

KEOUGH & SWEENEY, LTD.

ATTORNEYS AND COUNSELORS AT LAW
41 MENDON AVENUE
PAWTUCKET, RHODE ISLAND 02861
TELEPHONE (401) 724-3600
FACSIMILE (401) 724-9909
www.keoughsweeney.com

JOSEPH A. KEOUGH JR.*
JEROME V. SWEENEY III*

SEAN P. KEOUGH*
STACI L. KOLB

JEROME V. SWEENEY II
OF COUNSEL

*ADMITTED TO PRACTICE IN
RHODE ISLAND & MASSACHUSETTS

RAYNHAM OFFICE:
90 NEW STATE HIGHWAY
RAYNHAM, MA 02109
TEL. (508) 822-2813
FAX (508) 822-2832

BOSTON OFFICE:
171 MILK STREET
SUITE 30
BOSTON, MA 02109
TEL. (617) 574-0054
FAX (617) 451-1914

July 13, 2015

Ms. Luly Massaro, Clerk
Division of Public Utilities and Carriers
89 Jefferson Boulevard
Warwick, RI 02888

Re: *Pawtucket Water Supply Board, General Rate Filing*
Docket No. 4550

Dear Ms. Massaro:

Enclosed please find an original and nine (9) copies of the following document:

1. Motion Of Pawtucket Water Supply Board To Strike Objection And Compel Responses To Data Requests.

Please note that an electronic copy of this document has been provided to the service list.

Thank you for your attention to this matter.

Sincerely,



Joseph A. Keough Jr.

JAK/kf
Enclosures
cc: Karen Lyons, Esquire

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION**

IN RE:

DOCKET NO.: 4550

**PAWTUCKET WATER SUPPLY BOARD
APPLICATION TO INCREASE RATES**

**MOTION OF PAWTUCKET WATER SUPPLY BOARD TO STRIKE OBJECTION AND COMPEL
RESPONSES TO DATA REQUESTS**

I. INTRODUCTION

Now comes the Pawtucket Water Supply Board (“PWSB”) and files this Motion to Strike Objection And Compel Responses To Data Requests. In support thereof, the PWSB states that the Town of Cumberland (“Cumberland”) filed an untimely objection to the PWSB’s Data Requests 1-1a. This objection should be stricken and Cumberland should be ordered to provide a response.

II. FACTS AND ARGUMENT

On June 23, 2015, the PWSB issued its first set of data requests to The Town of Cumberland in the above captioned Docket. Thirteen days later, on July 6, 2015, Cumberland filed an objection to PWSB Data Request 1-1 (a). Pursuant to Rule 1.18 (c)(3) of the Rules of Practice and Procedure for the Rhode Island Public Utilities Commission (“Commission”), Cumberland had ten (10) days to object to the PWSB’s data requests:

“Objection to a data request in whole or in part on the ground that the request is unreasonable and/or the material is not relevant or not permitted or required by law shall be made by motion filed as soon as practicable and in no event later than ten (10) days after service of the request.”

This rule, and other rules governing discovery, codify the Commission’s policy to ensure “prompt and complete disclosure and exchange of information and ... informal arrangements amongst the parties for this exchange. (See Rule 1.18 of the Commission’s Rules of Practice And Procedure) Further, it is the Commission’s policy “to encourage the timely use of discovery as a means toward effective presentations at hearing and avoidance of the use of cross-examination at hearing for discovery purposes.” (*Id.*)

As Cumberland’s objection is time barred, there is no need to address the substance of Cumberland’s objection. However, PWSB maintains that even if the objection had been timely filed, it is without merit. The Town of Cumberland’s expert, David F. Russell, P.E. suggests changes to the PWSB’s proposed revenue request, cost allocation and rate design in this Docket. The PWSB’s Data Request 1-1 seeks information from Mr. Russell regarding his suggestions. The data request in full is as follows:

1. In Mr. Russell’s testimony, he made a number of suggested changes to the PWSB’s revenue request, cost allocations and rate design. He also made several suggestions regarding mitigation measures. As such:
 - a. Please provide a copy of the rates that result from all of Mr. Russell’s recommendations, including an electronic copy of the spreadsheet (with any and all linked spreadsheets and all formulas intact).
 - b. If Mr. Russell has not prepared new rates or developed a model, how can he be sure that his recommendations do not result in charges that are contrary to his “mitigation measures”?
 - c. If Mr. Russell has not prepared new rates or a spreadsheet model, does he expect to submit one at a later date for review?
 - d. If Mr. Russell does not submit a spreadsheet model until after PWSB submits its rebuttal testimony, how does he expect PWSB to comment on it?

The Town of Cumberland objects to subpart a. because it is “unreasonable and burdensome.” Clearly, the PWSB’s data request is neither unreasonable, nor burdensome. If Mr. Russell sets forth opinions in his testimony regarding the PWSB’s proposed revenue request, cost allocation and rate design, he should demonstrate the rates that would result from his recommendations.

The Town of Cumberland estimates that if Mr. Russell is required to prepare an independent rate model, “it would take him at least a week of work.” While the PWSB does not seek to force Cumberland to provide a rate model that reflects Mr. Russell’s proposed changes, the lack of a rate model should have some bearing on Mr. Russell’s testimony, his position in this Docket and the PWSB’s cross-examination thereof.

Cumberland is free to make this choice – it 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. However, Cumberland should not be allowed protection from making this choice through an untimely and unwarranted objection.

III. CONCLUSION

For the reasons set forth herein, the Pawtucket Water Supply Board prays that the Rhode Island Public Utilities Commission grant the Motion to Strike Objection And Compel Responses to Data Request as requested hereinabove and all other relief the Commission deems meet and just.

PAWTUCKET WATER SUPPLY BOARD

By its attorney,



Joseph A. Keough, Jr. #4925

KEOUGH & SWEENEY, LTD.

41 Mendon Avenue

Pawtucket, RI 02861

(401)724-3600 (phone)

jkeoughjr@keoughsweeney.com

CERTIFICATION

I hereby certify that on July 13, 2015, I sent a copy of the within to all parties set forth on the attached Service List by electronic mail and copies to Luly Massaro, Commission Clerk, by electronic mail and regular mail.

Parties/Address	E-mail Distribution	Phone
James L. DeCelles, P.E. Chief Engineer Pawtucket Water Supply Board 85 Branch St. Pawtucket, RI 02860	decelles@pwsb.org	401-729-5001
	rbenson@pwsb.org	
Karen Lyons, Esq. Dept. of Attorney General 150 South Main St. Providence, RI 02903	Klyons@riag.ri.gov	401-222-2424
	steve.scialabba@dpuc.ri.gov	
	john.bell@dpuc.ri.gov	
	Al.mancini@dpuc.ri.gov	
	Pat.smith@dpuc.ri.gov	
	Jmunoz@riag.ri.gov	
Christopher Woodcock Woodcock & Associates, Inc. 18 Increase Ward Drive Northborough, MA 01532	Woodcock@w-a.com	508-393-3337
David Bebyn B&E Consulting 21 Dryden Lane Providence, RI 02904	dbebyn@beconsulting.biz	401-785-0800
Thomas S. Catlin Exeter Associates, Inc. 10480 Little Patuxent Parkway Suite 300 Columbia, MD 21044	tcatlin@exeterassociates.com	410-992-7500
	jmierzwa@exeterassociates.com	
	lmorgan@exeterassociates.com	
Michael McElroy, Esquire Schacht & McElroy PO Box 6721 Providence, RI 02940-6721	Michael@McElroyLawOffice.com	401-351-4100
Thomas Hefner, Esquire Town of Cumberland	thefner@cumberlandri.org	
David Russell	Davidrussell015@comcast.net	
File original and nine (9) copies w/: Luly E. Massaro, Commission Clerk Public Utilities Commission 89 Jefferson Boulevard Warwick, RI 02888	Luly.massaro@puc.ri.gov	401-780-2104
	Amy.dalessandro@puc.ri.gov	401-941-1691
	Sharon.colbycamara@puc.ri.gov	



Joseph A. Keough, Jr., Esquire # 4925
KEOUGH & SWEENEY, LTD.

41 Mendon Avenue

Pawtucket, RI 02861

(401) 724-3600 (phone)

(401) 724-9909 (fax)

jkeoughjr@keoughsweeney.com