

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: APPLICATION FOR CERTIFICATE OF PUBLIC : DOCKET NO. D-10-05
CONVENIENCE AND NECESSITY FILED BY :
AQUIDNECK FERRY & CHARTER, INC. :

NOTICE OF HEARING

Pursuant to the provisions of the Rhode Island General Laws, § 39-1 et seq. as amended, the Division of Public Utilities and Carriers (the “Division”) will conduct a public hearing on **Thursday, March 11, 2010 at 2:00 P.M.** in a Hearing Room B of the Division of Public Utilities and Carriers, located at 89 Jefferson Boulevard, Warwick, Rhode Island. The hearing may continue thereafter from day to day and time to time as required.

At this hearing, the Division will examine the propriety of an application by Aquidneck Ferry & Charter, Inc. (the “Applicant”) for the issuance of a certificate of public convenience and necessity and authority to operate and transport passengers via water vessel service between points within the Narragansett Bay (designated cruise ship anchorages) to Perotti Park, Newport. Specifically, the Applicant seeks to provide seasonal service to and from cruise ships that are anchored in Narragansett Bay to Perotti Park.

Anyone wishing to protest an application must do so in accordance with the Division Rules of Practice and Procedure. Anyone seeking Intervenor status for any hearing described above must file a Motion to Intervene in that matter, in writing, with the Division Clerk within seven (7) calendar days after the date Notice was given to the public by legal notice in the Providence Journal-Bulletin. The Motion must conform to the requirements of Rule 17 of the Division’s Rules of Practice and Procedure (available on the Division’s web site at www.ripuc.org).

The Application is available for examination at the Division’s office and can be accessed at www.ripuc.org. Reference is made to Rhode Island General Laws, Chapters 39-1, 39-3 and 42-35, specifically Sections 39-3-3 and 39-3-3.1.

The Division of Public Utilities and Carriers is accessible to the handicapped. Individuals requesting interpreter services for the hearing impaired must notify the Clerk’s office at 780-2107 seventy-two hours in advance of hearing date.

Thomas F. Ahern, Administrator
February 23, 2010

REQUEST FOR AUTHORITY TO OPERATE AS JITNEY AND/OR WATER CARRIER

APPLICATION # _____ DOCKET # D-10-05
CHECK/MONEY ORDER # 1008 ISSUING BANK CITIZENS BANK

***** (above is for office use only) *****

Jitneys are governed by R.I. Gen. Laws Chapter 39-13. Water Carriers are governed by R.I. Gen. Laws Chapter 39-3. The Applicant must prove that it is **fit, willing and able** to perform the services for which it has applied; and also, the **public convenience and necessity** require a new jitney and/or water carrier in the State.

APPLICATION FOR: (check all that apply)

_____ Authority to operate as a jitney over a regular route or between fixed termini.
Please attach a comprehensive plan identifying proposed termini and/or route.

X Authority to operate as a water vessel passenger carrier authority.
Please attach a comprehensive plan identifying proposed termini and route.

1. APPLICATION OF: AQUIDNECK FERRY & CHARTER, Inc
(Name of individual, partnership, corporation or business)

Business address: 459 Windstone Drive
Portsmouth RI 02871

Mailing address: _____

Telephone number: 401 225 8956 Federal ID Number: 27-1396755

2. Names and addresses of all partners, officers and directors:

ADDISON W. CLOSSON III President of G.M.

RECEIVED
2010 JAN 25 PM 3:05
PUBLIC UTILITIES COMMISSION



State of Rhode Island and Providence Plantations
A. Ralph Mollis
Secretary of State

The Office of the Secretary of State of the State of Rhode Island and Providence Plantations, HEREBY CERTIFIES, that

AQUIDNECK FERRY & CHARTER INC

a Rhode Island corporation, filed articles of incorporation in this office on the 24th day of November 2009; and

IT IS FURTHER CERTIFIED that as of this date said corporation is duly organized and existing under and by virtue of the laws of the State of Rhode Island and is in good standing according to the records of this office.

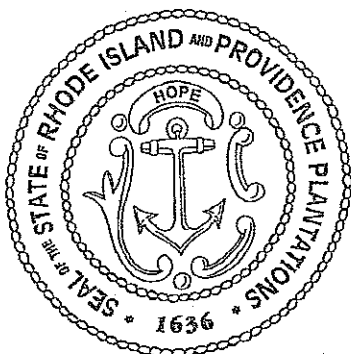
SIGNED AND SEALED the twenty-ninth day of December A.D., 2009

A. Ralph Mollis

Secretary of State

BY

Daniel Sipe



**STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS
MOTOR CARRIERS DIVISION**

89 JEFFERSON BOULEVARD
WARWICK, RHODE ISLAND 02888

Tele: 941-4500

Fax: 941-9161

www.RIPUC.org

Any Applicant seeking authority to operate within Rhode Island as a common carrier must complete and file an application with the Motor Carriers Section of the Division. Applicants seeking authority to operate must submit \$250.00 at the time of filing (check or money orders only; no cash accepted).

Upon receipt of a complete application, the Clerk of the Motor Carriers Division will schedule a public hearing. The Applicant will receive direct notice, by first class mail, of the hearing date. In addition, the time and date of the scheduled hearing will be published in the legal notices section of the Providence Journal. The notice will be published at least ten (10) days before the scheduled hearing.

Hearings will only be continued for good cause and with the approval of the Hearing Officer.

An applicant wishing to withdraw an application must do so, in writing, at least seven (7) days prior to the scheduled hearing, by sending such request to the Clerk of the Motor Carriers Division.

For an application to be approved, the Applicant must prove, at the hearing, that it is fit, willing and able to perform the services for which it is seeking operating authority.

In addition, Applicants seeking authority to operate as a mover of household goods; as a taxicab or limited public motor vehicle; or, as a jitney or water carrier, must prove that public convenience and necessity requires that the Division approve its application. To meet this burden of proof, the Division strongly encourages Applicants to offer witnesses in support of any assertion that public convenience and necessity require that the Division grant an operating certificate to the Applicant.

An Applicant seeking to transfer a certificate of operating authority must also prove that the Transferor has been actively operating under its certificate for the past sixty (60) days. In the case of taxicabs or limited public motor vehicles, this requirement is even more stringent - the Applicant must prove that the Transferor has been actively operating under its certificate for the past six (6) months.

**STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS
MOTOR CARRIERS DIVISION**

89 JEFFERSON BOULEVARD
WARWICK, RHODE ISLAND 02888

Tele: 941-4500

Fax: 941-9161

www.RIPUC.org

If your application for operating authority is approved:

An Order will be issued by the Division directing the Applicant to comply with several terms and conditions before a certificate is issued.

Generally, the Order will give the Applicant sixty (60) days to fulfill these terms and conditions.

At the minimum, they are:

- 1) Register vehicle(s) with the Motor Carriers Division of the DPUC (\$20 fee per vehicle)
-
- 2) File proof of insurance with the Motor Carriers Division of the DPUC
- \$10.00
- 3) File tariff with the Motor Carriers Division of the DPUC (*Public Utilities Commission retains jurisdiction over tariff rates of Water Carriers.)
- (Jitneys) \$50.00 tariff filing fee
-

The Hearing Officer may impose additional requirements which will be set forth in the individual Order which is issued relating to your Application.

3. Provide the date and place of birth of the applicant(s), partners, officers and/or directors:

ADDISON W. CLOSSON JR 04-14-1956 Newport RI

4. If the applicant(s), partners, officers or directors has/have experienced a change of name, resulting from marriage, legal name change, etc., state the details of the name change:

GENERAL FITNESS QUESTIONS:

Are you a legal citizen of the United States? yes. If not, please attach documentation of your immigration status.

Have the applicant(s), partners, officers and/or directors ever previously applied for a common carrier certificate from the DPUC? yes. If yes, what type of certificate was requested and what was the outcome of the application request?

FERRY service - Newport - (owner)(captain)

Have the applicant(s), partners, officers and/or directors ever been charged with or convicted of any criminal offense, either state or federal? If yes, explain. yes

1-26-2001 Fraudulent Check (under \$1000)
pled nolo-contendere, paid fine and
court costs and merchant.

Have the applicant(s), partners, officers and/or directors been charged with a traffic violation within the last six (6) years? If yes, explain.

Driving with expired inspection stickers - 2008
Speeding - 1st offense - 2007

Describe the motor vehicle(s)/vessel(s) to be operated by the applicant(s) in this business:

Aquidneck Ferry - 65' Wooden packet boat * - Coast Guard inspected 10-2009
Viking Queen - 60' Steel packet boat *
*(Pending Coast Guard inspection)

Describe any experience the applicant possesses in the industry:

Master 100 Ton Near Coastal License
Employing other Masters 100 Ton (3) Captains

FINANCIAL FITNESS QUESTIONS – Answers must be accurate as of the date of filing. (You may choose to attach a financial statement in addition to answering these questions.)

Assets:

Cash on hand: \$25,000

Total value of motor vehicle(s) to be operated in this business: AF = \$165,000 VQ = \$179,000

Total value of other property (buildings, etc.): \$18,000

Total value of investments, etc.: \$220,000

Total of accounts receivable: ~~24,000~~ - 0 -

Liabilities:

Total of outstanding business loans: \$124,000.

Total of any other debts or liabilities: \$7,000.

BUSINESS PLAN

Purpose: Tender for cruise ships making call in Newport RI, ferrying passenger to and from cruise ship (anchored in Narragansett Bay to Perotti Park, Newport RI) Tender typically travels approximately 1 mile out to ship, which takes approximately 15 minutes .

Shipping Agent: Bob Griffin - Goff & Page, Providence RI

Harbor Master: Tim Mills – City of Newport

Cruises Ships: PRINCESS
CUNARD
P&O LINES
CRYSTAL CRUISES
COSTA LINES
AS WELL AS SEVERAL SMALLER COMPANIES.

Number of ships: 55 (approximate) at 3,000 per cruise ship

Number of passengers: 150,000 (approximate)


Tenders to be used: Aquidneck Ferry: 65' wooden packet boat licensed for 145 passengers
Viking Queen: 60' steel packet boat licensed for 149 passengers

Terms of fee : \$475. per hour

OATH

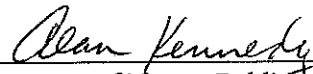
I (We) Addison W. Closson III president

being duly sworn, state that I am (We are) qualified and authorized to file and verify this application, that I (We) have carefully examined all the statements and answers contained in the application and that all such statements and answers set forth herein are true and correct to the best of my (our) knowledge and belief.


Signature of Applicant(s) before Notary Public

Subscribed and Sworn to before me at Warwick, in the state of
RI, this 25 day of Jan., 2010.

**ALAN KENNEDY
NOTARY PUBLIC
STATE OF RHODE ISLAND
COMMISSION EXPIRES 02/1/2010**

Printed name of Notary Public


Signature of Notary Public
My commission expires: _____

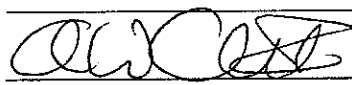
RELEASE AND WAIVER FORM

ADDISON U. CLOSSON III 04-14-1956 Newport RI

Print or type **name, date of birth** and **place of birth** of applicant (if an individual), or of all office holders (if applicant is a corporation, partnership, etc.)

I (we) are seeking certification as a common carrier in Rhode Island. I (we) hereby direct and authorize the Division of Criminal Identification of the Attorney General's Office for the State of Rhode Island to make available to the Division of Public Utilities and Carriers any information on file in reference to me (us.)

I (we) hereby release the Division of Public Utilities and Carriers, the State of Rhode Island, and the Division of Criminal Identification of the Attorney General's Office for the State of Rhode Island, collectively and individually, from all legal responsibility or liability that may arise from the release of such criminal records, and I (we) hereby waive all rights of action in both law and equity which I may not have or later acquire as the result of the release of such criminal records.


Signature of Applicant(s) before Notary Public

Subscribed and Sworn before me in Rhode Island, this 25 day of Jan, 2010.

Printed name of Notary Public _____
Alan Kennedy
Signature of Notary Public

ALAN KENNEDY
NOTARY PUBLIC
STATE OF RHODE ISLAND
MY COMMISSION EXPIRES 8/21/2010

My commission expires: _____