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July 11, 2016

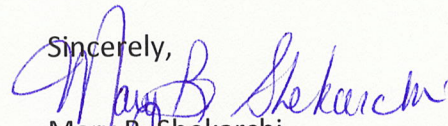
Ms. Luly Massaro, Clerk
RI Public Utilities Commission
89 Jefferson Blvd.
Warwick, RI 02888

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 Motion to Compel Responses to its Second Set of Data Requests. 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

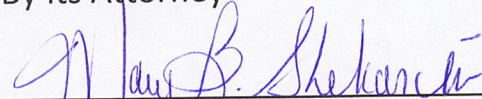
IN RE: KENT COUNTY WATER AUTHORITY

DOCKET No. 4611

KENT COUNTY WATER AUTHORITY'S OBJECTION TO THE COVENTRY FIRE
DISTRICT'S MOTION TO KCWA'S RESPONSES TO ITS SECOND SET OF DATA
REQUESTS

Now comes Kent County Water Authority ("KCWA") who hereby objects to the Coventry Fire District's ("CFD") Motion to KCWA's Responses to its Second Set of Data Requests. Specifically, KCWA objects to CFD's Motion 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 11, 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 MOTION TO KCWA'S OBJECTIONS TO ITS
SECOND SET OF DATA REQUESTS

In its second set of Data Requests, Coventry Fire District ("CFD") propounded four (4) data requests to which Kent County Water Authority ("KCWA") submitted timely responses. KCWA objected to three (3) 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 30, 2016, CFD filed a Motion Regarding KCWA's Objections to Second 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's 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’s Second Set of Data Requests numbered 22, 23 & 24 request information that has no relevance to KCWA’s proposed rate increase in the within Docket. *See Footnote¹ (CFD Data Requests)*. Specifically, KCWA objected to these Data Requests because they seek an analysis of assumed facts that are not before the Commission in the current rate filing.

In support of its Motion, CFD claims the requested information is “necessary for it to know and grasp” KCWA’s petition and it will assist it in understanding KCWA’s rate application “in as many ways as possible”. CFD further suggests that KCWA is attempting to “hide” the reasoning for its rate application.

None of CFD reasons support its Motion to Compel KCWA to respond to the objected data requests because they are irrelevant discoverable information as defined under the Commission’s Rules and Superior Court Rules of Civil Procedure. The objected to data requests not only seek information that would

¹ 22) Assume that the rate schedule for Public Fire Service applicable for service to public fire hydrants in your service area on a quarterly basis is \$139.33 (effective December 7, 2013 to present). Assume that the proposed rate schedule for your FY2018 on a quarterly basis is \$260.89. To what facts, costs or other basis do you attribute the need to increase the rate schedule for Public Fire Service applicable for service to public fire hydrants in your service area on a quarterly basis by \$126.56? 23) Assume that the rate schedule for Public Fire Service applicable for service to public fire hydrants in your service area for your FY2018 on a quarterly basis is \$260.89. Assume that the proposed rate schedule for your FY2019 on a quarterly basis is \$277.28. To what facts, costs or other basis do you attribute the need to increase the rate schedule for Public Fire Service applicable for service to public fire hydrants in your service area on a quarterly basis by \$16.39? 24) As to each public fire hydrant in your service area which you bill Intervenor for, detail all maintenance performed on each (broken down by calendar or your fiscal year, whichever is more convenient) for the period January 1, 2000 to date and the cost of such maintenance during the calendar or fiscal year, as the case may be.

be unduly burdensome for KCWA to review facts not within the current rate filing, they have no bearing or connection to the voluminous documentation KCWA submitted in its rate filing.

Data requests are intended to provide information that is reasonably relevant to the proceeding, not utilized as a tool for an opposing party to engage in unnecessary acts or exercises of data review or conduct timely and costly calculations that have no bearing to the current matter before the Commission. Further, the suggestion that KCWA is attempting to hide information is meritless. Assumptions of facts not at issue do not lend any support to assisting one to understand the KCWA's rate case, instead requests for information on the actual detailed calculations, reports, studies, etc. filed with the rate filing is how one can be assisted.

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.

KCWA also objects to CFD's position that the Commission should compel KCWA to respond to CFD's Second Set of Data Requests because they were not in the form of a motion. KCWA contends that the objections were timely filed and the content of the objections were properly raised as a motion under the Rules and Super R. Civ. P. Rule 26.

Lastly, KCWA objects to CFD's Motion because Rule 1.15 (b) of the Rules states:

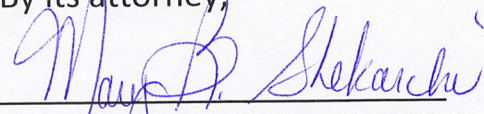
“The movant shall make a good faith effort to determine whether a motion shall be opposed. If the motion will not be opposed, the movant shall so state in the motion. Proposed motions shall state affirmatively that concurrence of the other parties has been requested, but denied, or shall state why no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

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 Motion to Compel responses to its second set of data requests be denied.

July 11, 2016

Respectfully submitted,
Kent County Water Authority
By its attorney,

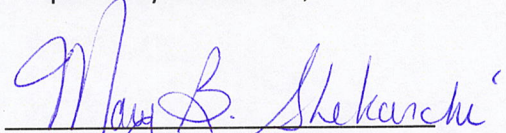


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STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION
DOCKET NO. 4611

Dated: July 11, 2016

Respectfully submitted,



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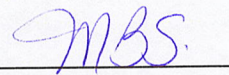
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CERTIFICATION OF SERVICE

I hereby certify that on this 11th 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**

Name/Address	E-mail Address	Phone
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City of Warwick Peter D. Ruggiero, City Solicitor Ruggiero, Brochu & Petrarca 20 Centerville Road Warwick, RI 02886	peter@rubroc.com ;	401-737-8700
	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

<p>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</p>	<p>daviddagostino@gorhamlaw.com;</p>	<p>401-647-1400</p>
<p>Town of Coventry Nicholas Gorham, Esq. Gorham & Gorham, Inc. P.O. Box 46 25 Danielson Pike, Scituate, RI 02857</p>	<p>nickgorham@gorhamlaw.com;</p>	<p>401-647-1400</p>
<p>Original & nine (9) copies file w/: Luly E. Massaro, Commission Clerk Public Utilities Commission 89 Jefferson Blvd. Warwick, RI 02888</p>	<p>Luly.massaro@puc.ri.gov; Cynthia.WilsonFrias@puc.ri.gov; Sharon.ColbyCamara@puc.ri.gov;</p>	<p>401-780-2107</p>

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