

## **Rule 15: Subpoenas.**

15.01 **Issuance of Subpoenas.** Whenever in the discretion of the Commission it is deemed necessary to compel the attendance of witnesses or the production for examination of any books, papers, documents or tangible things relating to any matter under investigation or in question before the Commission, the Commission or a Commission member may issue a witness subpoena and/or subpoena for production of books, papers, documents or tangible things.

(A) **Issuance to Parties.** Upon written application of any party to a contested case, the Commission may issue subpoenas requiring the attendance and testimony of witnesses or the production of evidence in such proceeding. The Commission may require the person requesting the subpoena to show relevance and reasonable scope of the testimony or evidence sought. Such a subpoena may be issued by any member of the Commission.

(B) **Service.** Unless the service of a subpoena is acknowledged on its face by the person subpoenaed, service shall be made by delivering a copy of the subpoena to such person and by tendering him or her on demand the fees for one day's attendance and mileage, if any, allowed or required by law. When the subpoena is issued on behalf of the Commission or any state officer or agency, fees and mileage need not be tendered.

(C) **Proof of Service.** The person serving the subpoena shall make proof of the service by filing the subpoena and the required return, affidavit, or acknowledgment of service with the Commission. Service may be made by any person authorized to serve subpoenas under the Rules of Civil Procedure of the Superior Court. If service is made by a person other than a member or employee of the Commission, and such service has not been acknowledged by the witness, such person shall make an affidavit of service. Failure to make proof of service does not affect the validity of the service.

(D) **Compliance and Quashing.** The Commission, a Commission member or a member of the Commission staff may accept subpoenaed documents at the time when a person complies with a subpoena. At the time when a subpoenaed witness or document must be produced, the person under subpoena may submit a written motion to quash the subpoena to the Commission, a Commission member or a staff member which motion shall be transmitted to a Commission member. Upon a motion to quash, made promptly, and in any event, at or before the time specified in the subpoena for compliance by the person to whom the subpoena is directed (and upon notice to the party for whom the subpoena is issued) the Commission or a Commission member may (1) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue or (2) condition the denial upon just and reasonable conditions.

(E) **Filing Subpoenas with Commission.** Subpoenas required to be filed with the Commission shall be deemed filed upon actual receipt by the Commission, including Commission staff members at the Commission office.

(F) **Failure to Obey Subpoena.** On the failure of any person to obey a witness subpoena or subpoena to produce documentary evidence issued at the instance of the Commission, or any member thereof, the Commission may make application to the State of Rhode Island Superior Court for an order for such person to show cause why he or she shall not be held in contempt and such further relief as may be appropriate.

(G) **Geographical Scope.** Such attendance of witnesses and such production of evidence may be required from any place in the State of Rhode Island, at any designated place of hearing.

