

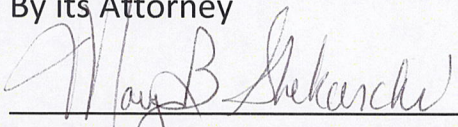
STATE OF RHODE ISLAND AND PROVIDENCE PLANATIONS  
PUBLIC UTILITIES COMMISSION

IN RE: KENT COUNTY WATER AUTHORITY  
DOCKET NO. 4611

KENT COUNTY WATER AUTHORITY'S MOTION TO STRIKE TESTIMONY AND  
REQUEST FOR MISCELLANEOUS RELIEF

Now comes the Kent County Water Authority ("KCWA") who hereby moves to strike Coventry Fire District's ("CFD") "surrebuttal testimony" of Mr. David P. Krekorian filed November 18, 2016 with a corrected version filed on November 21, 2016. Specifically, KCWA contends that Mr. Krekorian's testimony is actually direct testimony that violates the Rhode Island Public Utilities Commission's scheduling memorandum in the within Docket , and thus must be stricken from the record. In support hereof, KCWA submits the accompanying Memorandum.

November 23, 2016

Respectfully submitted,  
Kent County Water Authority  
By its Attorney  
  
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CERTIFICATION

I, the undersigned hereby certify that I forwarded via electronically, a copy of the within Memorandum to the Parties listed on the attached Service List for Docket 4611.

MBS 11/23/10

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 MOTION TO STRIKE

During the May 13, 2016, conference which Coventry Fire District ("CFD") participated, the RI Public Utilities Commission ("Commission") issued a procedural schedule establishing filing dates in connection with the within Docket No. 4611. On May 19, 2016, the Commission memorialized the procedural order where it set the following dates for the filing of testimony.

08/25/2016	Direct Testimony by Intervenors and Division
10/20/2016	Rebuttal Testimony by Kent County Water
11/18/2016	Surrebuttal Testimony by the Intervenors and Division

In the late afternoon on 11/18/2016, CFD filed testimony of Mr. David P. Krekorian characterized as "surrebuttal" testimony when in fact the testimony should have been filed as direct testimony. CFD has certainly had ample time, in fact up to August 25, 2016, to file direct testimony, but chose not to file any direct testimony in this docket. Instead, CFD filed Mr. Krekorian's testimony couched as surrebuttal only a couple of weeks prior to the scheduled hearings which completely violates the Commission's procedural order and prejudices KCWA. Therefore, Mr. Krekorian's testimony should be stricken from record.

Rebuttal testimony is extremely limited. The basic definition of rebuttal evidence is to explain, counteract, or disprove facts introduced by an opposing

party. West's Legal Dictionary (1985). Surrebuttal testimony is even more limited because it is used only to counteract facts introduced in rebuttal. Collins English Dictionary (2014) (unabridged edition).

Mr. Krekorian's testimony does not meet the basic definition of surrebuttal testimony. It does not rebut any issues raised in KCWA's rebuttal testimony. Rather, Mr. Krekorian's testimony offers general facts, opinions and conclusions which CFD should have appropriately filed as direct testimony on or before the clearly set filing date of August 25, 2016.

Should the Commission allow Mr. Krekorian's "surrebuttal" testimony in the record, it will be setting a precedent that violates its own Rules of Practice and Procedure that encourages "prompt and complete disclosure and exchange of information. See Rule 1.18 (a) of the RI Commission Rules of Practice and Procedure). Allowing Mr. Krekorian's testimony will not encourage prompt and fair exchange of information and will only be prejudicial to KCWA. With only a little over 2 weeks to the hearing, KCWA will not have adequate time to prepare and review responses to data requests to refute Mr. Krekorian's testimony.

In addition, allowing this testimony will create a precedent where Parties will ignore procedural orders and file direct testimony shortly before a hearing, thereby creating an atmosphere that is fundamentally unfair to those Parties filing rate cases before the Commission violating the Rules. Therefore, CFD's surrebuttal testimony must be completely stricken from the record in this Docket 4611.

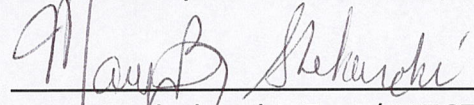
Even if CFD had appropriately filed Mr. Krekorian's testimony as direct testimony, his testimony should have been stricken because he is not qualified as an expert witness. Admittedly, Mr. Krekorian states that he does not have any

experience in water rate cases nor has he ever testified in a regulatory utility rate case.

Based on the above, KCWA respectfully moves the Commission to strike David P. Krekorian's testimony, prevent CFD's surrebuttal testimony from being introduced as evidence in this Docket 4611, and grant any other relief it deems fair and just.

November 23, 2016

Respectfully submitted  
Kent County Water Authority



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CERTIFICATION

I, the undersigned hereby certify that I forwarded via electronically, a copy of the within Memorandum to the Parties listed on the attached Service List for Docket 4611.

MBS. 11/23/14

**Docket No. 4611- Kent County Water Authority – Multi-Year Rate Plan  
Service List 10/27/16**

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