

STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION

IN RE A & R MARINE CORP., d/b/a/

PRUDENCE AND BAY ISLAND TRANSPORT

DOCKET # 4586

(GENERAL RATE FILING)

ENTRY OF APPEARANCES

The undersigned hereby enter their appearances for the Town of Portsmouth, Rhode Island.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent to the attached service list via email on the 11th day of December, 2015.

/s/ Terence J. Tierney

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STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION

IN RE: A&R MARINE CORP., d/b/a/ :

PRUDENCE AND BAY ISLANDS TRANSPORT : **DOCKET No.: 4586**

(GENERAL RATE FILING) :

MOTION TO INTERVENE
OF THE
TOWN OF PORTSMOUTH, RHODE ISLAND

Now comes the Town of Portsmouth, Rhode Island, and moves, pursuant to Rule 1.13 of the Rhode Island Public Utilities Commission’s Rules of Practice, to intervene as an interested party in this general rate filing proceeding.

BACKGROUND:

Prudence Island is located in the Town of Portsmouth, Rhode Island. A & R Marine Corporation, d/b/a/ Prudence & Bay Islands Transport (hereafter “A&R Marine”) is the sole provider of ferry service to the island. Portsmouth currently leases dock space to A & R Marine on Prudence Island, and depends on the availability of ferry service to provide essential governmental services to the residents of Prudence Island, including police and fire protection, trash removal, and road maintenance.

The Town of Portsmouth participated as an Intervenor in the proceeding relating to the initial issuance of a “Certificate of Public Convenience and Necessity” (“CPCN”) to A & R Marine Corporation by the Division of Public Utilities and Carriers (hereafter “DPUC”), pursuant to Rhode Island General Laws, Sections 39-3-3 and 39-3-3.1. The DPUC’s Report and Order, dated February 28, 2014, noted that in support of its application for a CPCN A&R Marine had proffered expert testimony from an expert in utility accounting and rate matters indicating that based on current ferry rates A & R Marine would lose \$17,963.00 in its first year of operation, and “would need probably about a 6 percent rate increase, based on the current numbers to recover the \$17,000.00 loss, plus provide the adequate base rate of return....” (See: DPUC Docket #D-13-105, Hearing Transcript, Oct. 20, 2013, p.32).

In finding that the firm was “fit, willing and able” to provide ferry service to Prudence Island, and therefore entitled to a CPCN, the DPUC expressly relied upon the A& R Marine’s expert testimony about “the likely need for a 6 percent increase” (in the year following its first year of operation). See: Report and Order, Feb. 28, 2014 (p. 55). A & R Marine has recently proposed new ferry rates and schedules designed to increase revenues by 96.50%.

STANDARD FOR INTERVENTION:

The applicable standard used by the PUC in granting or denying intervenor status is broad in scope, and is liberally construed. Consistent with the stated purpose of the rules governing all PUC proceedings (i.e., “...to aid anyone who wishes to appear before the Rhode Island Public Utilities Commission”) intervention in General Rate Schedule proceedings is permitted as a matter of right if a motion is timely filed.

Section 1.13(g) of the PUC rules, entitled “Intervention in General Rate Schedule Change Filings,” provides as follows: “Any person desiring to intervene in a proceeding initiated by filing for general rate schedule changes shall file with the Clerk a notice of intervention or motion to intervene within forty-five (45) days after the publication of the notice of filing as provided by these rules. Any motion filed after the pre-hearing conference is considered a motion for late intervention.”

THE TOWN OF PORTSMOUTH, RHODE ISLAND’S MOTION TO INTERVENE IS TIMELY

On or about November 5, 2015 A & R Marine Corporation filed a General Rate Filing with the Commission. Notice of the filing was published in the Providence Journal on November 3, 2015. Thereafter, A & R Marine has notified the Commission that it has amended its application. Accordingly, Portsmouth’s Motion to Intervene has been filed with the time allowed by Rule 1.13(g), and it is entitled to intervenor status.

THE TOWN OF PORTSMOUTH IS A PROPER PARTY IN THIS PROCEEDING

Portsmouth desires to intervene in this proceeding in order to ensure that a reliable ferry service exists for the residents of Prudence Island, and that the ferry rates charged to the Town of Portsmouth and its citizens are fair and reasonable. The proposed increase in ferry rates will directly and adversely impact the cost to the Town of providing essential government services to Prudence Island. Accordingly, the Town of Portsmouth is a proper party to intervene in this matter.

WHEREFORE, the Town of Portsmouth, Rhode Island respectfully moves to intervene as a party to this general rate filing proceeding.

Respectfully submitted,

TOWN OF PORTSMOUTH, RHODE ISLAND

By its Attorneys,

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Date: December 11, 2015

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