

STATE OF RHODE ISLAND
DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.

DOCKET No. D-13-51

**JOINT RESPONSE OF THE TOWN OF NEW SHOREHAM AND INTERSTATE
NAVIGATION COMPANY d/b/a THE BLOCK ISLAND FERRY TO RHODE ISLAND
FAST FERRY, INC.'S OBJECTION TO DEPOSITION NOTICE**

Counsel to the Town of New Shoreham ("Town") and Interstate Navigation Company ("Interstate") made a decision to move forward with the deposition of Charles Donadio of RIFF. In furtherance of same, counsel to the Town noticed the deposition which is scheduled for Wednesday, June 24, 2015 at 1:00 p.m. This deposition is clearly permitted by Division Rule of Practice and Procedure 21(b) which provides that the testimony of any witness may be taken by deposition at any time before the hearing is closed. Furthermore, Rule 21(a)(1) states that it is the Division'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.

Rule 21(b)(2) states that depositions are permitted in the same manner and pursuant to the same procedures as govern depositions in the Superior Court in the State of Rhode Island. RIFF counsel has filed an objection to the deposition; however, none of the reasons stated in that objection would be a permissible basis for a justice of the Superior Court issuing an order preventing the deposition. In any event, pursuant to the Superior Court Rules of Civil Procedure, RIFF counsel could make objections, if appropriate, to certain questions posed at the deposition for legitimate reasons permitted by the rules.

The fact that Mr. Donadio does not want to be deposed is a legally insufficient reason for denying counsel to the Town and Interstate the right to conduct the deposition. Mr. Donadio does not have the right to dictate to counsel to the Town and Interstate the manner by which counsel determine that discovery should be conducted.

In summary, there is no legally cognizable reason to deny the Town and Interstate their right to pursue discovery by deposition.

The Interstate Navigation Company d/b/a Block
Island Ferry,
by its Attorneys,

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Town of New Shoreham,
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CERTIFICATION

I hereby certify that, on June 18th, 2015, I served this document via e-mail on the individuals listed on the attached Exhibit A.

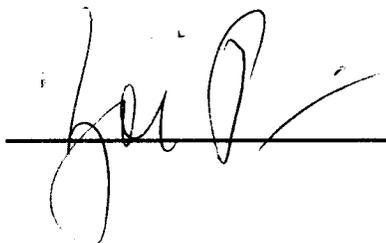


EXHIBIT A

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