

March 6, 2024

Via Electronic Filing

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

Re: *Application of Bald Head Island Transportation, Inc. for Approval of Revisions to Regular Passenger Ferry Schedules to “45-Minute Departures”*
Docket No. A-41, Sub 23

Dear Ms. Dunston:

On behalf of the Bald Head Island Academy LLC and the Bald Head Island Academy Foundation, Inc. (together, the “BHI Academy”), please find enclosed for filing as a consumer statement of position in the above-referenced docket copies of three emails exchanged between Dr. Lou Vaickus, MD, FACP, Board Chair of the Bald Head Island Academy Foundation, Inc., and Charles (“Chad”) Paul, III, President of Bald Head Island Transportation, Inc.

Please note the enclosed emails will constitute Dr. Vaickus’ third supplemental consumer statement of position, with the first two statements having been posted to the docket on February 26, 2024 and containing the following timestamps:

Sunday, February 25, 2024 1:32 PM

Sunday, February 25, 2024 1:36 PM

Dr. Vaickus has attempted to submit the initial enclosed email as a supplemental consumer statement of position, but received no confirmation of submission, and thus has concluded such attempts were unsuccessful.

Please also note the BHI Academy filed in the above-referenced docket a verified petition to intervene on February 27, 2024, which is pending a ruling by the Commission. Separate and apart from, and in addition to, its previously filed petition to intervene, the BHI Academy wishes to submit the enclosed three emails as a single consumer statement of position.

Please contact me directly should you have any questions.

Best regards,

Electronically submitted

/s/ Christina D. Cress

*Counsel for Bald Head Island Academy LLC and
Bald Head Island Academy Foundation, Inc.*

Encls.

cc: Parties of Record

CERTIFICATE OF SERVICE

The undersigned attorney for Bald Head Island Academy LLC and Bald Head Island Academy Foundation, Inc. hereby certifies that she caused the foregoing letter, with enclosure, to be served upon counsel of record for all parties to this proceeding, consistent with the Service List maintained by the NCUC Chief Clerk's office, by electronic mail.

This the 6th day of March, 2024.

/s/ Christina D. Cress
Christina D. Cress



Christina Cress <christinadress@gmail.com>

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BHIT Docket proposal to NCUC

Lou Vaickus MD FACP <L.Vaickus@aktapd.com>

Tue, Feb 27, 2024 at 5:42 PM

To: "cpaul@bhisland.com" <cpaul@bhisland.com>

Cc: Sheree Vaickus <Co-Sheree@bhiacademy.org>, Sheree Vaickus <S.Vaickus@aktapd.com>, "Mark J. Prak" <MarkJD@bhiacademy.org>, Craig Bendoroff <C.Bendoroff@bhiacademy.org>, Christina Cress <christinadress@gmail.com>, "brandy@baldheadislandservices.com" <brandy@baldheadislandservices.com>, Peter Quinn <pquinn@villagebhi.org>, "Carin Faulkner (cfaulkner@villagebhi.org)" <cfaulkner@villagebhi.org>, "courtneytoledo@yahoo.com" <courtneytoledo@yahoo.com>, "kess.connelly@yahoo.com" <kess.connelly@yahoo.com>, Kess Clark <prkess@bhiacademy.org>, "andy.kennemer@gmail.com" <andy.kennemer@gmail.com>, "rebeccadirksen@yahoo.com" <rebeccadirksen@yahoo.com>, "eliasophiatoledo@gmail.com" <eliasophiatoledo@gmail.com>, "sylviatoledo@gmail.com" <sylviatoledo@gmail.com>, "ahtoledo@yahoo.com" <ahtoledo@yahoo.com>, "elenadozier86@gmail.com" <elenadozier86@gmail.com>, "melaniebiese@gmail.com" <melaniebiese@gmail.com>, "suescottplambeck@gmail.com" <suescottplambeck@gmail.com>, "dguilkey@nc.rr.com" <dguilkey@nc.rr.com>, "shellcottagebhi@gmail.com" <shellcottagebhi@gmail.com>, "inkjapan@gmail.com" <inkjapan@gmail.com>, "nicole.alana@gmail.com" <nicole.alana@gmail.com>, "argieshark@gmail.com" <argieshark@gmail.com>, "kjross1026@yahoo.com" <kjross1026@yahoo.com>, "sasaunde@gmail.com" <sasaunde@gmail.com>, "barbara.giera@gmail.com" <barbara.giera@gmail.com>, "giffman1@hotmail.com" <giffman1@hotmail.com>, "egclark@ncsu.edu" <egclark@ncsu.edu>, "jules_61601@yahoo.com" <jules_61601@yahoo.com>, "marymears@bellsouth.net" <marymears@bellsouth.net>, "chaliapp1@gmail.com" <chaliapp1@gmail.com>, "katrena@gmail.com" <katrena@gmail.com>, "thomas_caranasos@med.unc.edu" <thomas_caranasos@med.unc.edu>, "brienneb@gmail.com" <brienneb@gmail.com>, "nvuu01@yahoo.com" <nvuu01@yahoo.com>, "heychristina@gmail.com" <heychristina@gmail.com>, "lindsey.salmony@gmail.com" <lindsey.salmony@gmail.com>, "unclauren@gmail.com" <unclauren@gmail.com>, "lvaickus@gmail.com" <lvaickus@gmail.com>, "Max Vaickus (maxvaickus@gmail.com)" <maxvaickus@gmail.com>, Andrew Hano <ahano@bhiacademy.org>, Eileen Biegel <e.biegel@bhiacademy.org>, "katie@islandretreatspa.com" <katie@islandretreatspa.com>, Justin Heckler <Justin@portcityhurricane.com>, Shane Wise <Shane@portcityhurricane.com>, Ginny Jones <gjones@acleanbreak-bhi.com>, Tonya Jenkins <cheercoachtj@gmail.com>, James Feeney <jfeeney2@gmail.com>, Pat Miller <pattigail@bellsouth.net>, "tiffany@tiffanysrentals.com" <tiffany@tiffanysrentals.com>, "tiffany@tiffanysbeachproperties.com" <tiffany@tiffanysbeachproperties.com>, "johnlfisher86@gmail.com" <johnlfisher86@gmail.com>, "gail@theinnatbhi.com" <gail@theinnatbhi.com>, Lou Vaickus MD FACP <L.Vaickus@aktapd.com>

Dear Chad Paul,

I am writing to you as directed by the Mayor's office with my opposition and concerns about the proposed BHIT changes to the ferry schedule.

This communication covers the three hats I wear on BHI – homeowner and full-time resident with a child; business owner; and Chair of the BOD of BHI Academy, the island's only K-8 school. As I spoke with other stakeholders about this docket it has snowballed quite a bit such that I am trying to include the voices of others who also oppose and/or have concerns over these changes. Many are cc'd on this email and comprise homeowners, commercial entities, business owners, family members, visitors, and renters. I have also spoken to many "stakeholders" on the island who agree with my concerns but whose emails I do not yet have.

Here are the concerns based on the proposal filed with NCUC and information received:

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Mar 06 2024

1. **Lack of, unclear, and untimely communication.** I first found out about BHIT proposal last week when the Village Announcement went out on February 21, 2024, two days after the BHIT schedule change proposal was filed on February 19, 2024, with the North Carolina Utilities Commission (Docket No. A-41, Sub 23). In that docket, under Stakeholder Outreach and Notification on page 13, was this *“Representatives of several major stakeholder groups on the island have been informed of the new proposed passenger ferry schedules. Specifically, Mr. Chad Paul made presentations to the Annual Meeting of the Bald Head Island Association (HOA) on January 27, 2024, and to the annual planning retreat of the Village of Bald Island Council on February 6, at both of which he explained BHIT's plans to shift to a 45-minute schedule.”* Later, same page *“Upon information and belief, **none of the major stakeholder groups that use BHIT's system has expressed opposition to the changes requested in this Application.**”* I am not sure who is eligible to be called a “major stakeholder”, but I would certainly think all homeowners, business owners, other commercial groups, real estate companies, renter service companies, and the island’s only school would be on that list. I listened to the audio of your presentation twice to the Village Council retreat attendees and did not hear that ferry service would be decreased from hourly to once every hour and a half, only that there would be a 45-minute turnaround to alleviate the perceived problems. In the Village Feb 21, 2024, announcement this was paraphrased and repeated, missing the main point in my opinion, as BHIT “has applied for approval of revisions to the regular passenger ferry schedules to 45-minute departures” and “45-minute proposed summer schedule” and “45-minute proposed winter schedule”. One has to open the docket referenced in the Village Announcement to find out the full details of a reduction in ferry trips (BHI Village announcement of Feb 21, 2023 (<https://villagebhi.org/announcement/bhit-applies-for-approval-of-revisions-to-ferry-schedule/>)).

The real issue is that ferry service is being decreased from once every 60 minutes to once every 90 minutes. You also mention a presentation to the Bald Head Association (BHA), which I did not attend, am not sure of the number who did attend that meeting, what percentage of island owners belong to BHA, or whether the direct communication was given that ferry service would be reduced to every 90 minutes vs every 60 minutes. I have communicated with many people on the island who were similarly surprised at the lack of information we received (and who were also opposed to the changes). In the docket you proposed a variety of ways to inform the ferry users of the changes, AFTER, and if, approved. Docket item #31 *“Upon approval of these adjustments to its schedules, BHIT will: i) post notices of the revised schedules at the Deep Point terminal, the terminal on Bald Head Island, and on the Bald Head Island website; ii) send mass e-mails via several channels to island property owners;*

iii) announce the changes at various organizational meetings on the island; iv) inform passengers who call to make ferry reservations; and v) provide such other notice as may be ordered by the Commission.”

These communications should have been done months in advance BEFORE the proposal was submitted with enough time before submission so that all concerned would be properly informed, understand the implications, ask questions, and/or propose alternatives, and have time to respond. I contrast the communication proffered by BHIT on this docket to that of the referendum voting for beach renourishment. For the referendum, we have been (appropriately on an important issue) carpet bombed with information from all sides for many months running now and the vote has not yet occurred.

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Mar 06 2024

2. **Stakeholder Impact.** While the contractor ferry schedule is not proposed to be modified (yet?), the passenger ferry also carries a lot of contractors upon whom we depend to keep the island operating. Their workday here is already short due to the ferry and the commute they must incorporate into their day. As just one example, one group who services propane appliances already charges a \$90.00 non-negotiable fee on top of their service to cover commute time to and from BHI. If their and others “turnaround time” on the island is increased, the island businesses, homeowners, school, renters, and permanent residents will bear any such cost increase. In an already labor-restricted marketplace, potential and current employees/contractors will think twice about accepting positions or offering services here. Not only will it be more difficult to attract quality services and employees, it will be even harder to keep the ones we have, and any cost increases that businesses bear for this will result in price increases to all caused by the BHIT proposal. From an employee and contractor perspective, this limits their ability to make a living by not coming to BHI.

3. **The Most Important One - Rationale for the Proposed Change.** Docket #8 page 4: *“Passenger numbers and baggage volumes have a direct impact on on-time performance (OTP) factors. First, the more passengers the ferry system transports, the more time it takes to load and unload passengers and their baggage. To unload and load a ferry at its maximum capacity of passengers and baggage takes a minimum of 10 minutes --or one-third of the total available transit time to maintain schedule. Second, high passenger numbers and baggage volumes add substantial weight to the ferries, which increases fatigue on propulsion systems and slows transit times. Third, each of the oversized items are loaded individually and adds significant time to the unloading and loading cycle.”* And, #15 *“as new home and business construction on the island expands, the demand for tram service to carry passengers further and further away from the ferry terminal adds substantial travel time to deliver passengers to and from their destination.”* And...*Depending on the required route and number of passengers and baggage, tram operators may have less than five minutes to deliver passengers to the terminal, unload baggage from the tram*

into dollies, and then load the dollies on the ferry.” Inexplicably and illogically, the solution proposed is to REDUCE the number of ferries to carry the same number of passengers and ignores accommodations for the future increase in new homes, businesses, the school, visitors, renters, etc. Without even considering the impact of future growth, this proposal will force the same number of passengers, their baggage, and their oversized items onto fewer ferries and increase the weight per ferry, the stress on the system, and the number of tram trips per ferry. I have not seen any data or modeling of the impact a reduction like this this will have on fewer ferries carrying the same overall “load”.

Docket #9 page 4: *“Although passenger ridership and baggage volumes have the greatest impact on OTP, other navigational factors affect OTP, including currents, tides, weather, vessel traffic, dredging operations, unanticipated equipment problems, and Village of Bald Head Island emergency medical transportation needs. A reliable schedule should include sufficient elasticity to accommodate these factors as well.”* Again, the proposal is counterintuitive. A reliable schedule must include more, not less travel options to accommodate the listed items, and only this would increase elasticity and flexibility. The docket states that the OTP definition is within two minutes of target and that a 5-minute OTP definition is under consideration. I fully support your efforts here and let me know who to write to show my support. I cannot imagine any stakeholder objecting to 3 minutes more for an OTP definition, but there are significant issues with a 90-minute wait between boats. Figure 1 also shows that OTP is the worst, no matter the year listed, during peak months, and, although not itemized, during peak hours of the day.

4. **Conditions and Load.** Footnote 6, page 9 *BHIT-operated ferries traverse the Cape Fear River over 8000 times each year. Upon information and belief, no other ferry system in the United States -public or private -makes that many runs annually.* While it is impossible to find an apples to apples comparison, I did a quick search to check the docket’s contention and here is what I found. The Massachusetts Bay Transportation Authority ferry system has 6,000 riders per WEEKDAY (a/o Q3 2023), the ferry riders are said to be the MBTA’s “happiest passengers”, the ferry boats have the best on time performance of the other MBTA options (their definition of OTP is different than BHIT) and are cost effective compared with other options like rail, bus, subway. From the Pioneer Institute Study is this quote: *“Despite relatively high operating expenses by some measures, ferry service is overall quite cost effective compared to other MBTA service modes,”* said Pioneer Institute Research Director Greg Sullivan, who co-authored **“Is it time to expand water transportation in Greater Boston?”** with Pioneer Research and Policy Associate Matthew Blackburn. And, from that same article it is stated that the ferry makes *“over 1.3 million trips per year...”*. References for my contentions: (<https://en.wikipedia.org/>

<https://www.bostonglobe.com/2023/07/21/metro/mbta-ferry/> and <https://www.boston.com/real-estate/real-estate-news/2018/05/03/lucky-commuters-happily-take-to-waves/> and <https://pioneerinstitute.org/news/study-ferry-service-provide-opportunity-mbta-expansion-without-huge-upfront-costs/>).

5. **Bald Head Island Academy (BHIA).** First, thank you for the support you have shown for our full curriculum inaugural year of this school. With regard to the BHIT proposal, the changes will substantially and negatively have an impact on the school, its students, employees, teachers, summer interns, volunteers, and future growth, especially for the full year curriculum. This year alone we have shown the school to over 9 families looking to relocate to BHI. The future growth and sustainability of BHIA will be affected by BHIT's proposal as families look to getting on to and off the island with children, whether or not they live on BHI. During BHIT's identified peak months BHIA's ranks swell even more with our summer and other tutoring programs.

Unfortunately, the students who will be affected the most are the ones who can least absorb the impact. These are the underprivileged students who attend the school for free through the generosity of donors. They must come from Deep Point to BHI and back during a standard school day at reasonable hours and, importantly, with safe and reasonable accommodations after they arrive. Currently, students as young as 6 years old take the ferry, chaperoned by BHIA employees who must also bear a daily commute. They leave home around 7:15 am to be on the 8 am DP ferry. They must be supervised on the ferry and sit inside, both for safety and for the comfort of others. Their parents work and rely on a schedule that gets their children to BHI at a reasonable time and home by 4-5 pm. Our school day complies with NC standards with a start time at 9 am and close of day at 2:30 pm. With the proposed changes, the closest Deep Point leave time of 730 am gets them to BHI over an hour before school starts. When they arrive this early what are they to do? If they leave on the next ferry in the new proposal at 9 am they arrive too late for a full school day, as they would get to BHIA at about 9:45 am. The closest proposed ferry time to go home after school is 3:45 pm, an hour and 15 minutes after the end of their day at 2:30 pm. The volunteers, teachers who live off island, part time staff, and other support personnel who live off island are faced with similar issues as detailed above. For the students and teachers, the contractor ferry is always packed with no room to sit (particularly inside where children must be to be safe and easily supervised). If the proposal is enacted, this contractor ferry situation will be even worse with fewer passenger ferry runs. We know of BHI businesses that have purchased private boats to sustain their island work and get their employees timely transportation. As a school we cannot afford to purchase a boat and must abide by our safety and risk mitigation protocols. This leaves us with BHIT as our only form of transportation.

6. I have heard from many that getting on and off the island is a “hassle” and that is why they : no longer come here to visit or vacation, sold their homes, no longer rent here, do not consider our school for their children. I have dealt with contractors and workers who simply do not provide the island with services because of the ferry issues. If ferry trips are decreased these problems will magnify and affect all BHI stakeholders, private, public, commercial, our school, and families.
7. I cannot speak adequately for the many cc'd on this email and cannot begin to detail their concerns, so I would hope that they contact you directly and NCUC separately.

The solution is to increase ferry trips and hire more staff to accommodate crunch times and have a truly elastic and flexible system that accommodates high season and the unexpected. Perhaps consult other ferry systems like the MBTA. I strongly believe that the proposal is just the opposite of what is needed for now and especially for future growth.

Best,
Lou Vaickus

LOU VAICKUS MD FACP | CHIEF EXECUTIVE OFFICER

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Christina Cress <christinacress@gmail.com>

BHIT Docket proposal to NCUC

Lou Vaickus MD FACP <L.Vaickus@aktapd.com>

Thu, Feb 29, 2024 at 10:59 AM

To: Chad Paul <cpaul@bhisland.com>

Cc: Eticket Questions <eticketquestions@bhisland.com>, Christina Cress <christinacress@gmail.com>, Christina Cress <ccress@bdixon.com>, Lou Vaickus MD FACP <L.Vaickus@aktapd.com>

Dear Mr. Paul,

Thanks for replying to my email.

While I appreciate your offer, as you are aware, Mr. Styers has already notified us via email on February 28th that BHIT will be responding to our petition to intervene.

Best,
Lou**LOU VAICKUS MD FACP | CHIEF EXECUTIVE OFFICER****akta Pharmaceutical Development (aktaPD®)**

Fax: +1.919.845.0939**Mobile: +1.857.919.2493**

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From: Chad Paul <cpaul@bhisland.com>
Sent: Wednesday, February 28, 2024 7:36 PM
To: Lou Vaickus MD FACP <L.Vaickus@aktapd.com>
Cc: Chad Paul <cpaul@bhisland.com>; Eticket Questions <eticketquestions@bhisland.com>
Subject: RE: BHIT Docket proposal to NCUC

Dear Mr. Vaickus:

Thank you for the email and your comments. I will include your email and comments with others I have received, coupled with the Bald Head Association survey-comments, and will incorporate them in the forthcoming Island meetings to discuss the Application. Please be aware, we have discussed in several Island forums moving to a 45-minute schedule and proceeded with the application in the same manner as we have in the past, primarily posting and working via the Village and Bald Head Association forums and communication platforms. On-Time-Performance was a principal discussion topic at recent NCUC Sub-21 and Sub-22 public hearings late last year and earlier this year. The notion of moving to a 45-minute schedule has been a discussion topic since the Ferry first moved to Deep Point from Indigo in 2009. Most importantly, any change in proposed schedules would be noticed well-in advance before implementing. I look forward to speaking with you directly and I am available to meet in person at your convenience.

Thank you,

Chad Paul

Charles A. Paul, III
Chief Executive Officer
Bald Head Island Limited, LLC
PO Box 3069
Bald Head Island, NC 28461

(910) 457-7358

cpaul@bhisland.com

Linked  **profile**

From: Lou Vaickus MD FACP <L.Vaickus@aktapd.com>
Sent: Tuesday, February 27, 2024 5:43 PM
To: Chad Paul <cpaul@bhisland.com>
Cc: Sheree Vaickus <Co-Sheree@bhiacademy.org>; Sheree Vaickus <S.Vaickus@aktapd.com>; Mark J. Prak <MarkJD@bhiacademy.org>; Craig Bendoroff <C.Bendoroff@bhiacademy.org>; Christina Cress <christinadrcress@gmail.com>; brandy@baldheadislandservices.com; Peter Quinn <pquinn@villagebhi.org>; Carin Faulkner <cfaulkner@villagebhi.org>; courtneytoledo@yahoo.com; kess.connelly@yahoo.com; Kess Clark <prkess@bhiacademy.org>; andy.kennemer@gmail.com; rebeccadirksen@yahoo.com; eliasophiatoledo@gmail.com;

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Subject: BHIT Docket proposal to NCUC

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Dear Chad Paul,

[Quoted text hidden]

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