

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

IN RE:

PETITION OF TENNESSEE AMERICAN  
WATER COMPANY TO CHANGE AND  
INCREASE CERTAIN RATES AND  
CHARGES SO AS TO PERMIT IT TO  
EARN A FAIR AND ADEQUATE RATE  
OF RETURN ON ITS PROPERTY USED  
AND USEFUL IN FURNISHING WATER  
SERVICE TO ITS CUSTOMERS

Docket No. 10-00189

**MEMORANDUM OF UWUA INTERVENORS IN SUPPORT OF MOTION  
FOR LEAVE TO SERVE MORE THAN FORTY (40) DISCOVERY  
REQUESTS ON THE TENNESSEE AMERICAN WATER COMPANY**

Pursuant to TRA Rule 1220-1-2-.11(5)(a), the Utility Workers Union of America, AFL-CIO (“UWUA”), and UWUA Local 121 (referred to collectively as “UWUA Intervenors”), hereby submit this memorandum in support of its request to serve more than forty (40) discovery requests on the Tennessee American Water Company (“TAWC” or “Company”).

In support of this request, UWUA Intervenors state:

1. This is a complex rate proceeding in which TAWC seeks approval to increase water service rates by 26.77%. If approved in full, the Company’s annual revenue requirement would increase by nearly \$10 million .
2. UWUA Intervenors, whose status as a party to this proceeding was approved by the Authority at the October 18 prehearing conference, have direct and substantial interests in the matters at issue.

3. UWUA represents roughly two-thirds of TAWC's current workforce, and is participating in this matter to protect the legal interest of its employee-members, and to ensure that they are able to provide service to customers that is safe, reliable, and high quality.

4. The Company's testimony addresses the bases for the rate increase, and identifies the need to fairly compensate employees as one of three "drivers" for the request. Direct Testimony of John Watson at 9:18-25.

5. Discovery procedures were established to prevent surprise and to allow the courts and all parties to "have an intelligent grasp of the issues to be litigated and knowledge of the facts underlying them." *Vythoulkas v Vanderbilt University Hosp.*, 693 S.W.2d 350, 356 (Tenn. Ct. App. 1985)(citing *Harrison v. Greeneville Ready-Mix, Inc.*, 417 S.W.2d 48, 52 (Tenn. 1967)). The discovery requests of UWUA Intervenor are specifically designed to elicit information necessary to address UWUA's concerns about staffing adequacy and the ability of the Company to continue to provide high quality and reliable service to customers. The requests seek to probe the bases for relevant statements contained in the testimony of TAWC witnesses John Watson and Michael Miller.

6. Given the volume of factual assertions contained in the pre-filed direct testimonies of the Company's witnesses, and the significance of the matters at issue to UWUA Intervenor, we seek leave to file twenty-one (21) discovery requests beyond the forty (40) permitted under Authority rules. If this motion is granted, the total number of discovery requests (including subparts) propounded by the UWUA Intervenor would be sixty-one (61).

7. UWUA requires a full and complete understanding of the Company's position in order to adequately participate in the proceedings and prepare its own prepared testimony bearing on the just and reasonableness of TAWC's rates.

8. The instant data requests constitute the only opportunity that UWUA Intervenors will have to seek data on the Company's direct presentation before submitting their own testimony.

9. UWUA has sought to submit non-duplicative requests, and has attempted to request only that data that can be obtained only from TAWC.

10. UWUA's discovery requests are narrowly tailored in order to avoid overburdening the TAWC and prevent undue expense and delay.

For the foregoing reasons, UWUA respectfully requests the issuance of an order granting leave to serve all of the attached discovery requests on TAWC.

Respectfully submitted,

*/s/ Mark Brooks*

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November 1, 2010

## CERTIFICATE OF SERVICE

I, Scott H. Strauss, counsel for UWUA Intervenors, hereby certify that on the 1st day of November, 2010, caused a true and correct copy of the foregoing Motion for Leave to Serve Additional Discovery Requests to be served upon all parties of record via U.S. mail or facsimile.

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