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July 16, 2015

Luly E. Massaro, Clerk
Public Utilities Commission
89 Jefferson Boulevard
Warwick, RI 02888

Re: Pawtucket Water Supply Board – Docket No. 4550

Dear Luly:

As you know, this office represents the Town of Cumberland in this matter.

Enclosed are an original and nine copies of the Town of Cumberland's objection to the motion of Pawtucket Water Supply Board to strike objection and compel data responses to data requests.

An electronic version of this Objection has been provided to the service list. Hard copies are being sent to you and the Attorney General.

If you have any questions, please feel free to call.

Very truly yours,



Michael R. McElroy

MRMc:tmg
cc: Service List

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

IN RE: PAWTUCKET WATER SUPPLY BOARD : DOCKET No. 4550
GENERAL RATE FILING :

**TOWN OF CUMBERLAND’S OBJECTION TO THE MOTION OF
PAWTUCKET WATER SUPPLY BOARD TO STRIKE OBJECTION
AND COMPEL RESPONSES TO DATA REQUESTS**

The Town of Cumberland (“Cumberland”) hereby objects to the motion of Pawtucket Water Supply Board to strike objection and compel responses to data requests.

On June 23, 2015, Pawtucket Water Supply Board (“Pawtucket Water”) issued 44 data requests to the Town of Cumberland. Counting the subparts, the data requests totaled approximately 100. In addition, Pawtucket Water has issued a second set of data requests to Cumberland. Despite the fact that Pawtucket Water has burdened Cumberland with over 100 data requests, Cumberland objected to only one data request, which was unreasonable and unduly burdensome, and would have required Cumberland to expend significant time (at least a week of work) and money preparing a rate model that at this early stage in the docket would be of little or no use to anyone.

On Monday, July 6, 2015, 13 calendar days after service of these data requests, Cumberland objected to the single data request which would have required the preparation of an entire rate model.¹

Pawtucket Water has objected, claiming that the objection filed by Cumberland was untimely. Commission Rule 1.18(c)(3) calls for the filing of objections to data requests within 10 days after service. However, Rule 1.18(e) also provides that, for good cause shown, the

¹ Interestingly, Pawtucket Water objected to Cumberland’s data request 3-10 on the ground that it was allegedly unreasonable and burdensome because Pawtucket Water estimated that “this task would require Mr. Benson and Mr. Bebyn to expend approximately 2 to 3 full days.” Cumberland did not move to strike Pawtucket Water’s objection.

presiding officer may make an order when justice requires to protect a party from unreasonable burden or expense. There is no time limit provided for in the Rule regarding the filing of such a request.

More importantly, however, this set of data requests was filed on June 23, 2015. Counting 10 calendar days, the objection would have been due on Friday, July 3, 2015. However, the 4th of July holiday this year fell on a Saturday. Some businesses and governments celebrated the holiday on Friday (Friday was the Federal holiday) and some celebrated it on the Monday (Monday was the State holiday). The office of the undersigned attorney was closed on Friday, July 3 to celebrate the holiday and the objection was filed promptly on Monday, July 6.²

It is unusual in these proceedings for parties to file hyper-technical objections. The attorneys that regularly practice before the Commission know each other and usually try to work out minor issues without intervention of the Commission. The Commission's Rules require this. Commission Rule 1.15(b) states:

“The movant shall make a good faith effort to determine whether a motion will be opposed. If the motion will not be opposed, the movant shall so state in the motion. Proposed motions shall state affirmatively that concurrence of the other parties has been requested, but denied, or shall state why no request for concurrence was made.”

Pawtucket Water's motion has no such certification and no attempt was made by counsel for Pawtucket Water to contact counsel for Cumberland and try to resolve this matter without intervention of the Commission. Accordingly, the motion does not comply with the Commission's Rules and should itself be stricken.

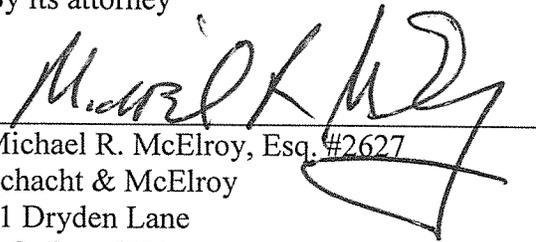
² Rule 1.6 states that when a due date falls on a legal holiday, the period shall be extended until the next business day. Rule 1.6 also allows the presiding officer to extend the time, when reasonable grounds are shown.

Nevertheless, Cumberland requests that its objection be allowed because it was filed on the Monday after the Saturday 4th of July holiday and the request would be unduly burdensome and expensive.

Finally, however, Pawtucket Water notes in its motion that Cumberland “does not *have* to provide a rate model. If it does not, Cumberland can simply answer that Mr. Russell is not going to provide a rate model reflecting his proposed changes.” If counsel for Pawtucket Water had simply asked, they would have learned that Mr. Russell has no plans to prepare a COS/rate design model for this case.

WHEREFORE, the Town of Cumberland respectfully requests that the motion of Pawtucket Water Supply Board to strike objection and compel responses to data requests be denied.

Respectfully submitted,
Town of Cumberland
By its attorney



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Dated: July 16, 2015

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of July, 2015, I sent a copy of the foregoing by to the attached service list.



Theresa Gallo

Cumberland/Pawtucket Water Supply Board 4550/Objection2

**DOCKET NO. 4550 - Pawtucket Water Supply Board – Multi-Year Rate Filing
Service List updated 3/12/15**

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