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July 8, 2016

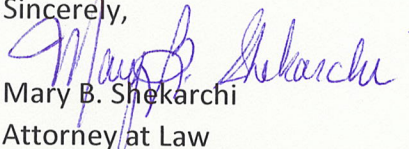
Ms. Luly Massaro, Clerk
RI Public Utilities Commission
89 Jefferson Blvd.
Warwick, RI 02888

RE: Kent County Water Authority – Docket No. 4611

Dear Ms. Massaro:

Please find enclosed herewith an original and nine (9) copies of the Kent County Water Authority's Objection to the Coventry Fire District's Amended First Data Requests and Motion. An electronic copy has been provided to the service list. Should you have any questions, please contact me. Thank you.

Sincerely,


Mary B. Shekarchi
Attorney at Law

MBS/mdc
Enclosure

Cc: Docket 4611 Service List (via electronic mail)

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

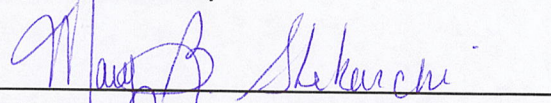
IN RE: KENT COUNTY WATER AUTHORITY

DOCKET No. 4611

KENT COUNTY WATER AUTHORITY'S OBJECTION TO THE COVENTRY FIRE
DISTRICT'S AMENDED FIRST SET OF DATA REQUESTS AND REQUEST TO COMPEL
FURTHER RESPONSES

Now comes Kent County Water Authority ("KCWA") who hereby objects to the Coventry Fire District's ("CFD") Amended First Set of Data Requests and Request to Compel Further Responses. Specifically, KCWA objects to CFD's Request because the information sought is irrelevant, immaterial and unduly burdensome pursuant to the Rule 1.18 (c) of the Rule of Practice and Procedure for the Rhode Island Public Utilities Commission ("Rules") and Rule 26 of the RI Superior Court Rules of Civil Procedure ("RI Super. Ct. Rules). In support hereof, is the accompanying Memorandum of Law.

Respectfully submitted,
KENT COUNTY WATER AUTHORITY
By its Attorney



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Dated: July 8, 2016

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PUBLIC UTILITIES COMMISSION

IN RE: KENT COUNTY WATER AUTHORITY

DOCKET No. 4611

MEMORANDUM IN SUPPORT OF KENT COUNTY WATER AUTHORITY'S OBJECTION
TO THE COVENTRY FIRE DISTRICT'S AMENDED FIRST SET OF DATA REQUESTS AND
MOTION TO COMPEL

In its first set of Data Requests, Coventry Fire District ("CFD") propounded twenty (20) data requests to which Kent County Water Authority ("KCWA") submitted timely responses. KCWA objected to fourteen (14) of those requests because they were irrelevant and immaterial to the within Docket. See Rule 1.18(c) of the Commission's Rules of Practice and Procedure ("Rules") and Rule 26 of the RI Superior Court Rules of Civil Procedure ("Super R. Civ. P."). On June 28, 2016, CFD filed an Amended First Set of Data Requests arguing that KCWA should be compelled to respond to CFD's requests based on its position that the Data Requests were relevant and KCWA's objections were not submitted in the form of a Motion. KCWA objects to CFD June 28, 2016 Motion because it is seeking information that is irrelevant, immaterial and unduly burdensome to the within Docket and because KCWA's objections were properly filed in a timely manner.

Rule 26 (b) of the Super. R. Civ. P. establishes the scope and limit of discovery where any party may obtain discoverable information, not privileged, which is relevant to the subject matter involved in the pending action, whether it relates to the claim or defense of the party seeking discovery. *See: Brokow v.*

Davol Inc. & C.R. Bard, Inc., RI Super. Ct. # 07-5058 (May 15, 2009). In addition, discovery rules empower Courts to restrict a discovery request on the grounds that it is “unduly burdensome” to the opposing party. *See: Super. R. Civ. P. Rule 26 (b) (1); Hall v. Shiff, et al*, RI Super. Ct CA# PC 08-2420 (Feb. 15, 2015).

CFD First Set of Data Requests numbered 1-8, 10, 14, 17 & 18 request information that has no relevance to KCWA’s proposed rate increase in the within Docket. *See Footnote^{1 2} (CFD Data Requests)*. Specifically, these Data Requests seek information regarding public hydrant’s location, ownership; construction

¹ **CFD SET -1 DATA REQUEST Nos.**

- 1) List each public fire hydrant for which you seek to charge each Intervenor a rental fee by street and other identifying data in such manner that a layman can locate and identify the fire hydrant.
- 2) As to each such public fire hydrant, set forth all facts, documents, deeds, grants, easements, licenses, bills of sale or other indicia upon which you rely in asserting by implication, or otherwise, that you own such fire hydrant and attach copies of the same.
- 3) As to each such public fire hydrant, identify those which you contend were built, constructed or installed by any person, firm or entity other than you, set forth all facts, documents, deeds, grants, easements, licenses, bills of sale or other indicia upon which you rely in asserting by implication, or otherwise, that such fire hydrant was sold, conveyed or demised to you by any means whatsoever, including any consideration therefore, and attach copies of the same.
- 4) As to each such public fire hydrant, which you contend was built, constructed or installed by any person, firm or entity other than you; identify the name and last known address of such person, firm or entity.
- 5) Except as provided in response to a previous data request, as to each such public fire hydrant, which you contend was built, constructed or installed by any person, firm or entity other than you and which was conveyed to you, set forth the consideration for such conveyance.
- 6) As to each such public fire hydrant, which you contend you built, constructed or installed, advise of the date of construction, date the hydrant was placed in service (if different), set forth all costs of construction, set forth all costs of maintenance since construction (itemized by year), set forth the hydrant’s life expectancy and attach records of all maintenance performed on said hydrants.
- 7) Identify the number of public fire hydrants within each fire district whose cost of construction or installation has been recovered.
- 8) Identify the number of public fire hydrants within each fire district whose cost of construction or installation has not been recovered and the remaining balance thereof.
- 10) Set forth and list by year, each tariff authorizing you to charge for public fire hydrants, the amount of the charge authorized by the tariff.
- ² 14) Set forth in detail the total cost for construction the public fire hydrant system in each municipality or district, your projected cost of maintenance and repair, the cost of money for any borrowing made by you to pay for the construction of the fire hydrant system, and the money which you have recovered, to date, in amortizing or paying off the total cost of such construction.
- 17) Set forth each contract or other form of agreement whereby any fire district affected by your pending application agreed to pay a fee for any public fire hydrant.
- 18) When did you first begin to charge each fire district a rental or other fee (not tied to usage) for public fire hydrants?

costs & monies recovered to date for construction costs; identification of those who constructed the public hydrants; dates when the hydrants were first serviced & fees collected by KCWA; life expectancy of the public hydrants; and all past dates when each public hydrant was serviced. KCWA submits that none of this information has any bearing to its current rate filing.

KCWA further objects to CFD Data request numbers 19 & 20 *See Footnote*³ (*CFD Date Requests*) which seeks information regarding KCWA's business efficiencies and whether or not it has "considered" selling itself because this information is completely immaterial KCWA's rate filing. The rate filing is based on calculations as outlined in the rating filing, not based on how whether or not business studies or potential sale of its authority have been considered. As result, under Rule 1.18 (c) and Rules 26 of the Super. R. Civ. P., these Data Requests are outside the scope of discovery.

KCWA is proposing a rate increase to offset fixed costs, including fire protection charges, and as an alternative, KCWA is proposing to move public fire district fees directly to consumers. The above data requests does not have bearing on the fixed costs as outlined in the detailed calculations submitted in support of current rate filing. Therefore, these data requests are not discoverable under Rule 1.18 (c) of the Rules and Rule 26 of the Super.R. Civ.P.

Despite the fact that all of above Data Requests seek information that is immaterial to KCWA's rate filing, the requested information further violates the

³ 19) What management or other similar studies have you done or had done to provide you with options that would allow you to run your business more efficiently?

20) Have you ever considered selling yourself to a larger water company (such as the Providence Water Company or Providence Water Supply Board) in order to obtain efficiencies of scale which are unavailable to you now? If not, why not?

scope of discovery because the requested information is unduly burdensome to KCWA. Although it is unlikely that KCWA even has a good portion of the information requested in its possession, for argument sake, even if KCWA did, the historical nature of the information suggests that it would be located in storage. Thus, it would take KCWA an unreasonable effort in both time and expense to provide the information, particularly when it has no relevant purpose to KCWA's rate filing, and outside the scope of discovery.

KCWA also objects to CFD's position that the Commission should compel KCWA to respond to CFD's First Set of Data Requests because they were not in the form of a motion. The objections were timely filed and the content of the objections were properly raised under the Rules and Super R. Civ. P. Rule 26. The form of the objections did not preclude the content from being properly before this Commission nor did it prejudice any party in the within Docket. Thus, the harmless error on the presentation of the objections does not support a motion to compel KCWA to respond to irrelevant, immaterial and unduly burdensome data requests.

Lastly, KCWA objects to CFD's June 28, 2016 Motion because Rule 1.16 (b) of the Rules states:

"The movement shall make a good faith effort to determine whether a motion shall be opposed. If the motion will not be opposed, the movement 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."

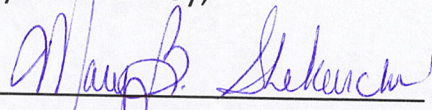
CFD's motion has no such certification and no attempt was made by CFD's counsel to contact KCWA's counsel to try to resolve this matter without

intervention of the Commission. Therefore, CFD's motion does not comply with the Rules and should be stricken.

For these reasons, the KCWA respectfully objects to CFD's Amended First Set of Data Requests and that its request to compel responses to its first set of data requests and further moves this Commission to deny CFD's June 28, 2016 Motion/Request be denied.

July 8, 2016

Respectfully submitted,
Kent County Water Authority
By its attorney,

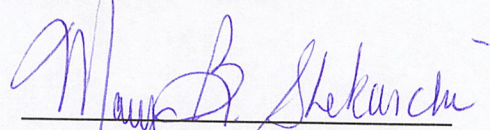


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STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION
DOCKET NO. 4611

Dated: July 8, 2016

Respectfully submitted,



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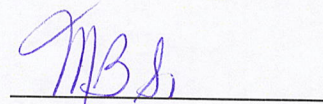
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CERTIFICATION OF SERVICE

I hereby certify that on this ^{8th} day of July, 2016, I sent a copy of within Objection to the Parties listed on the attached service list.



**Docket No. 4611- Kent County Water Authority – Multi-Year Rate Plan
Service List 6/9/16**

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	maryann@rubroc.com ;	
Coventry Fire District (CFD) Arthur M. Read, Esq. Del Sesto & Read, Inc. 100 Jefferson Blvd., Suite 200 Warwick, RI 02888	art@delamrlaw.com ;	401-439-2020

Central Coventry Fire District (CCFD) David M. D'Agostino, Esq. Nicholas Gorham, Esq. Gorham & Gorham, Inc. P.O. Box 46 25 Danielson Pike, Scituate, RI 02857	daviddagostino@gorhamlaw.com ;	401-647-1400
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