

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
BEFORE THE
PUBLIC UTILITIES COMMISSION

Docket No.:4611

Petition of the KENT COUNTY WATER AUTHORITY
Rate Application

COVENTRY FIRE DISTRICT'S MOTION REGARDING
KENT COUNTY WATER AUTHORITY'S
OBJECTIONS TO SECOND SET OF DATA REQUESTS

Respectfully represents Intervenor Coventry Fire District ("CFD") as follows:

1. It is a quasi-municipal entity organized by the Legislature and existing in the furtherance of the public health safety and welfare within its jurisdictional boundary.
2. CFD is a taxpayer supported entity whose budget is, for its current fiscal year, \$2,250,000.
3. Petitioner's seeks authority from this Commission to increase the hydrant rental fees which it charges CFD by approximately eighty (80%) percent (in the first year) or from \$127,069 (or 5.76% of CFD's budget) to approximately \$229,113 (or 10.18% of CFD's budget) or, alternatively, to charge the taxpayers directly.
4. CFD has a fiduciary responsibility to its taxpayers to protect their financial interest to the best of its ability.
5. In furtherance of that responsibility, CFD has intervened herein and has promulgated its second set of data requests (a copy of which is attached hereto as Exhibit A) which, it believes, were relevant, pointed, concise and limited to those areas which CFD believed bore on understanding why and how Petitioner ("KCWA") charged CFD a hydrant rental fee and what calculus it used in determining what fair and appropriate hydrant rental fee to assess.

6. When viewed in their entirety, CFD sought an understanding as to how KCWA arrived at the proposed increase in the fire hydrant rental fees which it is asking this Commission for permission to charge. Although KCWA proposes, as an alternative, that it be permitted to charge its ratepayers directly and although CFD supports that result, there is no certainty that this Commission will grant KCWA's request. KCWA's first request, if granted, would enable it to charge CFD hydrant rental fees which would, in the first year, exceed an 80% increase over the present rental fees it charges. CFD wants to know what has occurred since this Commission approved KCWA's last tariff request to occasion such a dramatic percentage increase in the fees. CFA is experiencing "sticker shock" and seeks the data to help it grasp why KCWA is petitioning for such a dramatic, one might suggest shocking, increase.
7. A substantial part of KCWA's objections (a copy of which is attached hereto as Exhibit B) (beside its customary contention that CFD's requests are "irrelevant and unreasonable") is that CFD seeks "... an analysis of an assumption of facts that are not before ... [this Commission] .. and are, therefore, irrelevant.
8. In support of its petition KCWA submitted "Testimony and Data in Support of Kent County Water Authority's" [sic]. In Volume I of the six volume submission, KCWA set forth its present tariffs with regard to certain products and services which it sells. Among the information supplied was a listing of the rates which it presently charges for public fire hydrants in the Kent County service area [see KCWA RATE FILING - VOLUME I April 8, 2016 PART1 at Page 1 of **KENT COUNTY WATER AUTHORITY RATE SCHEDULE** being page 10 of the document]. Similarly, the same submission lists Proposed Tariff Schedules (beginning on page 12 of the document) indicating the hydrant rental rate which KCWA is asking this Commission to permit during the present fiscal year and during FY 2018 and 2019. It is this information which CFD suggests is in the record and which constitutes KCWA's request for an increase, which formed the basis for its Data Requests 22, 23 and 24. In sum, CFD is endeavoring

to understand what facts, costs, financial assumptions KCWA is relying upon in building the increase in its hydrant rental fees. It is trying to ask this in as many ways as possible so that KCWA will be in a better position to understand what CFD wants and to supply it.

9. As noted in CFD's response to KCWA's objections to its first set of data requests, objections are to be in the form of a motion under the Commission's rules. KCWA's are not. Nevertheless, CFD is treating KCWA's objections as if they were in the form of a motion, rather than elevating form over function or slavishly following an overly literal interpretation of the Commission's rules.
10. This Commission's Rules of Practice and Procedure provide for discovery at Rule 1.18. It "... favors prompt and complete disclosure and exchange of information" in the furtherance of its policy to encourage ... discovery as a means toward effective presentations..." Rule 1.18 (a) (1).
11. **Data Requests** are among the favored discovery tools. Rule 1.18 (c).
12. "The relevancy of a [data] request shall be determined under the standards established under [R. C. P. 26]..." Rule 1.18 (c) (3).
13. The scope of discovery is very broad. R. C. P. 26(b)(1) permits discovery of "any matter" which is relevant to the subject matter so long as it is not privileged. Discovery may even be had of information that is not admissible, so long as it is "reasonably calculated" to lead to the discovery of admissible evidence. See "A Practical Guide to Discovery & Depositions in Rhode Island" Hurst and Morse, at §§1.2 and 1.4
14. Just as with the practice in the Superior Court, there are limits on discovery and any party which believes that a discovery request is improper for any reason may apply to the Commission for a protective order under Rule 1.18 (e). In the present matter, KCWA has not sought a protective order.

15. CFD believes that it is both relevant and reasonable for it to seek to discover exactly how the KCWA calculated a fair and reasonable hydrant rental fee. It further believes that it owes a fiduciary responsibility to its taxpayers to make, at the minimum, a simple request that KCWA explain its methodology and calculus in arriving at the hydrant rental fee that it is asking this Commission to approve.
16. Indeed, CFD cannot understand why the KCWA would want to hide how it calculated the requested rate in its hydrant rental fee. This is especially so in light of the huge fee increase which it seeks. CFD does not assume that KCWA just picked a fee increase randomly out of thin air to fill a budget gap. CFD cannot accept or challenge the proposed fee increase absent an explanation as to how it was arrived at. It is that explanation that the second set of data requests (and, indeed, its first set) are targeting.

Wherefore, CFD respectfully moves as follows:

- 1) That KCWA's Objections to CFD's Second Set of Data Requests may be treated as a motion as required under the Commission's rules and that CFD's motion may be treated as a response to that motion or, alternatively,
- 2) That this motion may be treated as a Motion to Compel KCWA to comply fully and completely to CFD's Second Data and to file its responses within ten (10) days of the Commission's ruling hereon and
- 3) That the Commission may grant such other and further relief as it may deem meet in the circumstances.

/s/ Arthur M. Read, II
Arthur M. Read, II (0830)
Attorney for Intervenor Coventry
Fire District
Del Sesto & Read, Incorporated
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Warwick, RI 02888
(401)739-2020
Art@Delamrlaw.com
June 30, 2016

Certification

I certify that I forward a copy of the foregoing Motion via e-mail to all on the following service list on June 30, 2016

/s/ Arthur M. Read, II

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

Name/Address	E-mail Address	Phone
Kent County Water Authority (KCWA) Mary B. Shekarchi, Esq. 33 College hill Rd., Suite 15-E Warwick, RI 02886	marybali@aol.com ;	401-828-5030
Timothy Brown, P.E. General Manager Chief Engineer Kent County Water Authority PO Box 192 West Warwick, RI 02893-0192	tbrown@kentcountywater.org ;	401-821-9300
Christopher Woodcock Woodcock & Associates, Inc. 18 Increase Ward Drive Northborough, MA 01532	chris@w-a.com ;	508-393-3337
Division of Public Utilities & Carriers (Division) Leo Wold, Esq. Dept. of Attorney General 150 South Main St. Providence, RI 02903	Lwold@riag.ri.gov ;	401-274-4400 Ext. 2218
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	al.mancini@dpuc.ri.gov ;	
	Sam.lapatin@dpuc.ri.gov ;	
	jmunoz@riag.ri.gov ;	
	dmacrae@riag.ri.gov ;	
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	lmorgan@exeterassociates.com ;	
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

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

EXHIBIT A

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
BEFORE THE
PUBLIC UTILITIES COMMISSION**

Docket No.:4611

Petition of the KENT COUNTY WATER AUTHORITY
Rate Application

**COVENTRY FIRE DISTRICT'S
SECOND SET OF DATA REQUESTS**

The following data requests are limited to the Petitioner's application as it relates to public fire hydrants, only.

**BASIS FOR PUBLIC FIRE SERVICE HYDRANT
RATE INCREASE**

- 21) Please list the rate schedule which was in effect for the calendar years 2000 through and including 2016 for Public Fire Service applicable for service to public fire hydrants in your service area on a quarterly basis (as was done on Page 1 of your Rate Schedule entitled "KCWA PUC DOCKET# 4417 WITH PWSB PASS THROUGH 4406 EFFECTIVE: 12-7-2013" which is page 10 of Volume I of your Rate Filing April 8, 2016 Part 1, a copy of which is attached hereto as Exhibit A).
- 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.

/s/ Arthur M. Read, II
Arthur M. Read, II (0830)
Attorney for Intervenor Coventry
Fire District
Del Sesto & Read, Incorporated
100 Jefferson Blvd., Suite 200
Warwick, RI 02888
(401)739-2020
Art@Delamrlaw.com
June 20, 2016

Certification

I certify that I forward a copy of the within Motion to Intervene via e-mail to all on the following service list on June 20, 2016

/s/ Arthur M. Read, II

**Docket No. 3942 - Kent County Water Authority – Miscellaneous Petition
for Relief
Service List 1/20/16**

Name/Address	E-mail Address	Phone
Mary B. Shekarchi, Esq. 33 College hill Rd., Suite 15-E Warwick, RI 02886	marybali@aol.com ;	401-828-5030
Timothy Brown, P.E. General Manager Chief Engineer Kent County Water Authority PO Box 192 West Warwick, RI 02893-0192	tbrown@kentcountywater.org ;	401-821-9300
Leo Wold, Esq. Dept. of Attorney General 150 South Main St. Providence, RI 02903	Lwold@riag.ri.gov ;	401-274-4400 Ext. 2218
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	steve.scialabba@dpuc.ri.gov ;	
	al.mancini@dpuc.ri.gov ;	
	jmunoz@riag.ri.gov ;	
Peter D. Ruggiero, City Solicitor RUGGIERO BROCHU 20 Centerville Road Warwick, RI 02886	peter@rubroc.com ;	401-737-8700
	maryann@rubroc.com ;	
Original & nine (9) copies file w/: Luly E. Massaro, Commission Clerk Public Utilities Commission 89 Jefferson Blvd. Warwick, RI 02888	Luly.massaro@puc.ri.gov ;	401-780-2107
	Cynthia.WilsonFrias@puc.ri.gov ;	
	Sharon.ColbyCamara@puc.ri.gov ;	
Arthur M. Read, Esq.	art@delamrlaw.com ;	401-439-2020

Mary B. Shekarchi
Attorney at Law

EXHIBIT B

33 College Hill Road, Suite 15-E
Warwick, Rhode Island 02886

Tel: (401) 828-5030
Fax: (401) 823-1400
Email: LAWOFFICEMARYB@HOTMAIL.COM

June 29, 2016

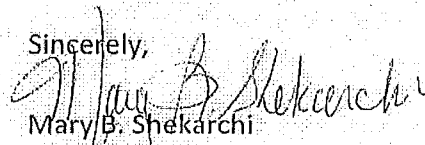
Ms. Luly Massaro, Clerk
RI Public Utilities Commission
89 Jefferson Blvd.
Warwick, RI 02888

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 and Response to the Coventry Fire District Data Request (Set 2). 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
SECOND SET OF DATA REQUEST NUMBERS 22, 23 AND 24

Now comes the Kent County Water Authority ("KCWA") who hereby objects to the Coventry Fire District's ("CFD") Second Set of Data Request numbers 22, 23, & 24 pursuant to Rule 1.18 (c) of the Rules 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"). The basis for KCWA's objection are further detailed below.

CFD-DR2 #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?

KCWA objects to this request on the basis that it is irrelevant and unreasonable under Rule 1.18 (c) of the Rules and Rule 26 of the RI Super. Ct Rules. Specifically this Data Request is seeking an analysis of an assumption of facts that are not before the Public Utilities Commission in the within Docket, and are therefore, irrelevant. In addition, producing such information will result in an undue and unnecessary hardship to KCWA.

CFD-DR2 # 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?

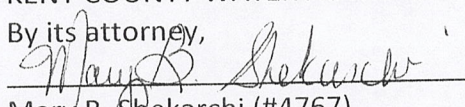
KCWA objects to this request on the basis that it is irrelevant and unreasonable under Rule 1.18 (c) of the Rules and Rule 26 of the RI Super Ct Rules. Specifically this Data Request is seeking an analysis of an assumption of facts that are not before the Public Utilities Commission in the within Docket, and therefore, are irrelevant. In addition, producing submitting such information will result in an undue and unnecessary hardship to KCWA.

CFD- DR2 #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.

KCWA objects to this request on the basis that it is irrelevant and unreasonable under Rule 1. 19 (c) of the Rules and Rule 26 of the RI Super. Ct Rules. Specifically this Data Request is seeking the details of maintenance and costs associated for individual fire hydrants over the last 16 years. This information is immaterial and has no relevance to KCWA current request for a rate increase. Even if KCWA had this information, complying it would result in an undue hardship under Rule 26 of the RI Super Ct Rules.

For these reasons, KCWA respectfully objects to Coventry Fire District's Second Set of Data Requests numbered 22, 23 and 24.

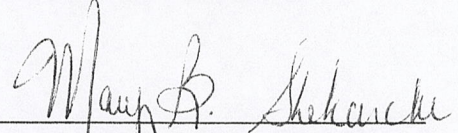
Dated: June 29, 2016

KENT COUNTY WATER AUTHORITY
By its attorney,

Mary B. Shekarchi (#4767)
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STATE OF RHODE ISLAND
PUBLIC UTILITIES COMMISSION
DOCKET NO. 4611

Dated: June 29, 2016

Respectfully submitted,



Mary B. Shekarchi (#4767)

Attorney at Law

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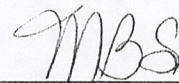
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CERTIFICATION OF SERVICE

I hereby certify that on this ^{29th} day of June, 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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Town of Coventry Nicholas Gorham, Esq. Gorham & Gorham, Inc. P.O. Box 46 25 Danielson Pike, Scituate, RI 02857	nickgorham@gorhamlaw.com ;	401-647-1400
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