Holiday Inn hotel. Rates are \$10/day 7 days a week with a special weekend rate of \$25 (in on Fri. - out on Sun. or Mon.). [See map for details.](#)

Tour Block Island by Bike




There's no better way to take in Block Island's beauty than by bicycle, with one of our two loop tours - and you'll be rewarded with short videos at every stop! [Read more >](#)

Make a Thursday Dinner Run



Save big on a deliciously quick vacation. Zip out for a Thursday night dinner, and get two fares for the price of one. [Read more >](#)

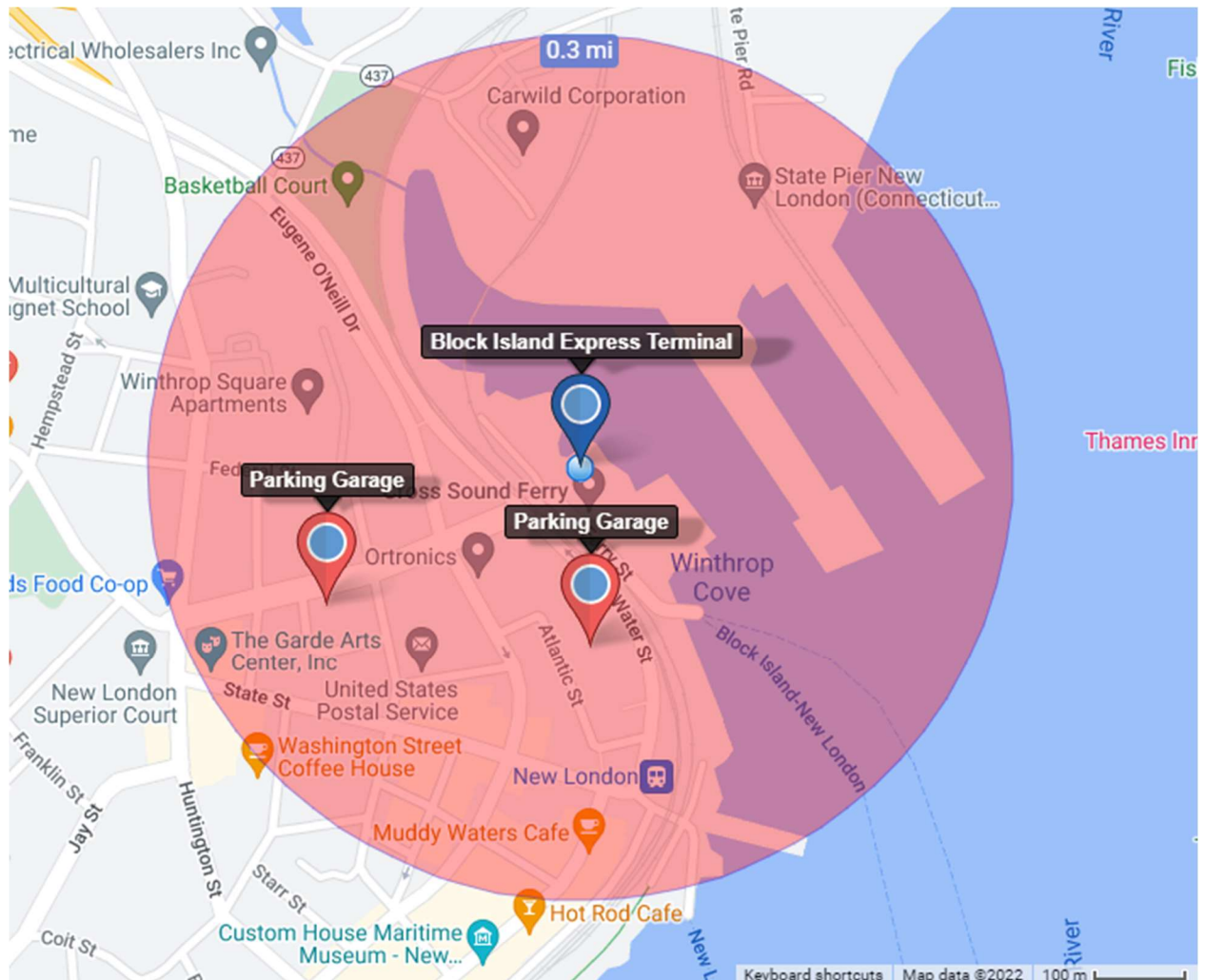
Do Some Block Scheduling



Trying to pick the perfect time to visit? Get block Island highlights for every week of the summer with free weekly

Source: <https://www.goblockisland.com/common/directions.aspx>

**Public Parking Lots within a 0.3-Mile Radius of Block Island Express Terminal
(does not include ferry-provided parking)**



I/A

Rebuttal Exhibit JAW-7
Docket No. A-41, Sub 21
Page 47 of 115

REBUTTAL EXHIBIT JAW-7.13

A&R Marine to Prudence Island

OFFICIAL COPY

Oct 25 2022

Prudence Island Ferry Website Advertising Off-Site Parking

Prudence & Bay Islands Transport

Home	Reservations	Schedules	Rates	Ferry Operations	Event Cruises	Local Info	Contact Us	Login
------	--------------	-----------	-------	------------------	---------------	------------	------------	-------

Make a Reservation
Online

**Book or
Change
Travel**

Make a Reservation by
Phone

401-683-0430

Available during Prudence Office
Hours. All commercial, trailer and
oversized reservations must be
made by phone.

Reserve or Purchase
Tickets in Person

Prudence Office Hours
7:30 AM to 11:00 AM
3:00 PM to 6:00 PM

Bristol Office Hours
Half Hour Prior to all ferry
departures

Parking



* For vehicles lining up to board the ferry please form 2 lanes in the marked area at the north end (right side of the lot when facing the ferry).*

Parking in Bristol

Notice

Starting April 15th 2022: The parking lot at the ferry in Bristol will be closed for day parking and open only to permit holders.

Starting May 1st 2022: The parking lot across the street in Bristol will be open for free day parking and paid overnight parking. To pay for day parking visit the Bristol Harbormasters office in the armory building.

For parking questions call the Harbormasters office at 401-253-1700

Prudence & Bay Islands Transport owns/manages no parking in Bristol. Please find a list below of the parties who offer parking in Bristol.

Bristol Harbor Master's Office

Harbor Master: [Gregg Marsili](#)

Administrative Assistant: [Jennifer Alves](#)



Annual Parking

Annual spots through the Harbormasters office are currently sold out. The parking for these year-round permit holders has been moved to across the street from the Robin Rug Factory. This was previously a municipal lot that is now for permit holders only, no day parking.

Overnight Parking:

Overnight passes can be purchased through the Harbormasters office for the municipal lot across from the ferry, passes are \$10/night, limited spaces are available. This lot is only available seasonally.

Day Parking:

Free day parking is available in the municipal lot across the street from the ferry, and in the parking lot at Independence Park.

Robin Rug Factory

Annual/Seasonal parking passes are also available for purchase through the Robin Rug Factory for the dirt lot behind the municipal lots across from the factory.

No day or overnight parking without a permit.

Call or email for rates:

Phone: 401-253-8350

Email: karianrealtyco@aol.com

Goglia's Market

374 Wood Street, Bristol RI

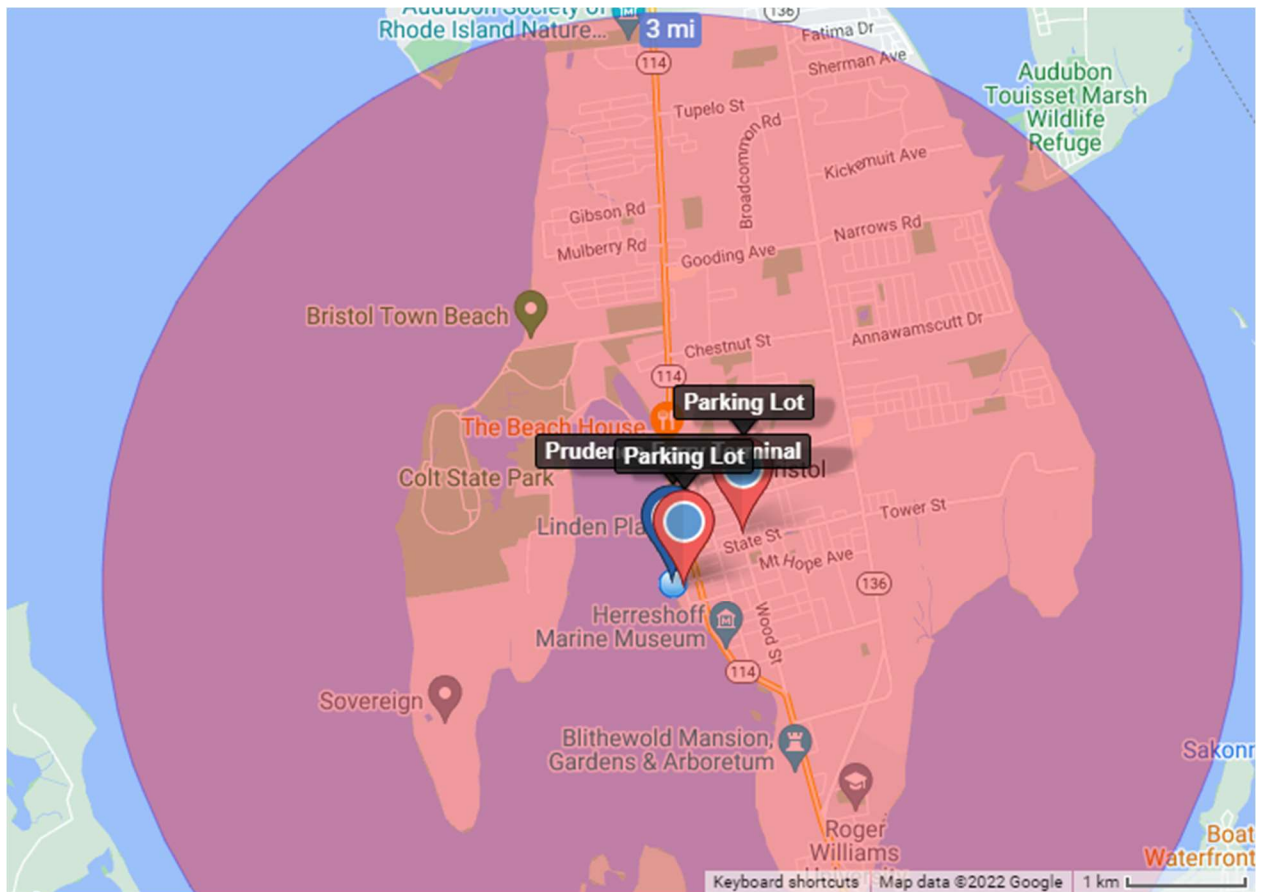
Day, overnight, weekly and monthly parking available for purchase.

Visit the market Tuesday – Friday 9:30 AM to 5 PM

or call Victor for rates and passes.

Victor 401-996-9877

Source: <http://sps.549.mywebsitetransfer.com/parking-info/>

Public Parking Lots within a 0.3-Mile Radius of Prudence Island Ferry Terminal

REBUTTAL EXHIBIT JAW-7.14

Sayville Ferry to Fire Island

Sayville Ferry Service Website Advertising Off-Site Parking



Sayville Ferry Service

Home Schedules Private Charters **Fares** Freight Policy Beaches FAQ Directory Contact Us

Frequently Asked Questions

**How long are the boat rides over to Fire Island?**

One way trip is approximately 20 minutes.

Can I bring my bike over to Fire Island?

No, bikes are not permitted on the walks.

Can I walk from one beach to another?

Yes, Sailor's Haven to Cherry Grove is about $\frac{3}{4}$ of a mile and from Cherry Grove to the Pines it is another mile.

What is the difference between Sailor's Haven and Sunken Forest?

The Sunken Forest is a nature trail located at Sailor's Haven. Taking the boat to Sailor's Haven brings you to the Sunken Forest.

Can a round trip ticket be used any day?

Yes, a round trip ticket is valid no matter the day returning.

Do Fire Island Pines and Cherry Grove use the same tickets?

Yes, the tickets can be used at either beach.

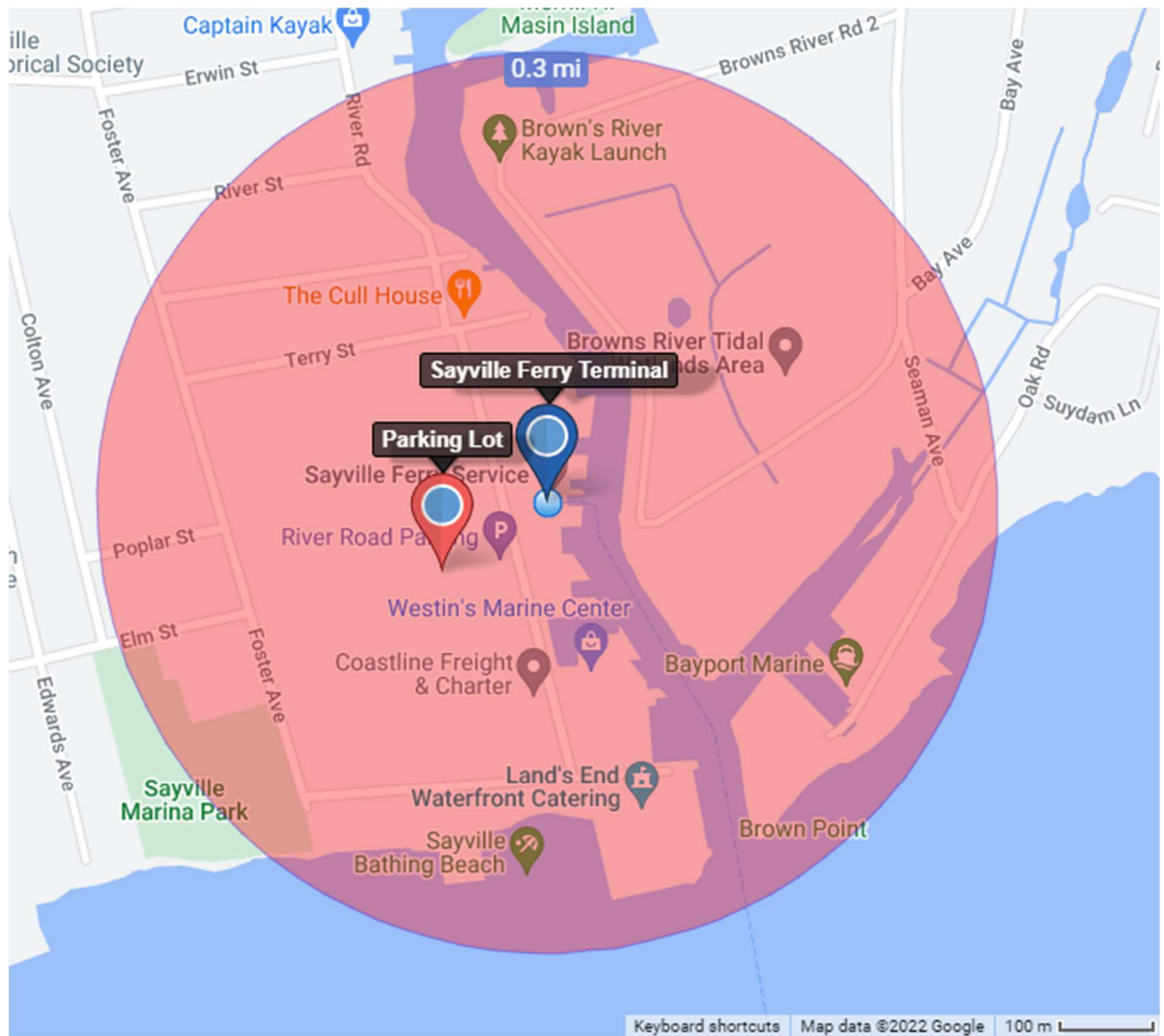
Are commutation tickets transferable?

No, commutation tickets are non-transferable.

Where is there short-term parking available?

There is a parking lot across the street that has a daily parking rate. For information call 631.589.7548

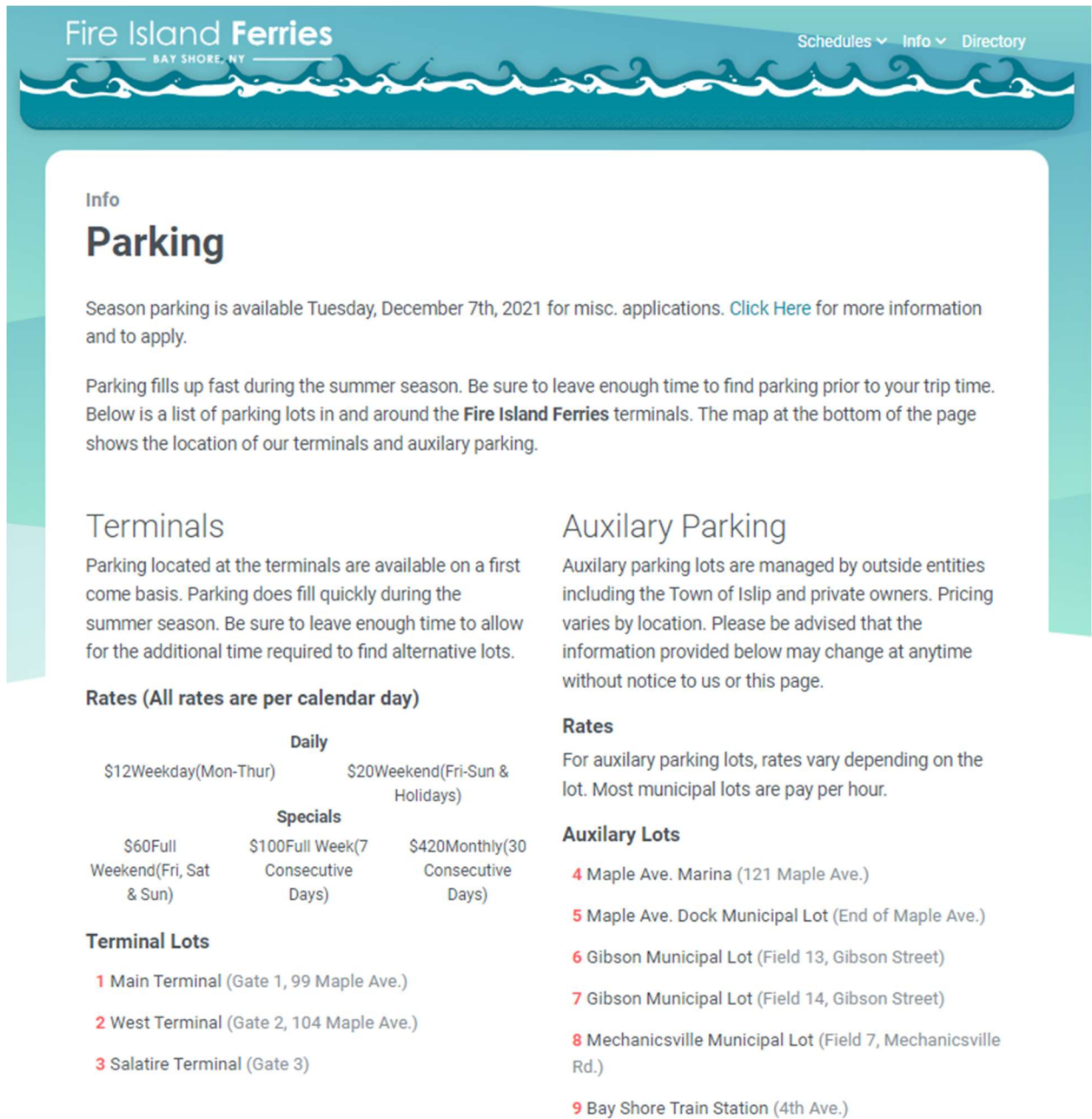
Source: <https://www.sayvilleferry.com/faq.php>

Public Parking Lots within a 0.3-Mile Radius Sayville Ferry Terminal

REBUTTAL EXHIBIT JAW-7.15

Fire Island Ferry – Bayshore to Fire Island

Fire Island Ferry Website Advertising On- and Off-Site Parking



Fire Island Ferries
BAY SHORE, NY

Schedules ▾ Info ▾ Directory

Info

Parking

Season parking is available Tuesday, December 7th, 2021 for misc. applications. [Click Here](#) for more information and to apply.

Parking fills up fast during the summer season. Be sure to leave enough time to find parking prior to your trip time. Below is a list of parking lots in and around the **Fire Island Ferries** terminals. The map at the bottom of the page shows the location of our terminals and auxiliary parking.

Terminals

Parking located at the terminals are available on a first come basis. Parking does fill quickly during the summer season. Be sure to leave enough time to allow for the additional time required to find alternative lots.

Rates (All rates are per calendar day)

Daily		
\$12 Weekday (Mon-Thur)	\$20 Weekend (Fri-Sun & Holidays)	
Specials		
\$60 Full Weekend (Fri, Sat & Sun)	\$100 Full Week (7 Consecutive Days)	\$420 Monthly (30 Consecutive Days)

Terminal Lots

- 1 Main Terminal (Gate 1, 99 Maple Ave.)
- 2 West Terminal (Gate 2, 104 Maple Ave.)
- 3 Saltaire Terminal (Gate 3)

Auxiliary Parking

Auxiliary parking lots are managed by outside entities including the Town of Islip and private owners. Pricing varies by location. Please be advised that the information provided below may change at anytime without notice to us or this page.

Rates

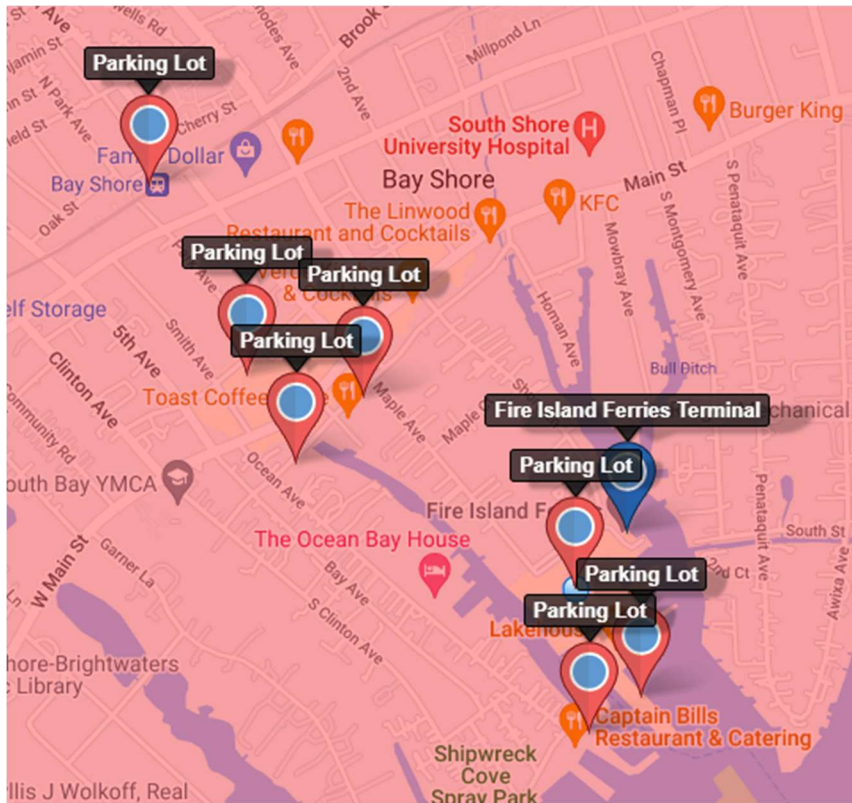
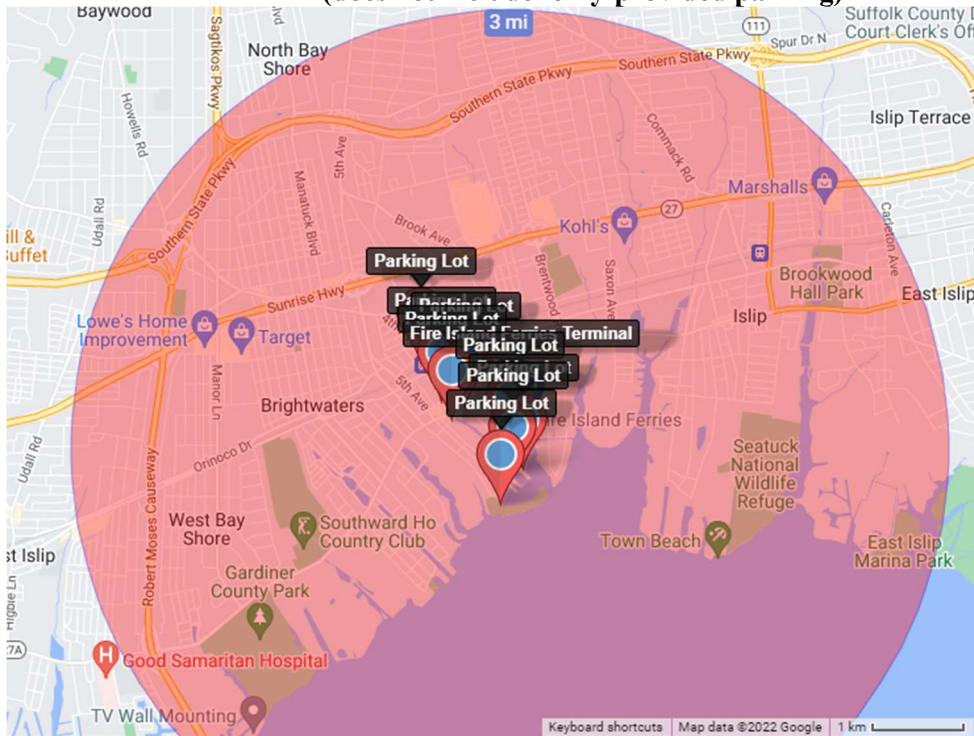
For auxiliary parking lots, rates vary depending on the lot. Most municipal lots are pay per hour.

Auxiliary Lots

- 4 Maple Ave. Marina (121 Maple Ave.)
- 5 Maple Ave. Dock Municipal Lot (End of Maple Ave.)
- 6 Gibson Municipal Lot (Field 13, Gibson Street)
- 7 Gibson Municipal Lot (Field 14, Gibson Street)
- 8 Mechanicsville Municipal Lot (Field 7, Mechanicsville Rd.)
- 9 Bay Shore Train Station (4th Ave.)

Source: <https://fireislandferries.com/info/parking/>

**Public Parking Lots within a Three-Mile Radius of Fire Island Ferry Terminal
(Does not include ferry-provided parking)**



REBUTTAL EXHIBIT JAW-7.16

Davis Park Ferry to Fire Island

Davis Park Ferry Website Advertising Off-Site Parking**Davis Park**

SCHEDULE

FREIGHT

LOCATION/PARKING

ABOUT

DIRECTORY

Parking at The Sandspit

Davis Park Ferry Terminal

80 Brightwood St.

Patchogue, NY 11772

The parking lot that services the Davis Park Ferry Terminal is run by the Town of Brookhaven and is unaffiliated with the Davis Park Ferry. Residents of the Town of Brookhaven pay a flat fee to park in this and any other affiliated lot for the year. [Click to find out more information on purchasing a Town sticker.](#)

If you do not have a sticker, parking prices are as follows:

\$2/hr (Mon-Fri)

\$3/hr (Sat-Sun-Holidays)

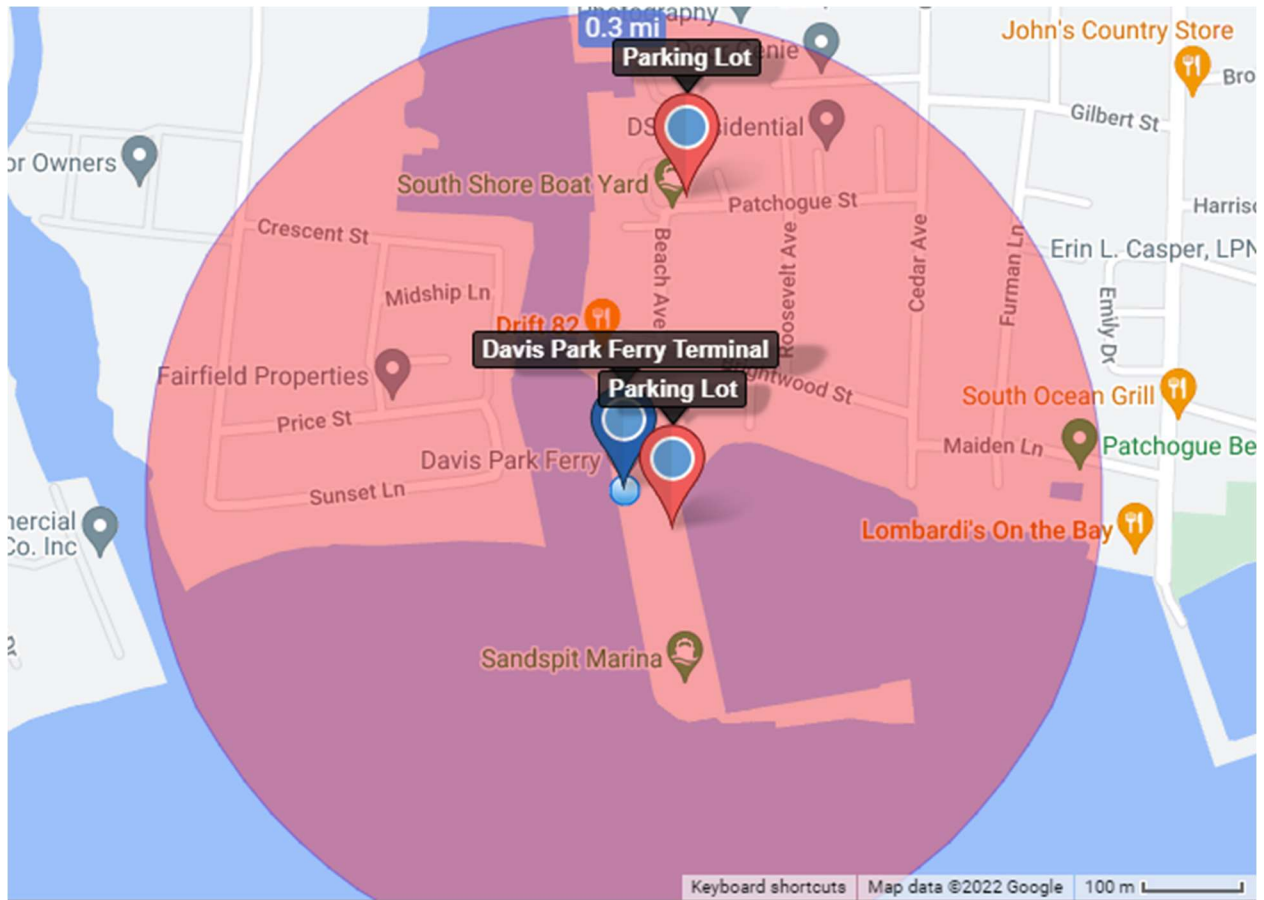
\$25 daily rate

\$150 weekly rate

Meters are located just outside the ferry terminal for payment, or you can download the [FlowBird](#) app to pay on-the-go. All you need is to input your license plate number (Sandspit is Zone 8003).

If you have any questions, the parking booth can be reached at 631.758.2740

Source: <https://www.davisparkferry.com/dp-parking>

Public Parking Lots within a 0.3-Mile Radius of Davis Park Ferry Terminal

I/A

Rebuttal Exhibit JAW-7
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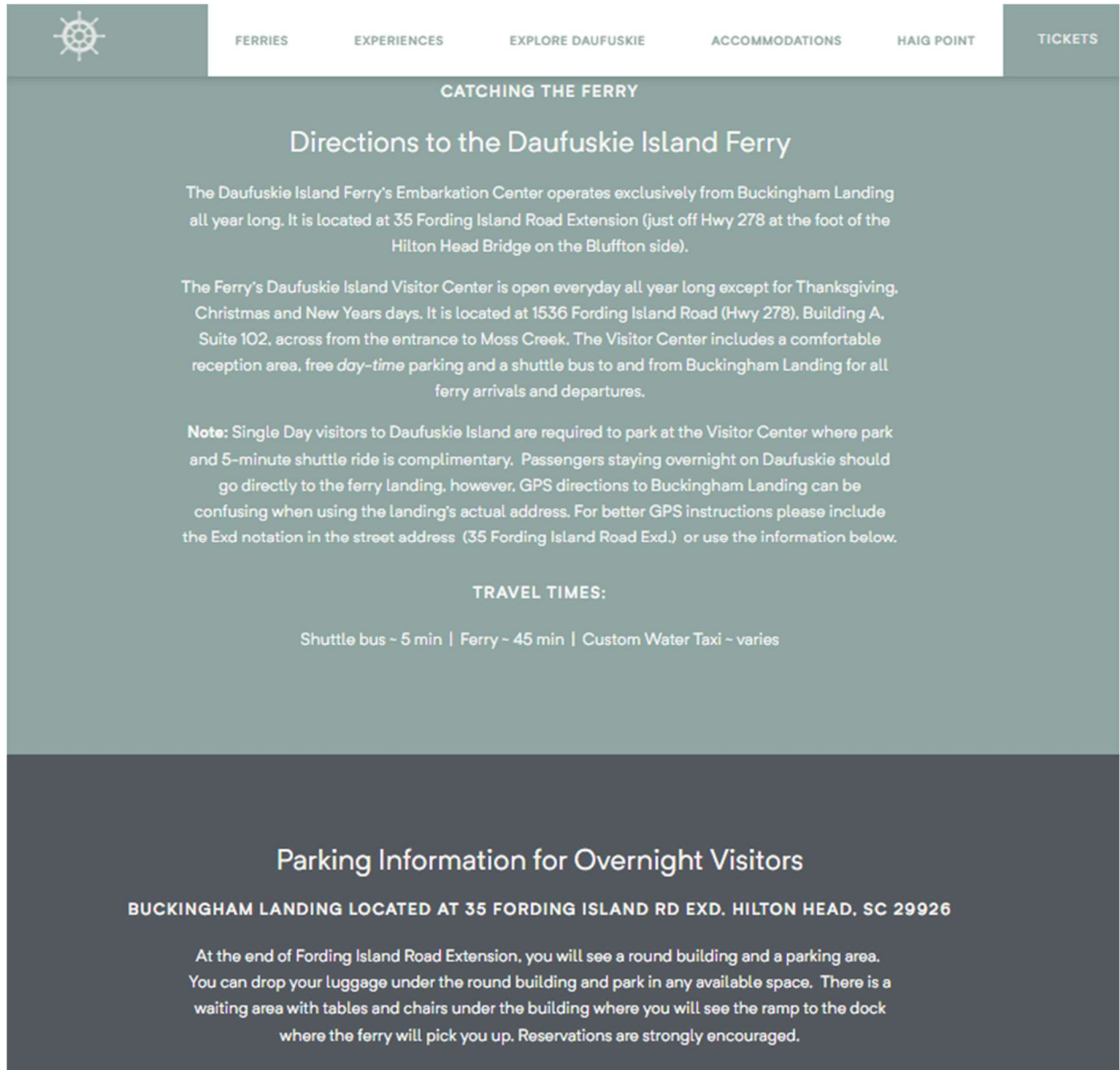
REBUTTAL EXHIBIT JAW-7.17

Daufuskie Island Ferry

OFFICIAL COPY

Oct 25 2022

Daufuskie Island Ferry Website Advertising Off-Site Parking



The screenshot shows the website for the Daufuskie Island Ferry. The navigation bar includes links for FERRIES, EXPERIENCES, EXPLORE DAUFUSKIE, ACCOMMODATIONS, HAIG POINT, and TICKETS. The main content area is titled "CATCHING THE FERRY" and "Directions to the Daufuskie Island Ferry". It provides detailed information about the ferry's location, operating hours, and parking options. A note specifies that single-day visitors must park at the Visitor Center, while overnight visitors can park at Buckingham Landing. Travel times for shuttle bus, ferry, and custom water taxi are listed. The bottom section, "Parking Information for Overnight Visitors", describes the location of Buckingham Landing and the availability of parking and waiting areas.

CATCHING THE FERRY

Directions to the Daufuskie Island Ferry

The Daufuskie Island Ferry's Embarkation Center operates exclusively from Buckingham Landing all year long. It is located at 35 Fording Island Road Extension (just off Hwy 278 at the foot of the Hilton Head Bridge on the Bluffton side).

The Ferry's Daufuskie Island Visitor Center is open everyday all year long except for Thanksgiving, Christmas and New Years days. It is located at 1536 Fording Island Road (Hwy 278), Building A, Suite 102, across from the entrance to Moss Creek. The Visitor Center includes a comfortable reception area, free *day-time* parking and a shuttle bus to and from Buckingham Landing for all ferry arrivals and departures.

Note: Single Day visitors to Daufuskie Island are required to park at the Visitor Center where park and 5-minute shuttle ride is complimentary. Passengers staying overnight on Daufuskie should go directly to the ferry landing, however, GPS directions to Buckingham Landing can be confusing when using the landing's actual address. For better GPS instructions please include the Exd notation in the street address (35 Fording Island Road Exd.) or use the information below.

TRAVEL TIMES:

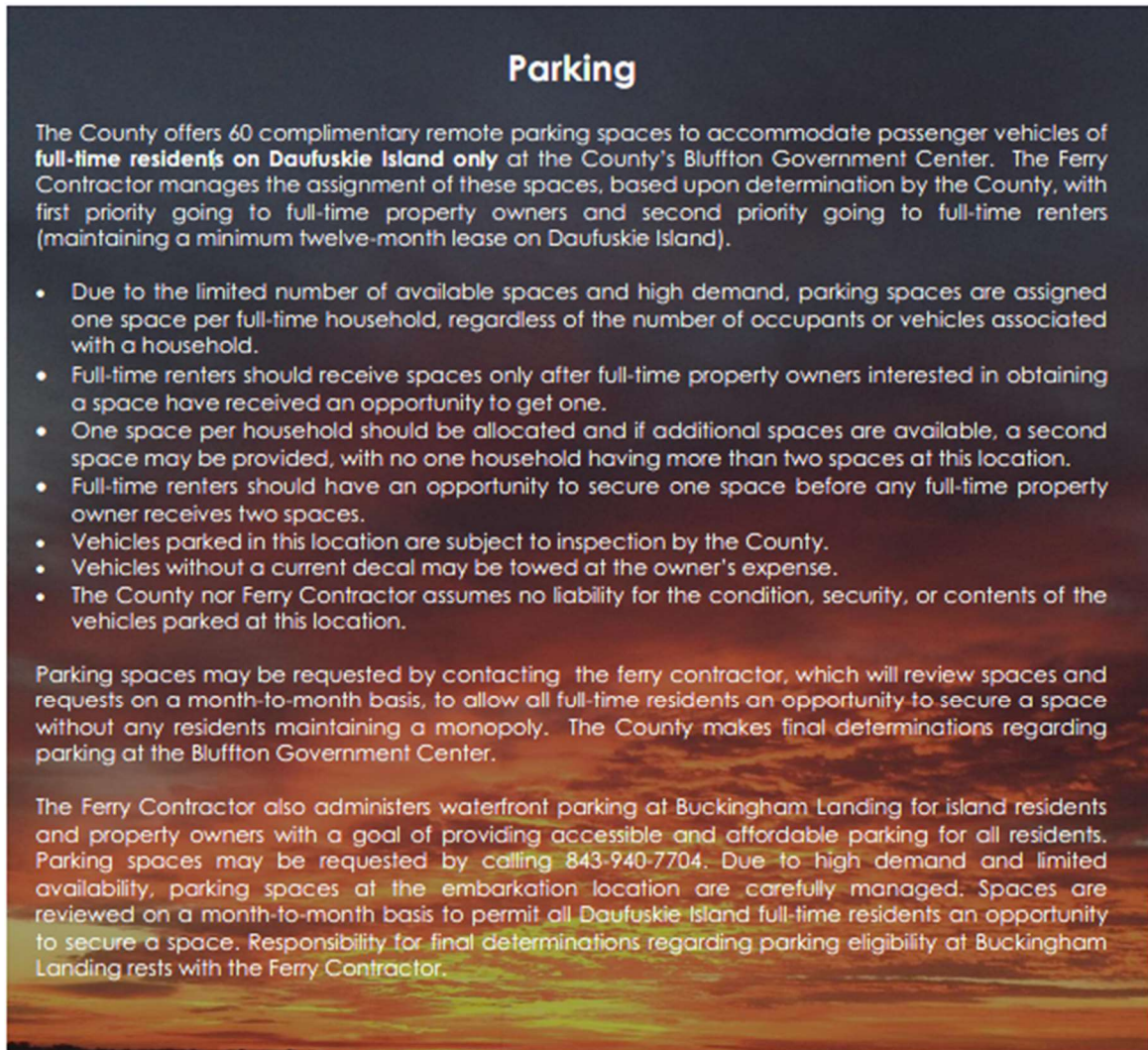
Shuttle bus ~ 5 min | Ferry ~ 45 min | Custom Water Taxi ~ varies

Parking Information for Overnight Visitors

BUCKINGHAM LANDING LOCATED AT 35 FORDING ISLAND RD EXD. HILTON HEAD, SC 29926

At the end of Fording Island Road Extension, you will see a round building and a parking area. You can drop your luggage under the round building and park in any available space. There is a waiting area with tables and chairs under the building where you will see the ramp to the dock where the ferry will pick you up. Reservations are strongly encouraged.

Source: <https://daufuskieislandferry.com/travel-maps/>

Daufuskie Island Passenger Guide Describing Allocation of Free Parking for Residents

Parking

The County offers 60 complimentary remote parking spaces to accommodate passenger vehicles of **full-time residents on Daufuskie Island only** at the County's Bluffton Government Center. The Ferry Contractor manages the assignment of these spaces, based upon determination by the County, with first priority going to full-time property owners and second priority going to full-time renters (maintaining a minimum twelve-month lease on Daufuskie Island).

- Due to the limited number of available spaces and high demand, parking spaces are assigned one space per full-time household, regardless of the number of occupants or vehicles associated with a household.
- Full-time renters should receive spaces only after full-time property owners interested in obtaining a space have received an opportunity to get one.
- One space per household should be allocated and if additional spaces are available, a second space may be provided, with no one household having more than two spaces at this location.
- Full-time renters should have an opportunity to secure one space before any full-time property owner receives two spaces.
- Vehicles parked in this location are subject to inspection by the County.
- Vehicles without a current decal may be towed at the owner's expense.
- The County nor Ferry Contractor assumes no liability for the condition, security, or contents of the vehicles parked at this location.

Parking spaces may be requested by contacting the ferry contractor, which will review spaces and requests on a month-to-month basis, to allow all full-time residents an opportunity to secure a space without any residents maintaining a monopoly. The County makes final determinations regarding parking at the Bluffton Government Center.

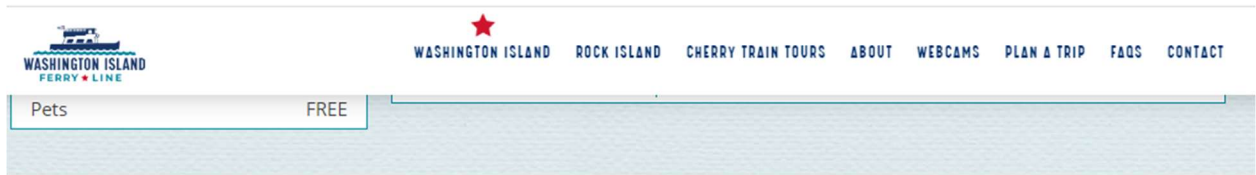
The Ferry Contractor also administers waterfront parking at Buckingham Landing for island residents and property owners with a goal of providing accessible and affordable parking for all residents. Parking spaces may be requested by calling 843-940-7704. Due to high demand and limited availability, parking spaces at the embarkation location are carefully managed. Spaces are reviewed on a month-to-month basis to permit all Daufuskie Island full-time residents an opportunity to secure a space. Responsibility for final determinations regarding parking eligibility at Buckingham Landing rests with the Ferry Contractor.

Source: Daufuskie Island Public Ferry Guide, Beaufort County Communications Department, available at <https://www.beaufortcountysc.gov/title-vi-civil-rights/daufuskie-island-ferry-passenger-guide.html>

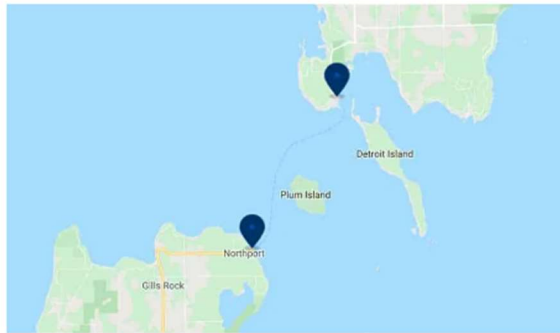
REBUTTAL EXHIBIT JAW-7.18

Washington Island Ferry Northpoint

Washington Island Ferry Website Advertising On- and Off-Site Parking



DIRECTIONS



215 WI-42

[Ellison Bay, WI 54210](#)

The ferry to Washington Island is located on the tip of the Door Peninsula, in the Northeast corner of Wisconsin. Take Highway 57 North from Green Bay to Sturgeon Bay. From there, you can take either Hwy 42 or Hwy 57 to Sister Bay. Then, follow Hwy 42 to its end at Northport Pier.

PARKING



The best way to see all of Washington Island is with a vehicle, however, if you plan to visit Washington Island without your car, parking is available in our lots near N. Port Des Morts Dr. and behind the Visitor Center.





Source: <https://wisferry.com/washington-island>

REBUTTAL EXHIBIT JAW-7.19


Madeline Island Ferry from Bayfield

Madeline Island Ferry Website Advertising On- and Off-Site Parking

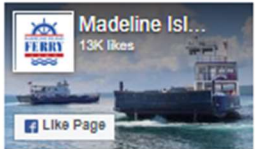
HOME SCHEDULE RATES EXPLORE MAPS PLAN TOURS ADVISORIES NEWS







[Home](#) / [Frequently Asked Questions](#)

MADLINE ISLAND  *come over.*
NEWS OF THE DAY

[What's Open on Madeline Island?](#) • [Madeline Island Webcam](#) • [Madeline Island Family Fall Festival](#) • [Bayfield Apple Festival](#)





Madeline Island Ferry Line
Lapointe, La Pointe, WI
4.6 ★★★★★ 202 reviews

FREQUENTLY ASKED QUESTIONS

HOW DO I GET TO MADELINE ISLAND?

The Madeline Island Ferry Line boat landing is located at the northeast end of Bayfield. Turn east onto Washington Avenue off of State Highway 13. *For GPS use the following address: Madeline Island Ferry, Bayfield Terminal, 20 Washington Avenue, Bayfield, WI 54814.* The ferries operate from March or April until freeze-up, weather permitting. [Ferry schedule](#) and [rates](#). The ferry ride takes approximately 20-25 minutes. From the mainland dock in Bayfield to Island dock the distance is approximately 2.5 miles.

ARE RESERVATIONS REQUIRED?

No, vehicles and pedestrians are loaded on a first come first served basis. (Exemptions are for Semi-trailers, dump trucks etc. or pre-arranged tour groups). The general rule is to be in line approximately 10-15 minutes for a scheduled trip.

WHAT ARE THE BUSIEST SCHEDULED TRIPS?

Monday through Friday the busiest trips are 7:00 am leaving Bayfield and 4:30 pm leaving Madeline Island. Thursday and Friday evenings leaving Bayfield are busy during the summer months. Sundays leaving Madeline Island; mornings until about 3:00pm is typically the busiest. Extra boats run to accommodate the rush.

HOW MANY CARS CAN FIT ON THE FERRIES?

MV Bayfield will hold 25 cars, MV La Pointe will hold 22 cars, MV Madeline will hold 18 cars, MV Island Queen will hold 14 cars and the MV Nichevo II will hold 9 cars.

DO I DRIVE MY OWN VEHICLE ONTO THE FERRY?

Yes, however a boat crew member will direct you to a specific parking spot.

IF I DON'T BRING MY CAR OVER TO THE ISLAND, WHAT CAN I DO WHILE ON THE ISLAND?

The Village of La Pointe is located at the end of the ferry dock. There are shops, restaurants, churches, heritage center, lodging, hiking trails, grocery stores, small public beach area, playgrounds, library, bike, moped and SUP rentals and many other points of interest within walking distance.

IS THERE SOMEWHERE TO PARK MY CAR IN BAYFIELD?

There is limited parking available at the ferry landing. There is parking throughout the City of Bayfield; some street parking has a 2 hour limit. There are various lots that will allow overnight and up to 2 week parking. [City of Bayfield Parking Map](#).

Source: <https://madferry.com/frequently-asked-questions>

Public Parking Lots within a 0.3-Mile Radius of Madeline Island Ferry Terminal

BAYFIELD PARKING MAP



Source: <https://madferry.com/wp-content/uploads/2018/08/City-of-Bayfield-Parking-Map.pdf>

REBUTTAL EXHIBIT JAW-7.20

Star Line – Mackinaw City to Mackinac Island

Star Line – St. Ignace to Mackinac Island

Star Line Ferry Website Advertising On- and Off-Site Parking at Mackinaw City and St. Ignace Terminals


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[2022 SCHEDULE](#)
[EMPLOYMENT](#)
[PIRATE SHIP](#)
[ABOUT](#)

MACKINAC ISLAND
FERRY COMPANY



PARKING & TICKET OPTIONS

- Valet Parking

Star Line Mackinac Island Ferry Company is the *only* Mackinac Island ferry service to offer Valet Parking in both Mackinaw City and St. Ignace. Let us park your car in a fenced-in area, so all you have to worry about is enjoying your stay on the island.

Text the valet number listed on your claim check **60 minutes** before your departure, and we will have the vehicle waiting on our dock upon your return. Outdoor Valet Parking is \$40.00 per day and Indoor Valet Parking is \$50.00 per day (limited availability).



- Premium Dockside Parking (Day or Overnight)

(Overnight Premium Dockside Parking available in Mackinaw City only)

Park with premium convenience right on the ferry dock for your trip to Mackinac Island. No need to remember a lot number or take one of our shuttles! Dockside parking is \$25.00 per vehicle per day. Space is limited – first come, first serve.

- Self-Park Secured

(Mackinaw City only)

For our guests who wish to park their own car in a secured location, we have a fenced-in area located across the street and just to the right of the dock. We are happy to pick you up at that location after you have parked your vehicle with our complimentary shuttle service. Self-Park Secured is \$15.00 per day.

- Free Parking

Star Line Mackinac Island Ferry Company offers both day and overnight, free, unsecured off-site parking. Our complimentary shuttles will happily pick you up and bring you to the dock, to board the ferry, when you are ready.

Source: <https://www.mackinacferry.com/order-tickets-online/parking/>

[BUY TICKETS](#)[2022 SCHEDULE](#)[EMPLOYMENT](#)[PIRATE SHIP](#)[ABOUT](#)MACKINAC ISLAND
FERRY COMPANY

Parking

We provide the most convenient and best priced parking for both day and overnight guests. [VIEW](#)

[PARKING](#)[OPTIONS & RATES](#)

Take advantage of our **FREE** day and overnight parking a short distance from our dock (up to 5 days). A shuttle will escort you to and from our dock.

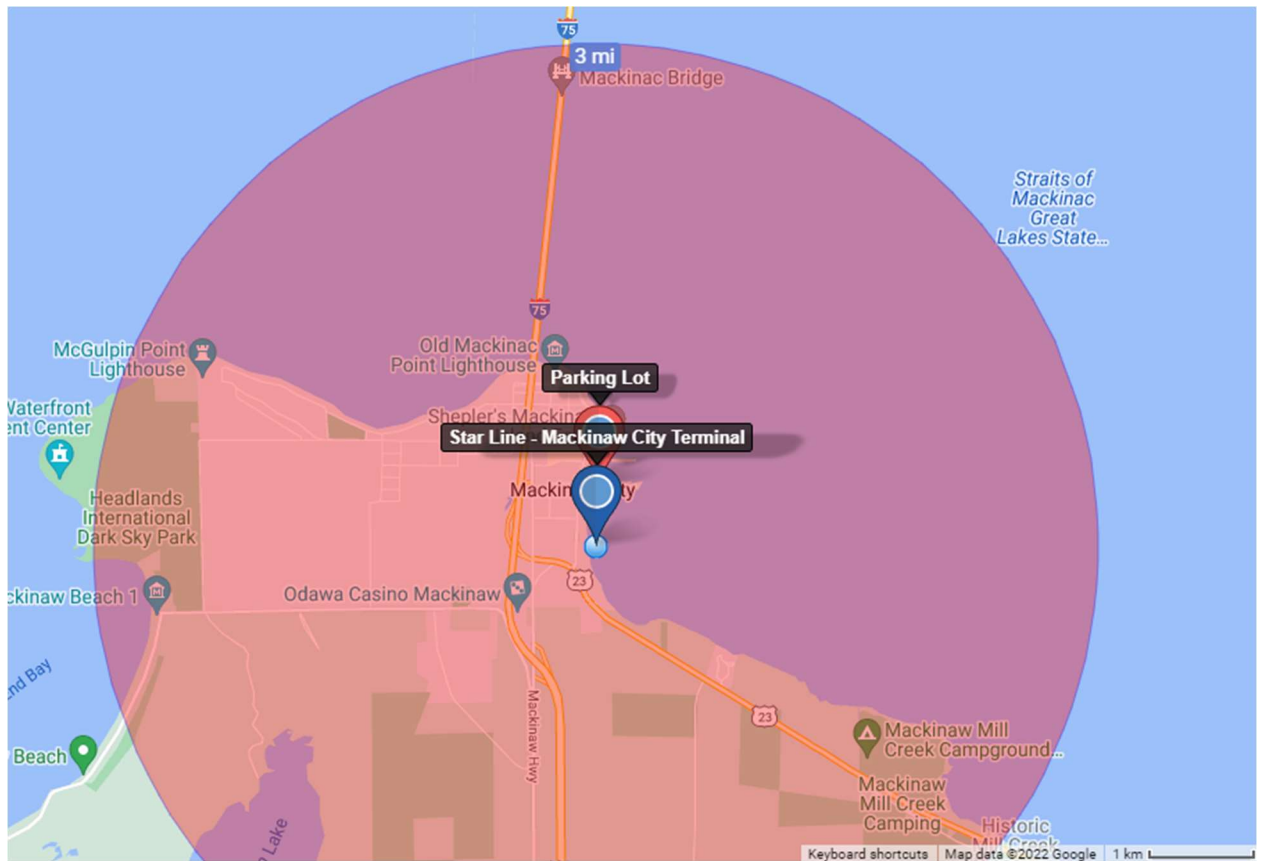
We are the **ONLY** ferry service to offer indoor and outdoor valet parking in both Mackinaw City and St Ignace. Additional fees apply.

For your convenience valet parking can be purchased online when you purchase your tickets or at your time of arrival.

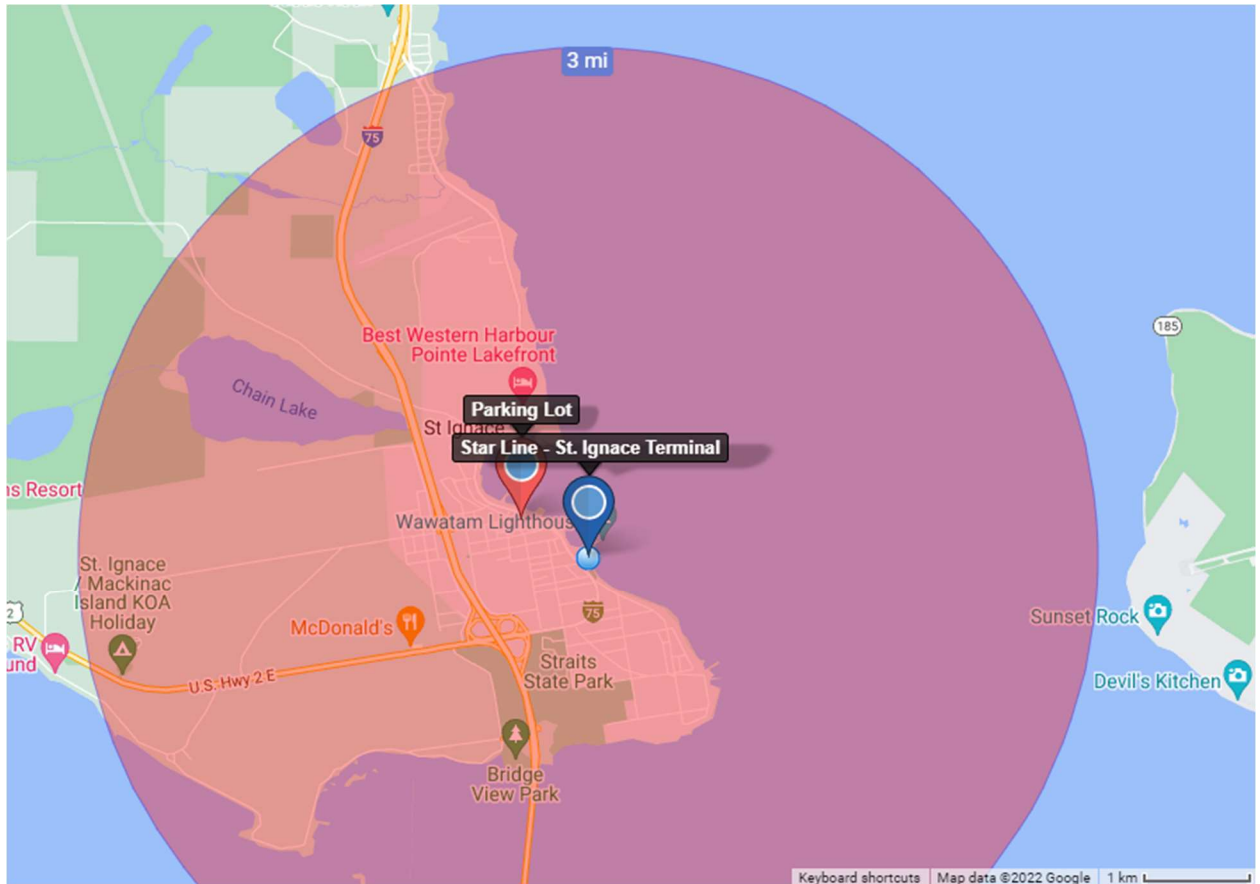


Source: <https://www.mackinacferry.com/order-tickets-online/parking/>

**Public Parking Lots within Three-Mile Radius of Star Line – Mackinaw City Terminal
(does not include ferry-provided parking)**



**Public Parking Lots within Three-Mile Radius of Star Line – St. Ignace Terminal
(does not include ferry-provided parking)**



REBUTTAL EXHIBIT JAW-7.21

Shepler's – Mackinaw City to Mackinac Island
Shepler's – St. Ignace to Mackinac Island

Star Line Ferry Website Advertising On- and Off-Site Parking at Mackinaw City Terminal



MACKINAW CITY DAY GUESTS

311 S. Nicolet Street
Mackinaw City, MI 49701

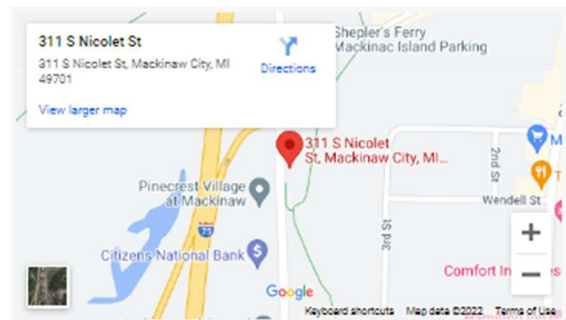
DIRECTIONS

If traveling North for a trip to Mackinac Island, guests can take exit #338 off of I-75 North, turn right at the stop sign and then left into our complimentary Day Lot at 311 S. Nicolet. Guests may also turn left off the exit, then right at the light (the intersection of Central and Nicolet) to our dock.

If traveling south from Michigan's upper peninsula, guests can take exit #339 off of I-75 South, turn left at the next two stop signs, turn right at the light (the intersection of Central Ave. and Nicolet), then left into our complimentary Day Lot located at 311 S. Nicolet. Guests traveling to the dock can continue straight through the light (the intersection of Central Ave. and Nicolet) directly to our dock.

Continual complimentary shuttle service runs during all business hours between our Day Lot and our Mackinaw City dock.

We strongly suggest that all guests arrive one hour prior to their desired departure time.




DAY GUEST PARKING

Mackinaw City guests that are visiting for the day, save significant time and go directly to our FREE Day Parking Lot located across from exit #338 off of I-75 N. Complimentary shuttle service runs a continuous loop to and from the dock. Day guests will also have the opportunity to park in our Premium on-site lot at the dock for \$35.00. If you would like to take advantage of the Premium parking, please go straight to the dock.

"Day guests may visit our Premium Dock Lot to drop bikes, bags, or guests requiring special assistance before parking in the Day Lot. Wheelchair accessible shuttles and trams are available from all of our parking locations. Guests traveling with bikes are encouraged to ride or walk bikes from our Day Lot to the Mackinaw City dock for boarding however our shuttles and trams can carry bikes."

Source: <https://www.sheplersferry.com/mackinaw-city-directions/>



[TICKETS](#)
[SCHEDULE](#)
[PARKING](#)
[CRUISES](#)
[GROUPS](#)
[MARINE SERVICE](#)

MACKINAW CITY OVERNIGHT GUESTS

556 E. Central Avenue
Mackinaw City, MI 49701

DIRECTIONS

Guests staying overnight on Mackinac Island should proceed directly to our Mackinaw City dock for luggage and parking assistance. Overnight parking options are noted below. All guests entering our gated dock area will have a 60 minute grace period free of charge for loading and unloading their vehicles.

If traveling North for a trip to Mackinac Island, guests can take exit #338 of I-75 North, turn left off the exit, then right at the light (the intersection of Central and Nicolet) to our dock.


If traveling south from Michigan's upper peninsula, guests can take exit #339 of I-75 South, turn left at the next two stop signs, continue straight through the light (the intersection of Central Ave. and Nicolet) directly to our dock.

We strongly suggest that all guests arrive one hour prior to their desired departure time.

+ Premium Dock Lot Parking (\$35/night)

+ Standard Overnight Lot Parking (\$15/night)

ST. IGNACE DIRECTIONS



OVERNIGHT GUEST PARKING

Overnight guests should proceed directly to our dock. We offer two types of overnight parking, both of which are self-park: Standard parking for \$15.00 per night, and Premium parking for \$35.00 per night. Once arriving at the dock, cast members will guide you through our unloading process and provide instructions on where to park.

Source: <https://www.sheplersferry.com/mackinaw-city-directions/>

Star Line Ferry Website Advertising On- and Off-Site Parking at St. Ignace Terminal



ST. IGNACE GUESTS

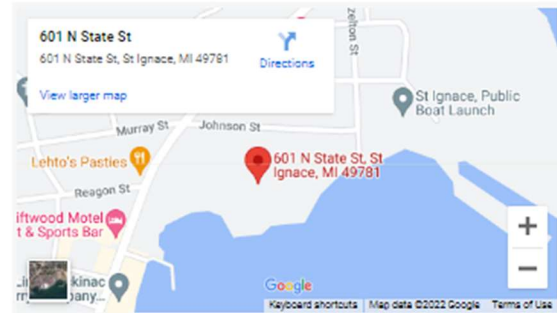
601 N. State Street
St. Ignace, MI 49781

DIRECTIONS

All guests departing our St. Ignace dock will proceed directly to our dock for assistance. Day guests and overnight guests will be directed upon arrival.

On arrival, guests will take a parking ticket at the entrance gate. Tickets allow complimentary parking until midnight of that day. After midnight, a \$20.00 per night fee will be charged. Below are two options for overnight guests in St. Ignace.

Payment is not accepted at exit gates and must be made before exiting. Guests who lose their parking tickets should visit the ticket office and may incur additional parking fee.



DAY GUEST PARKING

Guests departing St. Ignace for a day trip have two choices for day parking. These include complimentary day parking in our Premium Dock Lot until midnight, or indoor self-park also at our dock for \$45 per day/night.

– Premium Dock Parking Lot (\$20/night)

Our St. Ignace Premium Dock Lot is \$20/night. Guests choosing this parking option should follow instructions below:

1. Take ticket from entrance gate and proceed to the unloading zone.
2. Cast members will assist with luggage, answer any questions, and direct you to the ticket office.
3. Park vehicle and take parking ticket with you (do not lose your ticket).
4. Depart for Mackinac Island and enjoy!
5. Return from Mackinac Island, retrieve luggage, etc.
6. Pay for parking at the ticket office or luggage area kiosk if you did not pay in advance.
7. Exit parking lot by scanning parking ticket at exit.

Payment is not accepted at exit gates and must be made before exiting. Guests who lose their parking tickets should visit the ticket office and may incur additional parking fee.

+ Standard Overnight Lot Parking (\$15/night)

OVERNIGHT GUEST PARKING

Guests departing St. Ignace for an overnight trip have three options. Overnight guests may park in our Premium Dock Lot at a rate of \$20 per night (charges begin at midnight), they may choose to park in our NEW Standard Overnight Lot, a self-park, offsite lot for \$15 per night, or they may choose indoor self-park also located at the dock for \$45 per night.

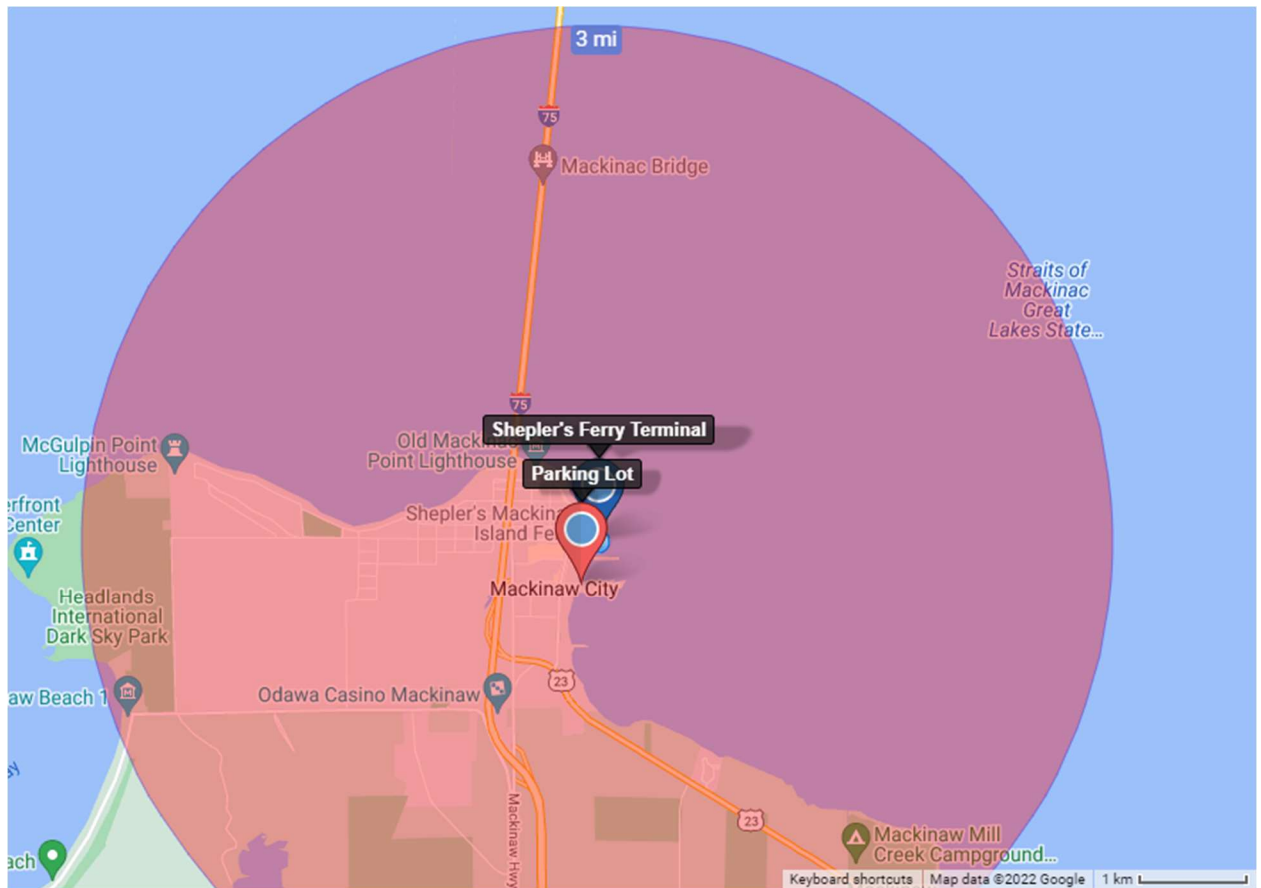
PARKING PAYMENT OPTIONS

We offer **two** options for parking payment to make your Mackinac Island Experience that much easier!

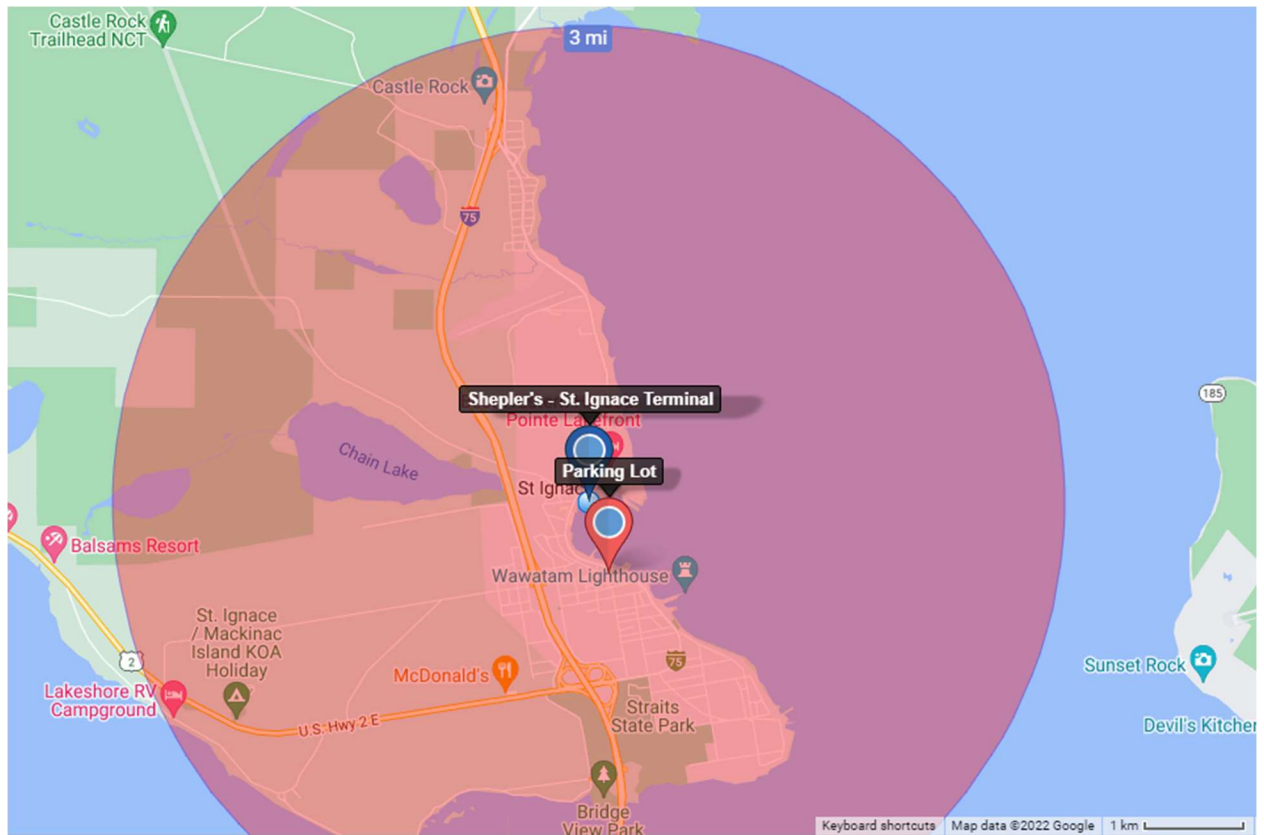
1. On your return from Mackinac Island, pay for parking at the ticket window. The ticket office will validate your ticket for you to return to your vehicle.
2. Using your smartphone, guests can scan their parking ticket on the day of their return to pay for parking. Be sure to do this on your return trip to the mainland, as once another night has gone by guests will not be able to leave the parking lot with that ticket.

Source: <https://www.sheplersferry.com/st-ignace-directions/>

**Public Parking Lots within Three-Mile Radius of Shepler's – Mackinaw City Terminal
(does not include ferry-provided parking)**



**Public Parking Lots within Three-Mile Radius of Shepler's – St. Ignace Terminal
(does not include ferry-provided parking)**



REBUTTAL EXHIBIT JAW-7.22

Beaver Island Ferry – Charlevoix to Beaver Island

Beaver Island Boat Company Website Advertising On- and Off-Site Parking



Home > Know Before You Go > Parking

Parking

Over Night Parking

A permit must be purchased at our office.

- There is a shuttle for drivers only to and from our overnight lots (our personal BIECO lot and the Charlevoix Airport)
- The shuttle bus will depart 30 minutes prior to boat departure time from the overnight lot and 40 minutes prior to boat departure time from the Charlevoix Airport. (If you are flying with Fresh Air please note we do not shuttle to their location)
- Please leave all pets, passengers and luggage at the ferry dock to park vehicle.
- If you are running late and miss the shuttle service or would prefer we park your vehicle for you, we do offer a one way valet service to take your car out to one of our overnight parking lots for \$25.



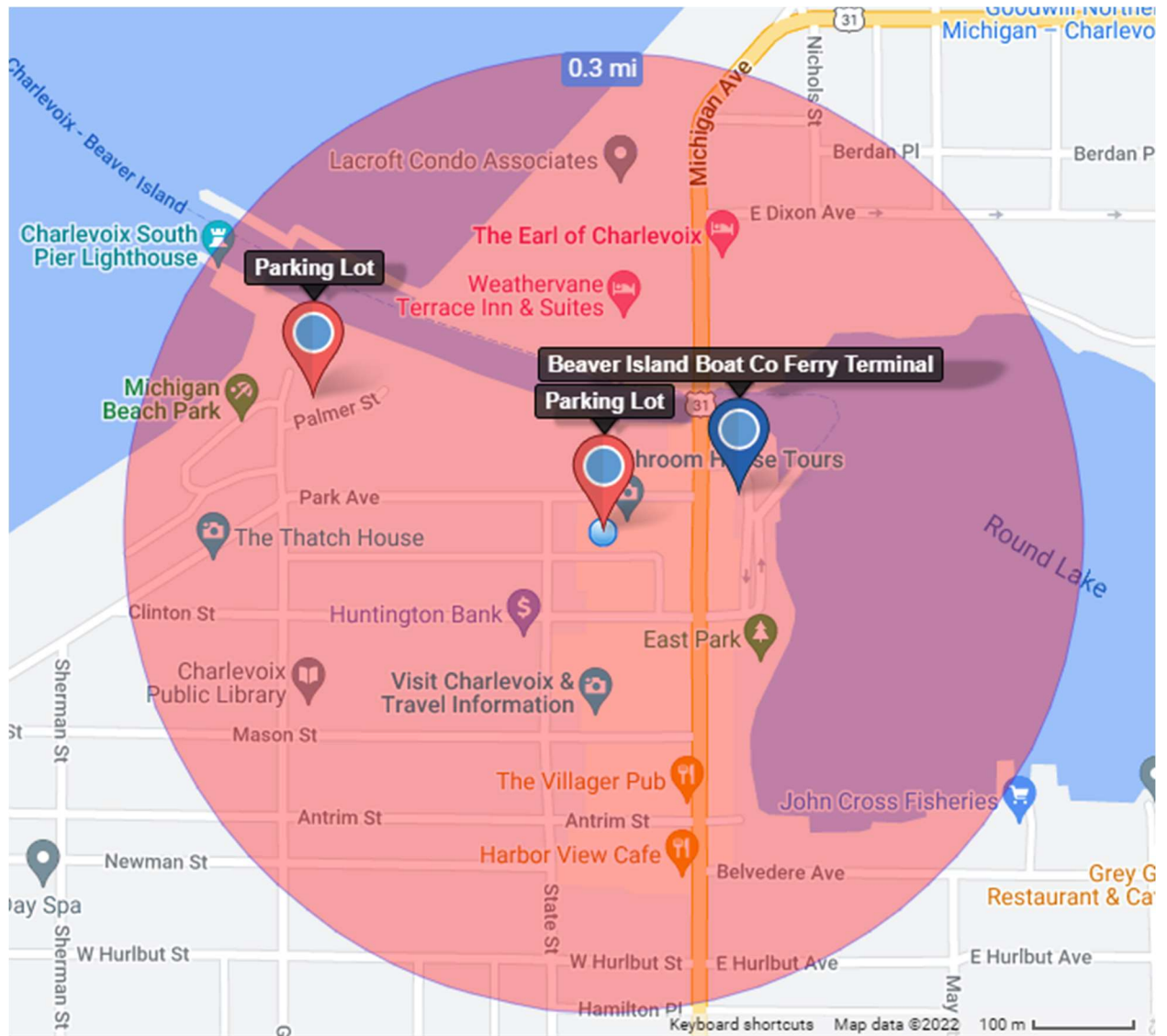
Please check in at least 1 hour prior to departure time to purchase tickets, transfer luggage and park your vehicle. Not allowing this amount of time may cause you to miss the shuttle from our overnight parking lots.

Day Parking

Is available in two downtown parking lots. One of our office staff will be happy to direct you to one of those lots when you arrive. Both lots are within walking distance of our dock.

Source: <https://www.bibco.com/know-before-you-go/parking-2/>

**Public Parking Lots within 0.3-Mile Radius of Beaver Island Boat Co. Terminal
(does not include ferry-provided parking)**



REBUTTAL EXHIBIT JAW-7.23

Miller Boat Co. Catawba to Put-In-Bay

Milly Ferry Website Advertising On- and Off-Site Parking



Passenger & Vehicle Service to Put-in-Bay & Middle Bass Island, Ohio

We offer five **FREE PARKING** areas

All free parking can be used for daytime and overnight parking. See map for parking locations near the Miller Ferry Catawba Dock.

There are passenger and luggage drop off areas at the top of the dock. For anyone with difficulty walking or anyone needing assistance loading luggage, please contact a dock attendant or ticket booth personnel.

The Miller Ferry Docks, lower deck of ferries, retail stores, and restrooms on both ferry docks are **wheelchair accessible**. Please call our office 800-500-2421 for additional questions you may have about wheelchair transportation.

ATM machines are located on both ferry docks.



Click on map to enlarge

Can I bring my car?

YES, you can. Please read the vehicle guidelines for **Put-in-Bay & Middle Bass Island**.

Source: <https://millerferry.com/directions/parking/>

Map of Miller Ferry Parking



Source: <https://millerferry.com/directions/parking/>

I/A

Rebuttal Exhibit JAW-7
Docket No. A-41, Sub 21
Page 86 of 115

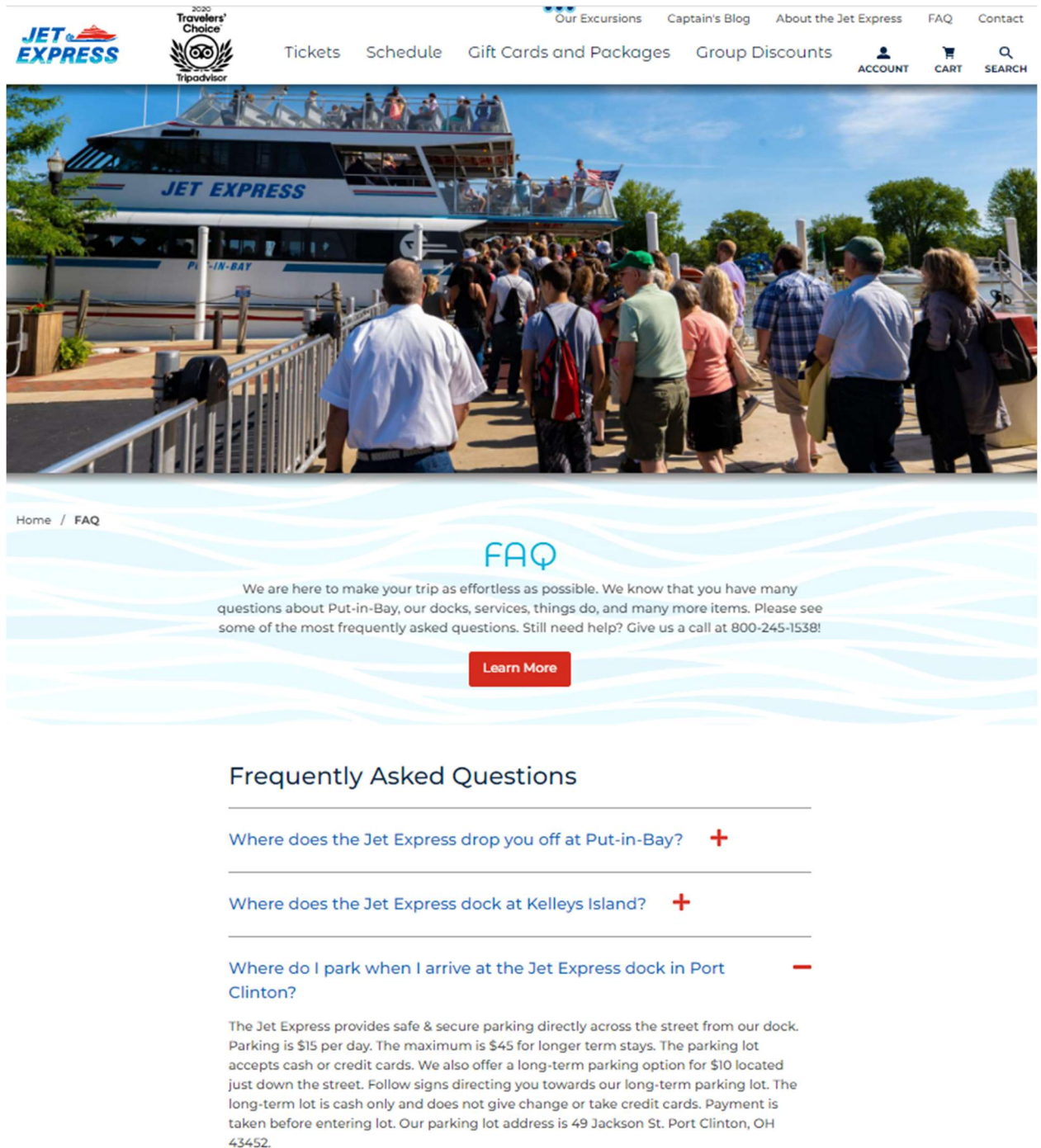
REBUTTAL EXHIBIT JAW-7.24

Jet Express to Put-in-Bay

OFFICIAL COPY

Oct 25 2022

Jet Express Website Advertising Off-Site Parking



2020 Travelers' Choice TripAdvisor

JET EXPRESS

Tickets Schedule Gift Cards and Packages Group Discounts Our Excursions Captain's Blog About the Jet Express FAQ Contact

ACCOUNT CART SEARCH

Home / FAQ

FAQ

We are here to make your trip as effortless as possible. We know that you have many questions about Put-in-Bay, our docks, services, things to do, and many more items. Please see some of the most frequently asked questions. Still need help? Give us a call at 800-245-1538!

[Learn More](#)

Frequently Asked Questions

Where does the Jet Express drop you off at Put-in-Bay? +

Where does the Jet Express dock at Kelleys Island? +

Where do I park when I arrive at the Jet Express dock in Port Clinton? -

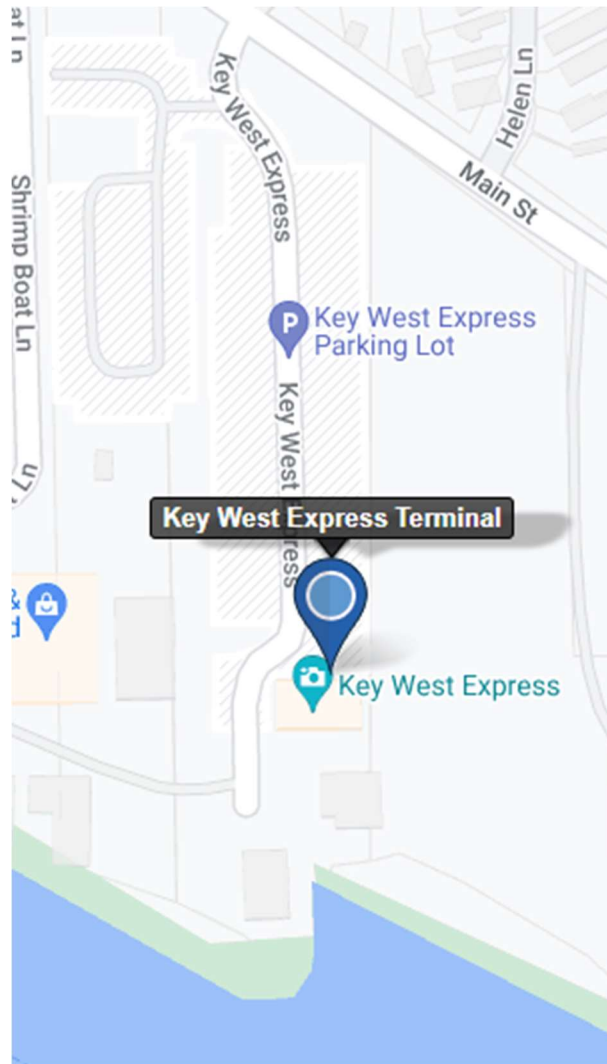
The Jet Express provides safe & secure parking directly across the street from our dock. Parking is \$15 per day. The maximum is \$45 for longer term stays. The parking lot accepts cash or credit cards. We also offer a long-term parking option for \$10 located just down the street. Follow signs directing you towards our long-term parking lot. The long-term lot is cash only and does not give change or take credit cards. Payment is taken before entering lot. Our parking lot address is 49 Jackson St. Port Clinton, OH 43452.

Source: <https://www.jet-express.com/faq/>

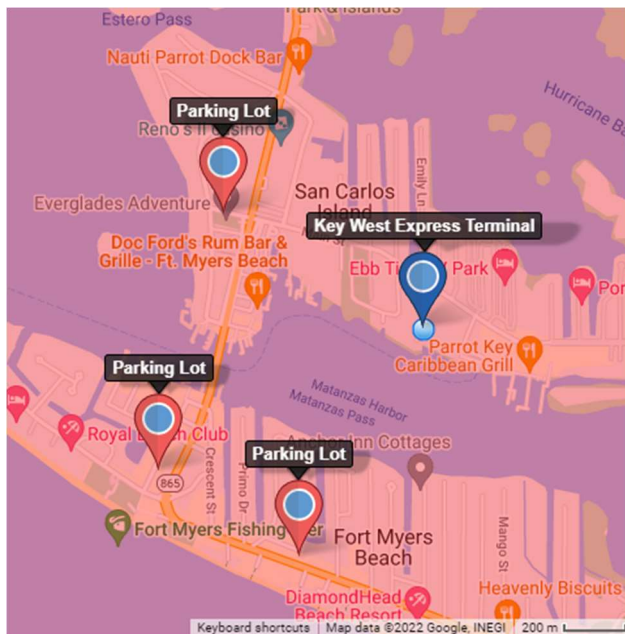
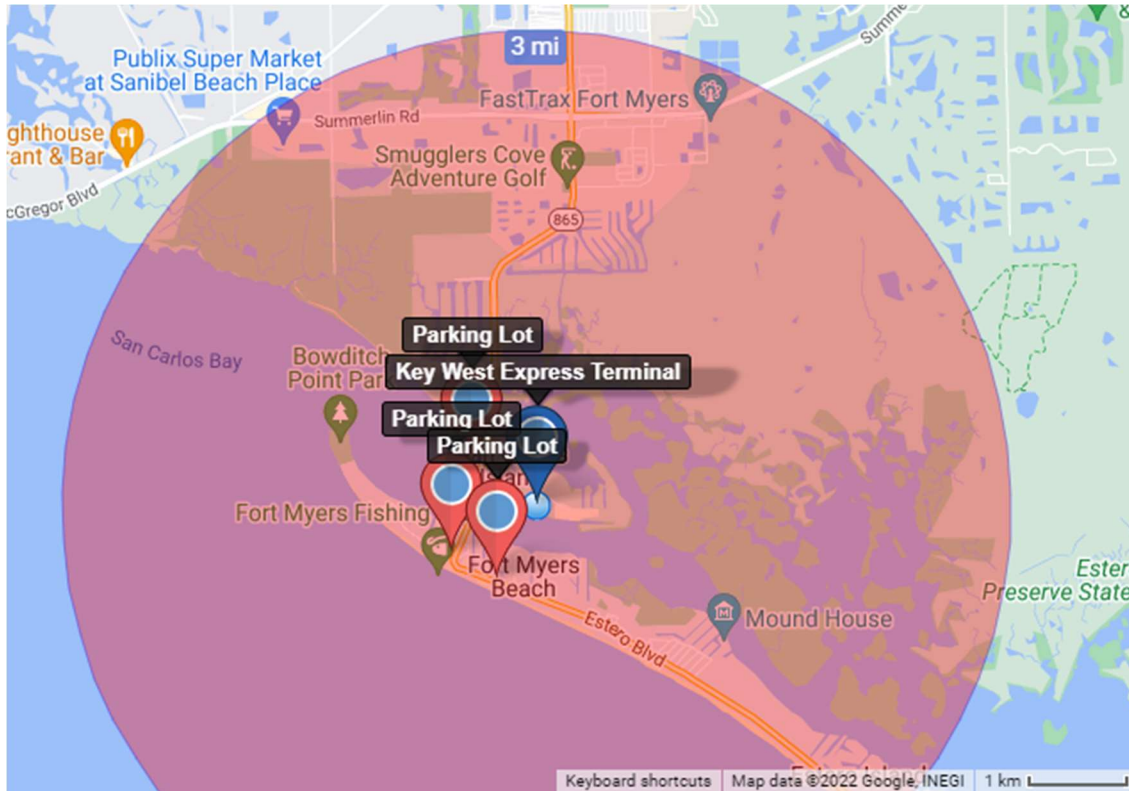
REBUTTAL EXHIBIT JAW-7.25

Key West Express Ft. Myers

Parking at Key West Express Terminal



**Public Parking Lots within Three -Mile Radius of Key West Express Terminal
(does not include ferry-provided parking)**




REBUTTAL EXHIBIT JAW-7.26

Catalina Express – Long Beach to Catalina Island

Catalina Express – San Pedro to Catalina Island


Catalina Express – Dana Point to Catalina

Catalina Express – Long Beach Website Advertising Off-Site Parking



[HOME](#) | [ABOUT US](#) | [CONTACT](#) | [EXPLORE CATALINA](#) | [PORTS](#) | [TRAVEL ADVISORY](#) | [RESERVATIONS](#) | [TERMS & CONDITIONS](#)

Long Beach Port



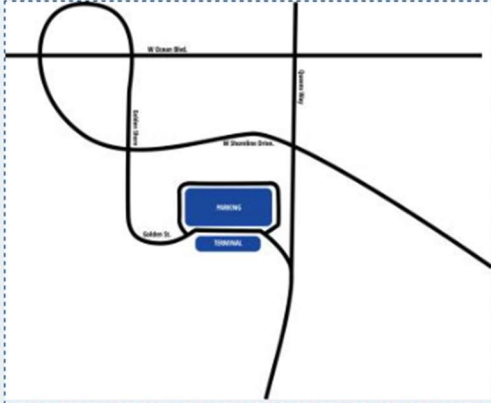
The Catalina Landing at Downtown Long Beach is located in the heart of the city, along the waterfront beside the Pike and the Aquarium of the Pacific near Shoreline Village. The port is easily accessible from Los Angeles, Orange County or San Diego.

ATMs are available at all locations. All major credit cards are welcome. Travelers can book sightseeing tours and make golf cart rental reservations at the port.

Trip Duration
Long Beach/Avalon trips take approximately 1 hr.

Address
320 Golden Shore, Long Beach, CA 90802

Parking
\$22 daily max per 24hr period. Overnight parking okay and no parking reservations necessary. Accepted methods of payment are cash, Visa or Mastercard. Vehicles may not park in excess of 30 days without prior written license agreement. Prices are subject to change. Overnight bus parking also available. Check with parking vendor for details. Operated by ABM Parking Services: 562.432.5166 | victor.carranza@abm.com. (Please do not call this number for Catalina Express reservations.)



Schedules

BOOK A RESERVATION

DEPARTURE:
Choose Port

ARRIVAL:
Choose Port

TICKET TYPE ☒ Round Trip ☐ One Way

ADULTS (12-54)	CHILDREN (2-11)	INFANTS (UNDER 2)	SENIORS (55+)
1	0	0	0

BIKES / BOARDS
0

DEPARTURE: RETURN:

[ACCOUNT LOGIN](#) [BOOK NOW](#)

Or Call Us At (800) 613-1212

Experience Lounge Service >

Upgrade Information

Travel Information

Please read before purchasing.

[Travel Policies](#)

[Baggage Guidelines](#)

[Reservation Information](#)

Source: <https://www.catalinaexpress.com/port-long-beach/long-beach-port.html>

Catalina Express – San Pedro Website Advertising Off-Site Parking

San Pedro Port

The Catalina Sea and Air Terminal in San Pedro is located at the heart of the waterfront promenade in the LA Port which is freeway accessible from Los Angeles and Orange Counties.

ATMs are available at all locations. All major credit cards are welcome. Travelers can book sightseeing tours and make golf cart rental reservations at the port.

Trip Duration

San Pedro/Avalon trips take approximately 1 hr 15 min. *(Via Two Harbors additional 45 min. travel time)*
San Pedro/Two Harbors trips take approximately 1 hr 15 min. *(Via Avalon additional 45 min. travel time)*

Address

Berth 95, San Pedro, CA 90731
(at Swinford and Harbor Boulevard)

Parking

Hourly: FREE for the first hour, \$2 per hour after the first hour.
Daily: \$20 per day.
Cash, credit cards or traveler's checks only. Prices are subject to change and prorated rates may be available. Check with parking vendor for details. Parking operated by **PCI Parking – 310.547.4357**

Travel Information

Please read before purchasing:

[Travel Policies](#)

[Baggage Guidelines](#)

[Reservation Information](#)

BOOK A RESERVATION

DEPARTURE: Choose Port

ARRIVAL: Choose Port

TICKET TYPE ☒ Round Trip ☐ One Way

ADULTS (12-54)	CHILDREN (2-11)	INFANTS (UNDER 2)	SENIORS (55+)
1	0	0	0

BIKES / BOARDS: 0

DEPARTURE: RETURN:

[ACCOUNT LOGIN](#) [BOOK NOW](#)

Or Call Us At (800) 613-1212

Experience Lounge Service Upgrade Information

Source: <https://www.catalinaexpress.com/port-san-pedro/san-pedro-port.html>

Catalina Express – Dana Point Website Advertising Off-Site Parking

Catalina Express

HOME ABOUT US CONTACT EXPLORE CATALINA PORTS TRAVEL ADVISORY RESERVATIONS TERMS & CONDITIONS

Dana Point Port

Catalina Express operates its ticketing and docking from the offices of **Dana Wharf Sportfishing** in beautiful Dana Point Harbor. This port is located just off the 5 Freeway and is convenient for travelers coming from San Diego or Orange County.

Dana Point Harbor has two marinas inside a one-and-a-half mile jetty and offers plenty of shopping, more than 20 restaurants and a hotel. There's also a park with picnic shelters, barbecues and wide open green belts.

Trip Duration
Dana Point/Avalon trips take approximately 1 hr 30 min.

Address
34675 Golden Lantern St., Dana Point, CA 92629

Parking
Park briefly in the short-term lot to purchase your tickets and parking pass for the long-term lot. For the sailings between **June 17th and September 5th**, allow an extra **30 minutes** to move your car to long-term parking, and walk back or shuttle to the Catalina Express dock.

Parking is \$20 per day.
Parking-related questions? Please call: **949.496.5794 ext. 7** (not for reservations)

Schedules

BOOK A RESERVATION

DEPARTURE:
Choose Port

ARRIVAL:
Choose Port

TICKET TYPE ☒ Round Trip ☐ One Way

ADULTS (12-54)	CHILDREN (2-11)	INFANTS (UNDER 2)	SENIORS (55+)
1	0	0	0

BIKES / BOARDS
0

DEPARTURE: RETURN:

ACCOUNT LOGIN BOOK NOW

Or Call Us At (800) 613-1212

Experience Lounge Service
Upgrade Information

Travel Information

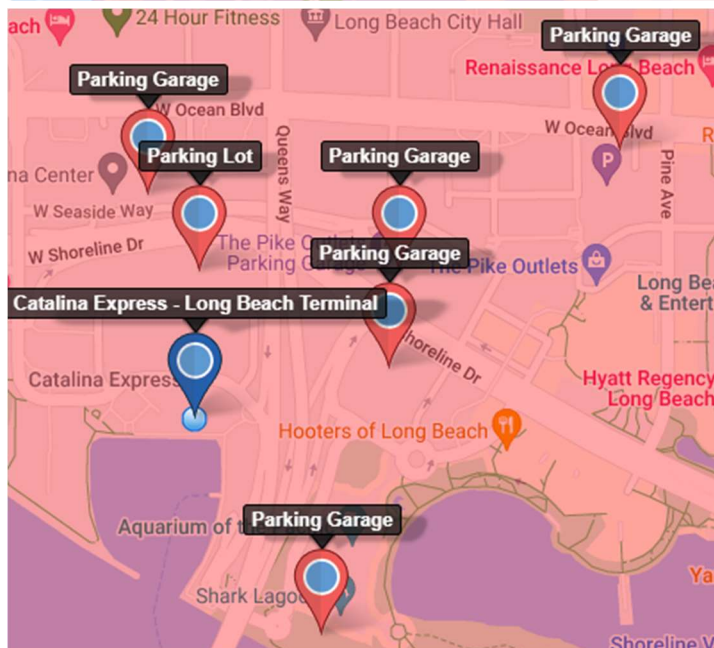
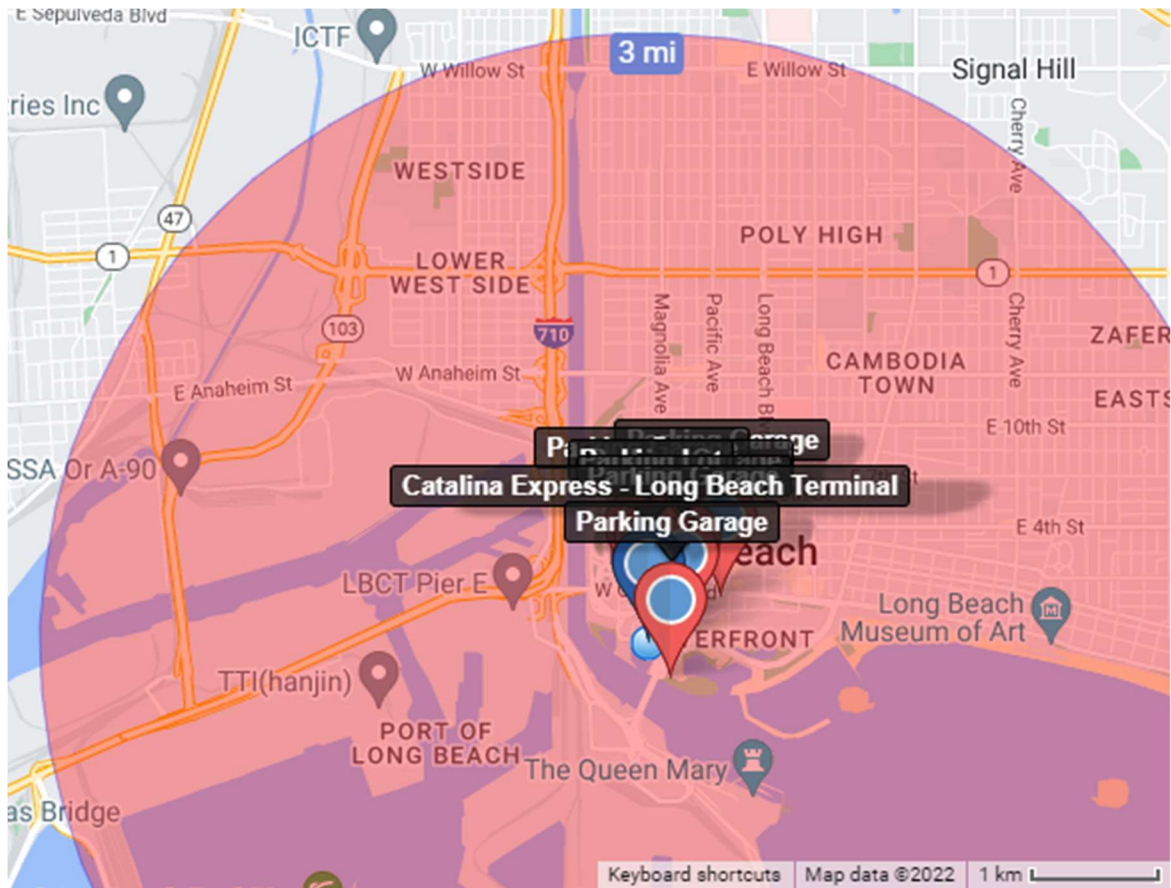
Please read before purchasing:

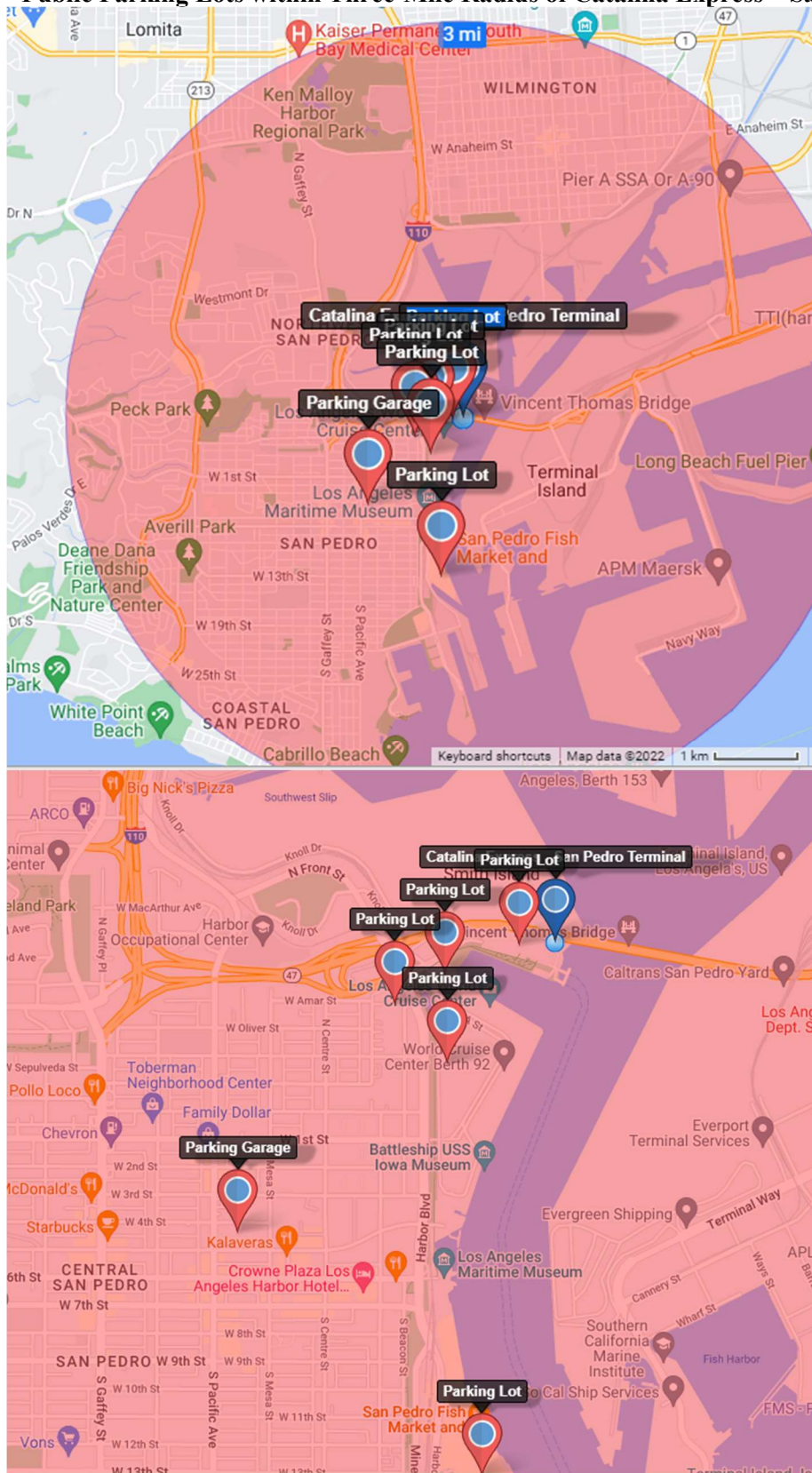
Travel Policies

Baggage Guidelines

Reservation Information

Source: <https://www.catalinaexpress.com/port-dana-point/dana-point-port.html>

Public Parking Lots within Three-Mile Radius of Catalina Express – Long Beach Terminal

Public Parking Lots within Three-Mile Radius of Catalina Express – San Pedro Terminal

Public Parking Lots within Three-Mile Radius of Catalina Express – Dana Point Terminal

REBUTTAL EXHIBIT JAW-7.27

Catalina Flyer Newport Beach to Catalina Island

Catalina Flyer Advertising Off-Site Parking**MAP AND DIRECTIONS**

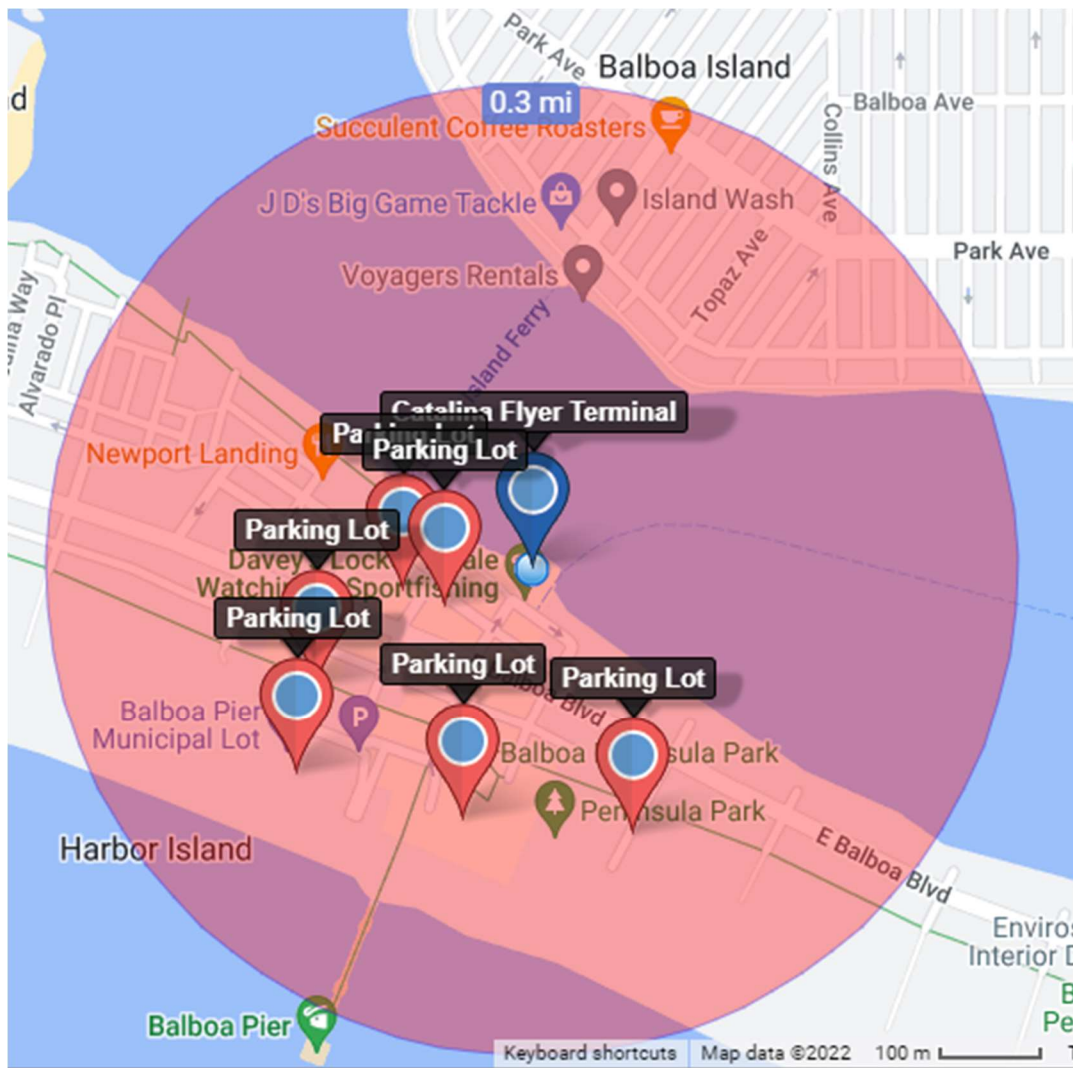
The City of Newport Beach uses digital parking meters and pay stations. Visit [parkmobile](https://parkmobile.com) to pay your parking fees.

We recommend parking in the Balboa Pier parking lot for all day and multi day parking. Rates fluctuate during summer, holidays, and weekends. Rates are typically between \$15 and \$30 per 24-hour period. The Balboa Pier lot is located at 1 Balboa Pier, Newport Beach, CA 92661.

For drop off service including ride-share providers like Uber and Lyft use our address 400 Main Street, Newport Beach, CA 92661

Please avoid parking on residential streets or the short-term meter lots. Street sweeping and time restrictions will result in ticketing and possible towing.

Source: <https://www.catalinainfo.com/mainland-map-parking.html>

Public Parking Lots within 0.3-Mile Radius of Catalina Flyer

REBUTTAL EXHIBIT JAW-7.28

Washington State Ferry to San Juan Islands

San Juan Islands Ferry Advertising On-Site Parking

Tourist Information

Parking

Peak rates effective May 1 through September 30:

- 1 day rate (car) - \$13.00
- 2 day rate (car) - \$26.00
- 3 day rate (car) - \$36.00
- 4 day rate (car) - \$44.00
- 7 day rate (car) - \$60.00
- 8 day rate (car) - \$65.00
- 9 day rate (car) - \$76.00
- 10 day rate (car) - \$87.00
- 14 day rate (car) - \$103.00
- 15 day rate (car) - \$120.00
- 16 day rate (car) - \$125.00
- 17 day rate (car) - \$135.00
- 21 day rate (car) - \$147.00

- 1 day rate (RV) - \$26.00
- 2 day rate (RV) - \$52.00
- 3 day rate (RV) - \$72.00
- 4 day rate (RV) - \$92.00
- 5 day rate (RV) - \$120.00
- 6 day rate (RV) - \$141.00
- 7 day rate (RV) - \$163.00
- 8 day rate (RV) - \$185.00
- 9 day rate (RV) - \$207.00
- 10 day rate (RV) - \$228.00
- 14 day rate (RV) - \$315.00
- 15 day rate (RV) - \$337.00
- 16 day rate (RV) - \$359.00

There are two ways to either initially pay for parking or to extend your current parking session remotely via your cell phone or mobile app:

Use the CallToPark mobile app or call 1-888-767-9037. The automated system will ask for the Station #124939, the Stall # you parked in and the number of day(s) needed.

Use the PayByPhone mobile app or call 1-888-680-7275. The automated system will ask for the Station #1644, the Stall # you parked in and the number of day(s) needed.

Contact 1-800-828-4197 for additional parking information.

Customers wishing to purchase a Monthly, Seasonal, or RV/Boat Storage permits, please call Diamond Parking Services at (206) 729-0590 or 1-800-828-4197 and press option 2. Customer Service Representatives are available Monday – Friday 7:30 am to 7:00 pm PST or by email at Monthly@DiamondParking.com

There is no charge for disabled parking customers displaying a valid disabled parking placard or license plate in this parking lot only. It's important to note that when all the sign posted ADA spaces are filled in this WSF lot, customers are allowed to park in any empty space in this lot, for free, with their ADA placard, except those spaces reserved for other uses (e.g., carpool and Ferry System employee vehicles). Please view some [Frequently Asked Questions \(pdf 149 kb\)](#) for more parking information.

Source: <https://wsdot.com/ferries/vesselwatch/TerminalDetail.aspx?terminalid=1#transportation>

REBUTTAL EXHIBIT JAW-7.29

Washington State Ferry Seattle to Bainbridge Island

Bainbridge Ferry Directing Users to Downtown Seattle Public Parking

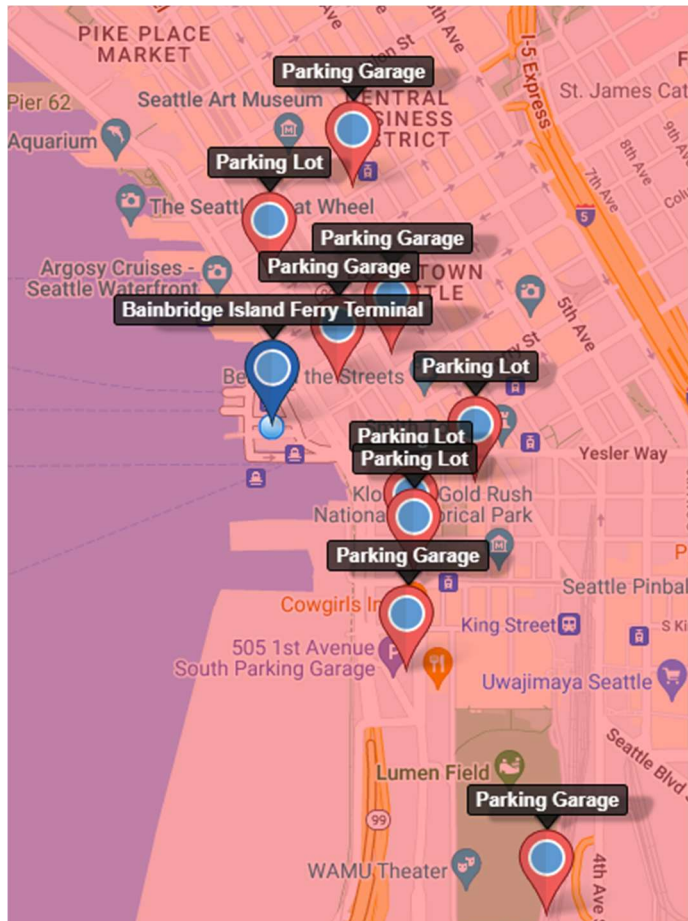
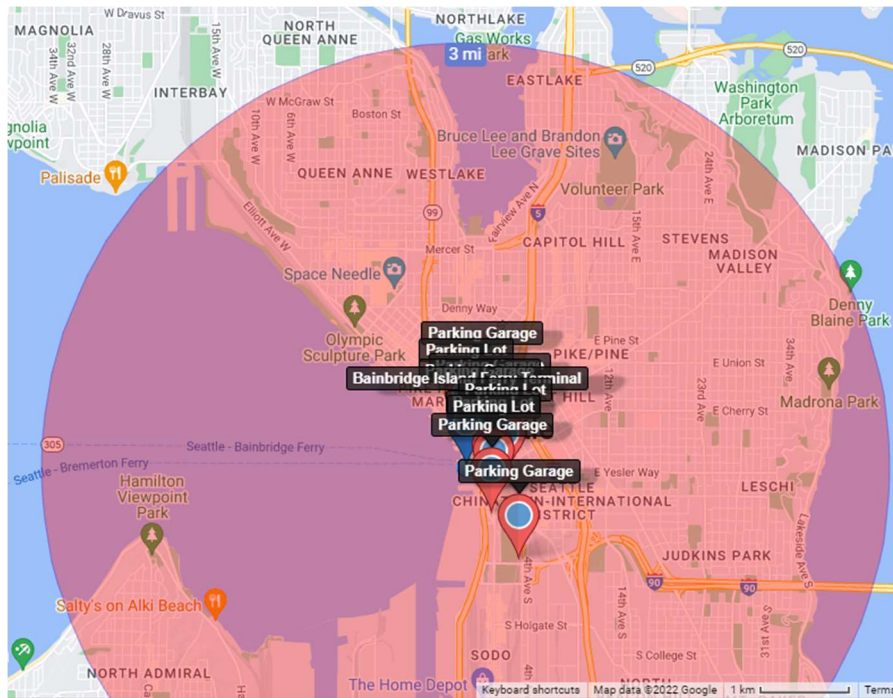
Tourist Information

Parking

Customers planning to park and walk on the ferry can find parking information for Seattle's Pioneer Square and waterfront neighborhoods here: [Downtown Seattle Parking](#).

Source: <https://wsdot.com/ferries/vesselwatch/TerminalDetail.aspx?terminalid=7>

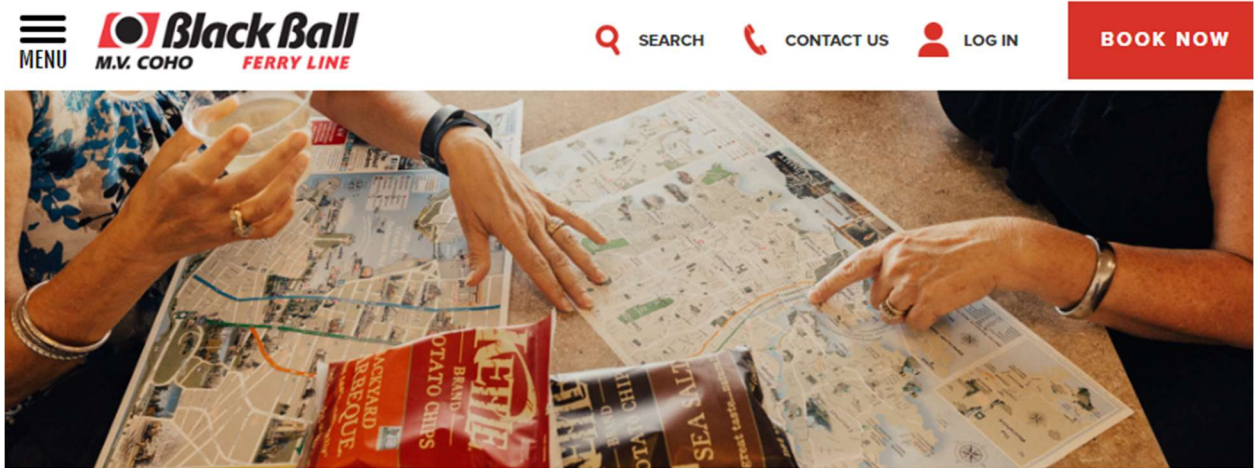
Public Parking Lots within Three-Mile Radius of Seattle Ferry Terminal



REBUTTAL EXHIBIT JAW-7.30

Black Ball Line Pt. Angeles to Victoria BC

Black Ball Ferry Website Directing Users to Off-Site Parking



PARKING

PORT ANGELES TERMINAL

Parking is available in numerous privately operated lots within 1 or 2 blocks from our Port Angeles ferry terminal. Prices range from \$10 - \$15 per calendar day.

Please Note: While most parking lots in Port Angeles now accept credit cards, a few accept cash only. There is an ATM at Chase Bank located one block from our ferry terminal (101 W Front Street, on the corner of Front and Laurel Streets).

VICTORIA TERMINAL

Parking is available down the road from our terminal at Robbins Parking (203 Quebec Street, across the street from the Inn at Laurel Point). Overnight parking starts at \$8 per day. View more Robbins Parking lot locations [here](#).

Source: <https://cohoferry.com/parking>

Public Parking Lots within 0.3-Mile Radius of Black Ball Ferry Terminal

REBUTTAL EXHIBIT JAW-7.37

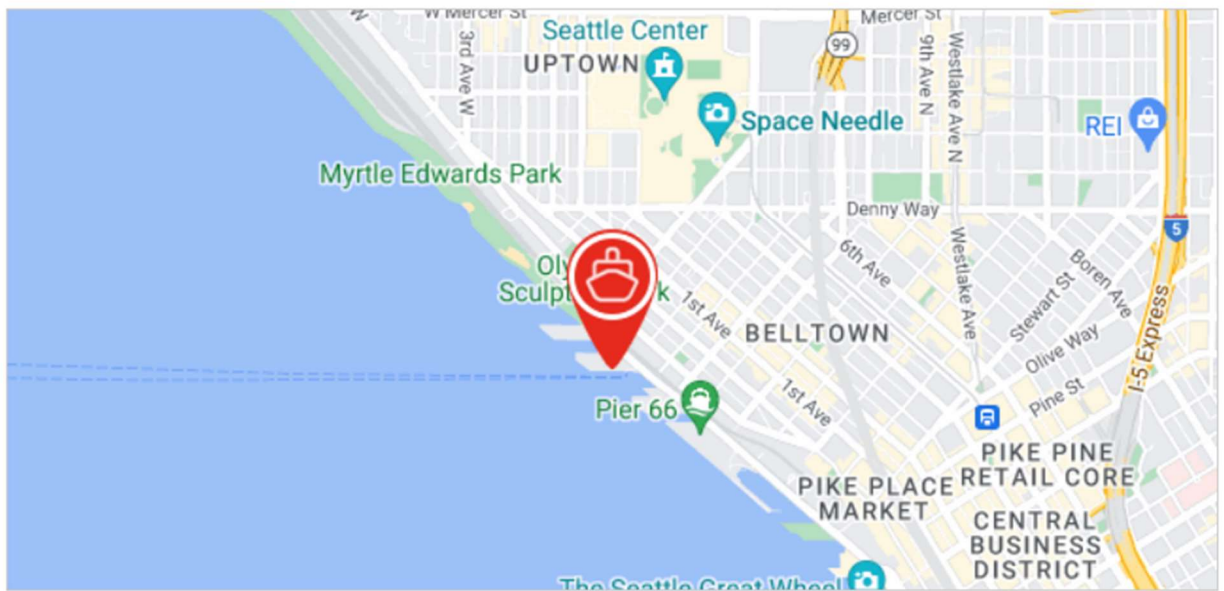
Victoria Clipper Seattle to Victoria BC

Victoria Clipper Website Directing Users to Off-Site Parking



Directions & Parking

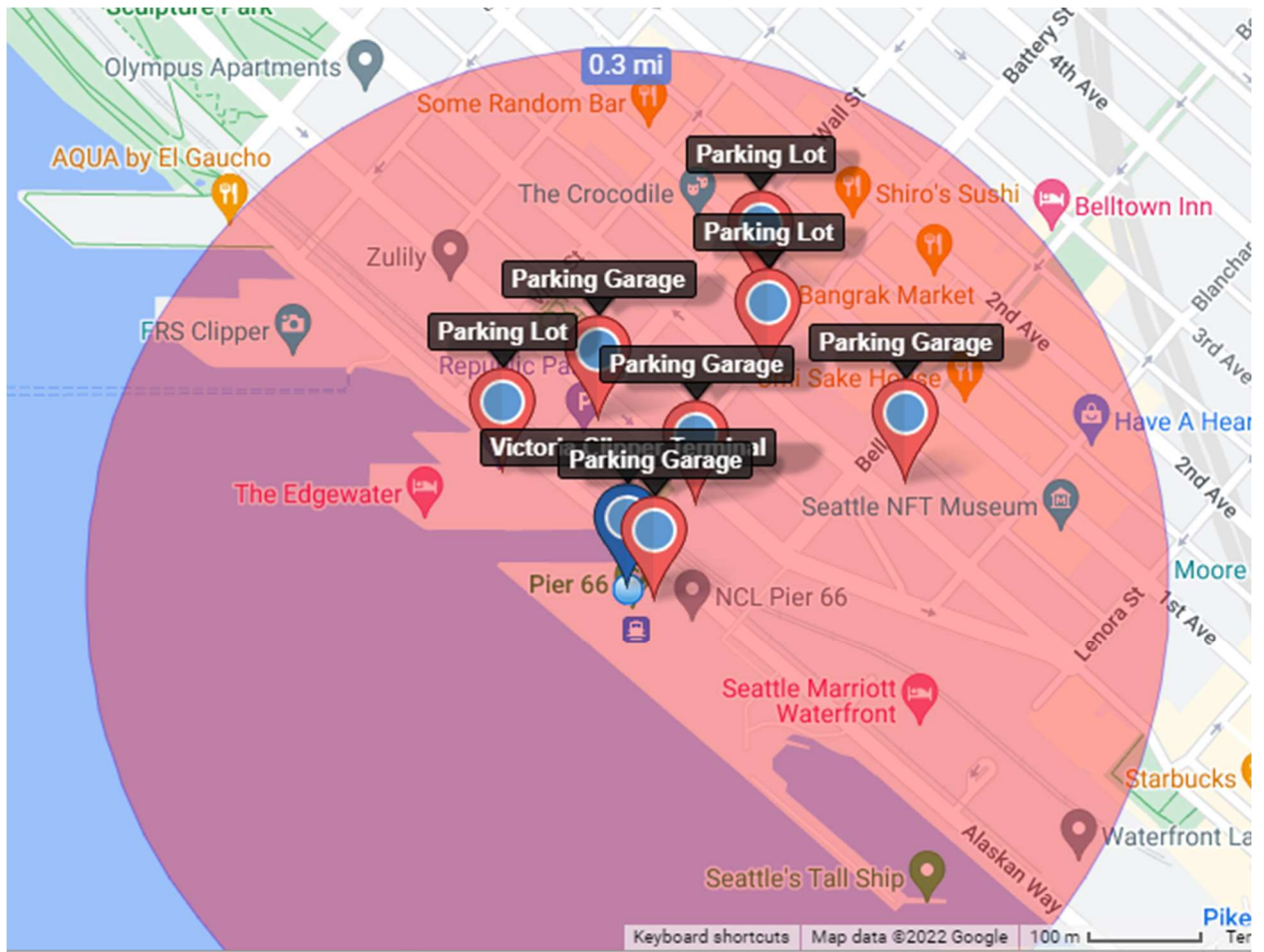
Seattle



The FRS Clipper terminal is located on the Seattle waterfront at 2701 Alaskan Way at Pier 69 with nearby parking at the [Bell Street Pier Garage](#).

ADVISORY: Please refer to the [Waterfront Seattle website](#) and [WSDOT website](#) for updates and directions ahead of your planned travel and allow ample time for arrival to our Wall Street parking garage.

Source: <https://www.clippervacations.com/directions-parking/>

Public Parking Lots within 0.3-Mile Radius of Victoria Clipper Terminal

REBUTTAL EXHIBIT JAW-7.32

BC Ferries Tsawwassen to Gulf & Van Islands

BC Ferries Website Directing Users to Independently Operated Parking

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Vancouver (Tsawwassen)

Tsawwassen terminal is a 36 km drive from downtown Vancouver and is located at the southwest end of Highway 17 in Delta. Sailings departing from Tsawwassen provide service to Swartz Bay (Victoria), Duke Point (Nanaimo) and the Southern Gulf Islands. Visit the Tsawwassen Quay for shopping and a range of food and beverage options.

Terminal accessibility

Lost and found

Parking
6% Available

6% long term parking available
Parking at Tsawwassen terminal is independently operated and managed by Impark.

Capacity: 884 spaces
Short term: 168
Long term: 716

Payment options: [PayByPhone](#) (requires stall number in long term lot only), [hangTag](#) (requires licence plate number), Visa, Mastercard and American Express.

Parking rates:
Short term – display your ticket on your dash. Meters require exact change or credit card payment.

- \$1 for 20 minutes, max 2 hours
- \$19 per day, ending at midnight
- Multiple day parking allowed

Long term – stall number required to purchase parking. Take your ticket with you.

- \$11.50 for 6 hours
- \$17 for 24 hours
- \$8.50 each additional 12 hour period after the first 24 hours.

Note:

- If paying by credit card, enter your mobile phone number to receive a text notifying you that your parking is about to expire. You can then follow the text instructions to extend your parking up to 24 hours.
- You can pay or extend your parking without signing up for the PayByPhone app. Visit [PayByPhone.com](#), continue as a guest and follow the instructions (a new parking session will start). Your stall number will be required for long term parking.
- Cash acceptance
 - Meters accept coins only—no change given.
 - One meter accepts bills/coins and provides change (yellow colour meter) located in long term lot. For long term parking only.
- Parking is not permitted on the causeway

Source: <https://www.bcferrries.com/travel-boarding/terminal-directions-parking-food/vancouver-tsawwassen/TSA>

REBUTTAL EXHIBIT JAW-7.33

BC Ferries Horseshoe Bay to Gulf Van Islands

BC Ferries Website Directing Users to Independently Operated Parking

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Vancouver (Horseshoe Bay)

Horseshoe Bay terminal is located in West Vancouver, at the west end of the Trans-Canada Highway. The terminal is a 25 minute drive from downtown Vancouver. Sailings departing from Horseshoe Bay provide service to Langdale (Sunshine Coast) and Snug Cove (Bowen Island).

Terminal accessibility

Lost and found

Parking
50% Available

50% long term parking available

Parking at Horseshoe Bay terminal is independently operated and managed by Impark.

Capacity: 598 spaces
Short term: 138
Long term: 460

Payment options:
[PayByPhone App](#) (requires stall number in long term lot only),
[hangTag](#) (requires licence plate number), Visa, Mastercard and American Express.

Parking rates:
Short term – display your ticket on your dash. Exact change or credit card required for payment.

- \$1 for 15 minutes
- \$4 for 1 hour
- \$19 per day, ending at midnight
- Multiple day parking allowed

Long term – stall number required to purchase parking. Take your ticket with you.

- \$10.50 for 6 hours
- \$14.75 for 12 hours
- \$17 for 24 hours
- \$8.50 for each additional 12 hour period after the first 24 hours.
- Monthly passes available. Contact [Impark](#) for availability and rates.

Note:

- If paying by credit card, enter your mobile phone number to receive a text notifying you that your parking is about to expire. You can then follow the text instructions to extend your parking up to 24 hours.
- You can pay or extend your parking without signing up for the PayByPhone app. Visit [PayByPhone.com](#), continue as a guest and follow the instructions (a new parking session will start). Your stall number will be required for long term parking.
- Cash acceptance
 - Meters accept coins only—no change given.
 - One meter accepts bills/coins and provides change (yellow colour meter) located in long term lot. For long term parking only.

Source: <https://www.bcferrries.com/travel-boarding/terminal-directions-parking-food/vancouver-horseshoe-bay/HSB>