

**STATE OF NORTH CAROLINA  
UTILITIES COMMISSION  
RALEIGH**

DOCKET NO. A-41, SUB 23

In the Matter of	
Application of Bald Head Island	)
Transportation, Inc. for Approval of	)
Revisions to Regular Passenger	)
Ferry Schedules to 45-Minute	)
Departures	)
	<b>JOINT MOTION TO ACCEPT TESTIMONY AND CANCEL EXPERT WITNESS HEARING</b>

NOW COME the Applicant Bald Head Island Transportation, Inc., (“BHIT”), the Public Staff – North Carolina Utilities Commission (the “Public Staff”), and Intervenors the Village of Bald Head Island (the “Village”), Bald Head Island Club (the “Club”), Bald Head Island Association (the “Association”), and Bald Head Island Academy, LLC and Bald Head Island Academy Foundation, Inc. (collectively, the “Academy”)—all of the parties in this docket—and jointly request that the North Carolina Utilities Commission (the “Commission”) accept the pre-filed testimony submitted in this docket (along with the verified application and the public witness hearing testimony), and cancel the expert witness hearing scheduled for this matter. In support of this Joint Motion, the Parties show the following:

1. BHIT filed an Application for Revisions to Ferry Schedules on February 19, 2024, asking the Commission to approve changes to the summer and winter passenger ferry schedules that would move from a 30-minute turnaround to a 45-minute turnaround.
2. On February 27, 2024, the Academy moved to intervene, and the Commission allowed the Academy’s intervention on March 18, 2024.

3. On March 5, 2024, the Club moved to intervene, and the Commission allowed the Club's intervention on March 18, 2024.

4. On March 20, 2024, the Village moved to intervene, and the Commission allowed the Village's intervention on March 27, 2024.

5. On April 15, 2024, the Commission entered an Order Scheduling Hearings, Establishing Procedural and Filing Requirements, and Requiring Public Notice (the "Scheduling Order"). Among other things, the Scheduling Order set a public witness hearing for August 13, 2024, and an expert witness hearing for August 27, 2024.

6. On May 6, 2024, the Association moved to intervene, and the Commission allowed the Association's intervention on May 15, 2024.

7. Beginning in early June 2024, BHIT, Intervenors, customers, and constituents held a series of meetings and conversations, over the course of which a "hybrid" schedule was developed to address concerns associated with the originally filed application schedules. The hybrid schedule consists generally of 30-minute turnarounds (i.e., the scheduled time from port-to-port) during the early morning and evening periods, with 45-minute turnarounds that provide greater elasticity between 9 am and 6 pm as well as certain adjustments to the end-of-day runs ("Hybrid Schedule").

8. In the course of these discussions, the parties filed a Joint Motion to Amend Scheduling Order on June 28, 2024, asking the Commission to extend the deadlines for pre-filing testimony and moving the expert witness hearing to November 5, 2024, to allow the parties additional time to reach a settlement in this docket. On July 24, 2024, the Commission entered an order extending the deadlines and rescheduling the expert witness hearing for November 5, 2024. Ordering Paragraph 2 of that Order states:

That the Parties may request that the expert witness hearing be canceled, in the discretion of the Commission, if all Parties file a stipulation of settlement resolving all contested issues in this sub-docket;

9. On August 13, 2024, a public witness hearing was held at the Brunswick County Courthouse in Bolivia, North Carolina, during which testimony from various public witnesses was accepted (the “Public Witness Testimony”).

10. On August 27, 2024, BHIT filed joint testimony of Chad Paul and Bion Stewart in support of its Application (the “BHIT Initial Testimony”).

11. BHIT and the Intervenors reached agreement on a settlement, including support for and recommended adoption of the Hybrid Schedule, and filed an Agreement and Stipulation of Settlement signed on September 13, 2024 (the “Stipulation”). Among other things, the Stipulation provides that the Hybrid Schedule should be approved and implemented on November 1, 2024, after public notice of the schedule changes.

12. Also on September 13, 2024, BHIT filed supplemental testimony (the “BHIT Settlement Testimony”) supporting the Stipulation. The BHIT Settlement Testimony describes the Hybrid Schedule which is included with the Stipulation as well as some related changes to the employee/contractor ferry schedule (the “Contractor Ferry Schedule”). Specifically, the Contractor Ferry Schedule will update references to certain passenger ferry runs on which contractor class tickets are accepted for boarding on a standby/space available basis, and the Contractor Ferry Schedule has been revised to reflect the existing practice of allowing passengers to ride the contractor ferry when it departs from the Island at 9:00 am Monday through Friday and when it departs from Deep Point Friday at 12:30 pm. The BHIT Settlement Testimony also explains the Stipulation’s

additional quarterly reporting requirements applicable to filings made by BHIT in Docket A-41, Sub 7A describing the operating performance of the ferry system.

13. On September 13, 2024, the Village filed testimony on behalf of itself, the Club, the Association, and the Academy expressing their support for approval of the Stipulation (the “Island Intervenors Settlement Testimony”).

14. On September 13, 2024, the Public Staff filed a letter indicating that it does not object to the Stipulation and supports the cancelling of the expert witness hearing and the approving of the Hybrid Schedule.

15. The Stipulation and the Public Staff’s letter resolve all contested issues in this sub-docket, and the Parties agree that there is no need for the Commission to conduct an expert witness hearing as provided for in the Scheduling Order. Cancellation of the expert witness hearing would serve administrative efficiency and result in time and cost savings for all Parties without prejudice to ratepayers. The Application may be decided on the basis of the existing filings (including the Stipulation), the Public Witness Testimony, and the pre-filed testimony of the Parties.

16. The Commission has allowed adjustments to BHIT’s ferry schedules in the past without expert witness hearings.

17. The Parties respectfully observe that an expedited decision in this docket would be helpful to allow sufficient time for BHIT to provide public notice of the schedule changes, update its reservation system times, and implement the revised schedules effective November 1, 2024.

WHEREFORE, the Parties move that the Commission issue an order:

- a. Accepting the Public Witness Testimony, the verified Application, BHIT pre-filed Initial Testimony, the Stipulation, BHIT pre-filed Settlement Testimony, and the Island Intervenors' Settlement Testimony as evidence in this docket;
- b. Canceling the expert witness hearing currently set for November 5, 2024; and
- c. Directing the Parties to submit a proposed order on or before September 30, 2024.

Respectfully submitted, this the 13th day of September, 2024.

**FOX ROTHSCHILD, LLP**

**PUBLIC STAFF**

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**CERTIFICATE OF SERVICE**

I, Elizabeth S. Hedrick, hereby certify that the foregoing **JOINT MOTION TO ACCEPT TESTIMONY AND CANCEL EXPERT WITNESS HEARING** has been served this day on parties and counsel of record by electronic mail or by depositing copies of same in a depository under the exclusive care and custody of the United States Postal Service in postage prepaid envelopes and properly addressed.

This the 13th day of September, 2024.

/s/ Elizabeth Sims Hedrick  
Elizabeth Sims Hedrick