

April 28, 2004

HAND DELIVERED

Luly Massaro, Clerk
Rhode Island Public Utilities Commission
89 Jefferson Boulevard
Warwick, Rhode Island 02880

RE: Island Hi-Speed Ferry, LLC (IHSF) Docket No. 3599

Dear Luly:

Enclosed please find an original and nine copies of Island Hi-Speed Ferry, LLC's Objection and Supporting Memorandum of Law to Motion of Town of New Shoreham to Intervene in the above-captioned matter.

Very truly yours,

Mark J. Hagopian

MJH:lac
Enclosures

**STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION**

IN RE: ISLAND HI-SPEED FERRY, LLC. :

DOCKET NO. 3599

**OBJECTION AND SUPPORTING MEMORANDUM OF LAW OF
ISLAND HI-SPEED FERRY, LLC TO MOTION
OF TOWN OF NEW SHOREHAM TO INTERVENE**

I.

ARGUMENT

A.

**THE TOWN HAS FAILED TO SATISFY THE
REQUIREMENTS OF COMMISSION RULE 1.13**

Commission Rule 1.13(b)(2) requires that if a person seeking to intervene does not have a right conferred by statute, it must demonstrate “(a)n interest which may be directly affected and which is not adequately represented by existing parties and as to which movants may be bound by the Commission’s action in the proceeding.”

Commission Rule 1.13(c) further provides that a motion to intervene shall, among other things, set out clearly and concisely the position of the movant in the proceeding. The Town has failed to satisfy and cannot satisfy the requirements of that rule.

The Town’s motion to intervene fails to set forth the Town’s position in this proceeding. The Town has failed to indicate any position as to IHSF’s proposed rates or the terms and conditions of its tariff. This was reason enough for the denial of the motion to intervene in Town of Narragansett vs. Malachowski, 621 A.2d 190, 199 (R.I. 1993) and it should be reason enough for denial of the Town’s motion here.

B.

THERE IS NO REASON FOR THE COMMISSION TO DEPART FROM ITS FINDINGS IN ORDER 17452

In Order 17452 the Commission found that the Town had no standing to intervene in Docket 3495, the purpose of which was to determine the appropriate form of regulation for IHSF. If the Town could not satisfy the Commission that it had a real stake in the outcome of that threshold debate it cannot have standing to participate in the ultimate determination of the reasonableness of IHSF's tariff filing. That is the statutory function of the Division and the Commission.

As further grounds for this objection IHSF incorporates by reference the arguments it has made in its Responsive Brief in In Re: Island Hi-Speed Ferry, LLC (Public Utilities Commission Docket No. 3495), The Town of New Shoreham, Petitioner, Case No. 2003-214-MP, in the Supreme Court of the State of Rhode Island, a copy of which is attached hereto as Exhibit "A".

II.

CONCLUSION

The Town's Motion to Intervene fails to set forth reasons for granting the motion, in contravention of Commission Rule 1.13(b)(2), because there are none. Therefore, it should be denied.

ISLAND HI-SPEED FERRY, LLC
By their Attorneys,

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CERTIFICATION

I hereby certify that on the _____ day of April 2004, a true copy of the within
Objection was sent by regular mail, postage prepaid to the following:

Paul Roberti, Esq.
Assistant Attorney General
Chief, Regulatory Unit
150 South Main Street
Providence, RI 02903

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