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September 28, 2022

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

RE: Docket No. A-41, Sub 21 - Complaint by Village of Bald Head

Dear Ms. Dunston:

In accordance with the Commission's procedural order in this docket we submit herewith for filing the reply testimony of Alan Briggs on behalf of Intervenor, Bald Head Association.

Thank you for your attention to this matter.

Sincerely,

/s/ Edward S. Finley, Jr.

Edward S. Finley, Jr.  
Counsel for Bald Head  
Association

cc. Parties of Record

**BEFORE THE NORTH CAROLINA UTILITIES COMMISSION**

**DOCKET NO. A-41, SUB 21**

**Reply Testimony of Alan Briggs**

**On Behalf of Bald Head Association**

**September 28, 2022**

**OFFICIAL COPY**

**Sep 28 2022**

1 Q. **Please summarize your testimony of September 8, 2022.**

2

3 A. In my testimony of September 8, 2022 I informed the Commission that rates and  
4 services for the essential ferry, tram, barge and parking amenities for Bald Head  
5 Island will be affected by the decision reached by the Commission in this docket. I  
6 testified that the BHA Board and its constituents have and continue to follow the  
7 developments in the docket with great interest. I testified that the purpose of my  
8 testimony was to apprise the Commission of this interest and to reserve the right at  
9 the appropriate time to convey any conclusions the Board would ask the  
10 Commission to reach.

11

12 I testified that after the Board concluded that this dispute was of general interest to  
13 its Members, the Board took steps to communicate to the Members the actions  
14 taking place in connection with this matter. I described the efforts to inform the  
15 Members. The Board informed the Members of the May 2022 SharpVue Asset  
16 Purchase Agreement with Bald Head Island Limited. I discussed the  
17 communications the Board had had with the SharpVue, the Village and Limited  
18 representatives.

19

20 Q. **Please address the survey conducted by the Board of its Members.**

21

22 A. I described to the Commission the efforts undertaken by the Board to obtain views  
23 of the Members. In particular I described the survey conducted by the Board and the  
24 results of the survey. The purpose of the survey was to inform the Board as to any  
25 recommendations it should make to the Commission.

26

27 The Members spoke in response to the survey, and 70% of the Members want the  
28 NCUC to exercise jurisdiction over the parking lot and barge. I testified that we  
29 represent our Members and are here to support the Members. We believe this high  
30 percentage desiring regulation is significant. We want the Commission to be aware  
31 of the survey results.

1  
2  
3 Nevertheless, I testified that the Board remained open to monitoring and attempting  
4 to follow the positions taken in the docket by other parties in order to ensure that  
5 any recommendations that we make to the Commission are well founded. We have  
6 read and studied the testimony filed by participants on August 9, 2022 and  
7 September 8, 2022. We have been recipients of and have reviewed discovery  
8 conducted by others. We have followed and monitored the various pleadings filed  
9 with the Commission in this docket. We will review with interest testimony filed by  
10 others on September 28, 2022. We will follow the testimony presented at the public  
11 hearing beginning on October 10, 2022.  
12

13 In addition to asking our Members about whether or not they wanted the parking  
14 lot and barge regulated, we also asked our Members for their comments. They  
15 submitted their comments. These comments are part of the survey results. These  
16 comments will help the Commission understand the concern of our Members- those  
17 that wanted regulation, those that did not want regulation and those that did not yet  
18 have enough information.  
19

20 We think these comments are important and helpful in understanding how our  
21 Members feel and why. We think the answers of our Members speak for themselves  
22 as to what our Members want and why they want the Commission to regulate the  
23 parking lot and the barge.  
24

25 We do understand this Docket 21 is for the most part a matter of law to be decided  
26 by the Commission. But public opinion is something the Commission can consider  
27 to what extent it finds it relevant and probative consistent with the law and facts.  
28 We submit this testimony and the exhibits hereto to the Commission for its  
29 consideration.  
30

1 We are confident the legal issues will be fully briefed by the excellent lawyers for  
2 the Village, Limited, SharpVue and the Public Staff. Our Members are part of the  
3 public and citizens of the Village. We appreciate the work of all of these fine lawyers  
4 to get the facts and law before the Commission so the Commission will be in the best  
5 position to make the right decision.

6  
7 As an intervening party we are interested in hearing the actual evidence presented  
8 at the hearing and respectfully wish to reserve the right to submit any post-hearing  
9 brief and/or proposed order based on consideration of all the admitted evidence.