

STATE OF RHODE ISLAND

DIVISION OF PUBLIC UTILITIES AND CARRIERS

IN RE: RHODE ISLAND FAST FERRY, INC.:

Docket No.: D-13-51

**RHODE ISLAND FAST FERRY, INC. OBJECTION TO
THE TOWN OF NEW SHOREHAM'S DEPOSITION NOTICE**

Now comes Rhode Island Fast Ferry, Inc. ("RIFF"), and pursuant to Division Rule of Practice 19 and 21(e) objects to the Town of New Shoreham's (the "Town") Notice of Deposition to Take Deposition of Charles A. Donadio, on the following grounds:

1. RIFF was served with Mr. Donadio's Deposition Notice on or about June 8, 2015, noticing Mr. Donadio's deposition on June 24, 2015;

2. Although Division Rule 21 (b) (1) allows depositions to be taken prior to a hearing, Rule 21 (a) (1) requires that discovery requests be "timely". The initial Procedural Schedule allowed Intervenors an opportunity to seek discovery from RIFF, following the filing of RIFF's Direct testimony. There have been numerous changes to the Procedural Order in this matter after timely motion and at no time has the Town moved to extend or reopen the Discovery Closure date that was set by the Hearing Officer. Accordingly, the discovery period applicable to Intervenors such as the Town, closed months ago and there has been no Motion by the Town for relief to reopen the discovery period.

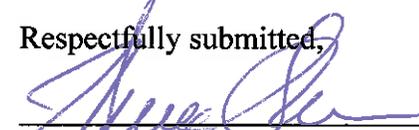
3. RIFF recently filed Supplemental Responses to the Town's Data Requests, which provide the Town with ample information regarding the issues of concern to the Town, especially considering that the Hearing Officer, in his decision allowing the Town's intervention status, cautioned that "it would be impractical for the Division to spend any significant time addressing [issues of boat docks or harbor congestion] in the context of the instant CPCN (licensing) proceeding." Docket D-13-51, Order in Response to Motions To Intervene (Sept. 24,

2013) at pg. 18. Similarly, the Hearing Officer stated: “[t]hough the Division would condition the granting of authority to the Applicant, in part, on the Applicant’s ‘ability’ to provide the service proposed, the Division is ill-equipped to meaningfully evaluate harbor congestion and dock adequacy issues as a condition-precedent to the issuance of a CPCN.” Id.

4. For these reasons, the issues that the Town appears concerned with (dockage) are not issues of primary concern to the Division in this proceeding. Given that Mr. Donadio has provided pre-filed direct and rebuttal testimony, responded to data requests from the Town (just recently supplemented) and given that Mr. Donadio will be available as a witness for cross-examination at the hearing, the Town has simply failed to articulate any reason why an out-of-time deposition is warranted or justified. Finally, a deposition would reveal nothing more of any consequence beyond what Mr. Donadio has provided in pre-filed testimony and in data responses and RIFF should therefore not be subjected to this unnecessary annoyance, burden and expense of preparing for and attending this deposition.

RIFF requests that the Hearing Officer enter an Order to Protect Mr. Donadio from this deposition, in accordance with the Division’s Rule 21(e).

Respectfully submitted,



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Dated: June 19, 2015

CERTIFICATE OF SERVICE

I hereby certify that on June ^{15th}, 2015, I delivered a true copy of the foregoing document via electronic mail to the parties on the attached service list.

A handwritten signature in blue ink is written over a horizontal line. The signature is cursive and appears to be "John Doe".