

STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION

IN RE: REVIEW OF PROPOSED
TOWN OF NEW SHOREHAM PROJECT
PURSUANT TO R.I. GEN.
LAWS § 39-26.1-7

Docket No. 4111

**CONSERVATION LAW FOUNDATION'S SUPPORT FOR
DEEPWATER'S MOTION TO STRIKE THE TESTIMONIES
WILLIAM V. SHORT III, MICHAEL DELIA AND MAGGIE DELIA**

Conservation Law Foundation (CLF) respectfully urges the Public Utilities Commission (PUC or the Commission) to grant the Motion to Strike filed and served on February 26, 2010 by Deepwater Wind Block Island LLC (Deepwater). CLF endorses the reasons stated in Deepwater's Motion to Strike, and believes that those reasons are sufficient for the Commission to grant the Motion.

In addition, ordinary notions of common sense and fair play suggest that the testimonies of Messrs. Short and Delia and of Ms. Delia should be stricken.

The overall purpose of the PUC's Rules of Practice and Procedure is to ensure fairness in proceedings before the Commission. With regard to expert witnesses, that is why expert witnesses, in order for their testimony to be admitted, must be available for cross-examination. With regard to parties, the Commission's policy has always been to liberally grant intervention motions, as it did with the Delias' intervention motion. But parties who abuse the process and the Commission's liberality by intervening in a docket; filing detailed, but controversial and questionable, testimony; and then withdrawing from

the proceeding, should not be able to expect that their testimony -- unverified and untested by cross-examination -- will be permitted into evidence.

For these reasons, CLF respectfully urges the PUC to grant Deepwater's Motion to Strike.

CONSERVATION LAW FOUNDATION,
by its Attorney,



Jerry Elmer (#4394)
CONSERVATION LAW FOUNDATION
55 Dorrance Street
Providence, RI 02903
Telephone: (401) 351-1102
Facsimile: (401) 351-1130
E-Mail: JElmer@CLF.org

CERTIFICATE OF SERVICE

I hereby certify that, pursuant to PUC Rules of Practice and Procedure, an original and nine copies of the within Data Request were hand-delivered to the PUC Clerk, Public Utilities Commission, 99 Jefferson Blvd., Warwick, RI 02888. In addition, electronic copies were transmitted to all of the persons on the PUC's Service List for this Docket, transmitted by PUC Staff Attorney Cynthia Wilson-Frias on February 24, 2010. I hereby certify that all of the foregoing was done on the 2nd day of March 2010.


