

Cody Williams

From: Nancy Brockway <nancy.brockway@gmail.com>
Sent: Wednesday, May 16, 2018 1:40 PM
To: Michael Skiendzielewski
Cc: Cody Williams; Andre Dasent; Robert Ballenger
Subject: Re: Questions re paperwork for the hearing

Mr. Skiendzielewski,

Responses to discovery are not automatically made into paper exhibits distributed at the technical hearings. Participants sometimes take specific responses about which they wish to question a witness, and offer it as an exhibit. The responses as a whole are in the record automatically and don't need to be printed out for the technical hearings unless one wants to use it in the fashion I just described.

I will not allow you to make a presentation of "supporting documents" without knowing more about what you have in mind. Again, you were required to put forth your evidence in this case in support of your claim in written form on April 20. These deadlines are enforced to make sure that there are no surprises about participants' positions at the hearings. You did not file any direct evidence on April 20 or later. I will have to take up the admissibility of the documents you have in mind at the hearing tomorrow when I have had a chance to see them.

In any event, you would ordinarily need 15 copies of each. But, because you are not a lawyer and are pursuing your involvement pro se, I will only require you to bring 5 copies.

You need not bring originals and probably should avoid doing so. Copies are sufficient.

I cannot tell what you mean by "the final documents produced by the PWD" so I cannot answer your question about them. I would note that the Water Rate Board does not have all the documents regarding your correspondence with and complaint against the Department or any other

branch of city government. You will have to show that the documents to which you are referring are relevant to the question of what amount of revenue is required for the Department to meet its operating and maintenance costs and other costs of providing service. Materials relating to a single complaint do not meet that standard.

I am sorry that I have not yet specifically addressed your outstanding discovery requests. I have been in hearings continually since last Thursday. The regular practice is for participants to come in person to address outstanding procedural issues while the hearings are ongoing, rather than trying to address all issues via email correspondence outside the hearing room. I will, however, provide you a written decision concerning outstanding matters.

As I have in other email exchanges that affect the hearings and the evidence, I am sharing this correspondence with attorneys for the Department and the Public Advocate, so they may know the status of procedural questions affecting the hearings.

Nancy Brockway
Hearing Officer

Cody - please include this email exchange in the Motions and Rulings file. Thank you.

NB

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On Wed, May 16, 2018 at 11:29 AM, Michael Skiendzielewski <skiadvocat@aol.com> wrote:

Ms. Brockway:

Am I correct in assuming that for each item of discovery, I need to have available for distribution my original discovery request as well as the final documents produced by the PWD? Did you mention

15 copies of each? Do I need to provide all of that "back and forth" objection/clarification that took place in Item #1, long lateral policy request?

In each item of discovery (and I do not intend to address all of them), do I need copies of documents, statements, records, etc. that I wish to introduce relative to the topic/discovery being presented? Is that 15 also? Should those supporting documents be distributed simultaneously with the opening paperwork (discovery request and final PWD documents) at the beginning of the presentation or only distributed when I come to the particular needed document in question?

I noticed that in my last items (safety operation and parging), the only document produced was Mr. Dasent's objection statement. I will be addressing and introducing documents and statements relative to this discovery request.

Ms. Brockway, this intervenor will be focused on the key issues in the discovery process and my comments prior to and after will be brief for sure.

Michael Skiendzielewski