

**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

**MOTION OF UWUA INTERVENORS FOR LEAVE TO SUBMIT BRIEF
REPLY, AND REPLY TO TENNESSEE AMERICAN WATER
COMPANY'S RESPONSE IN OPPOSITION TO UWUA INTERVENORS'
MOTION FOR LEAVE TO SERVE MORE THAN FORTY DISCOVERY
REQUESTS**

Pursuant to TRA Rule 1220-1-2-.03, the Utility Workers Union of America, AFL-CIO ("UWUA"), and UWUA Local 121 (referred to collectively as "UWUA Intervenor"), hereby request leave to submit a brief reply to the Response of Tennessee American Water Company ("TAWC" or the "Company") in Opposition to UWUA Intervenor's Motion for Leave to Serve More than Forty Discovery Requests. UWUA Intervenor asserts that leave should be granted so that UWUA Intervenor can correct misstatements made by the Company concerning aspects of both UWUA Intervenor's Motion and their discovery requests. We submit that granting this relief will ensure a complete and accurate record before the Commission with respect to our request for relief.

REPLY

UWUA Intervenor has sought leave to serve an additional 21 discovery requests beyond the 40 permitted (exclusive of subparts, UWUA Intervenor filed only 36 discovery requests). The substantive nature of these requests, and their direct relevance to issues in this proceeding, is plain in that all but two of UWUA Intervenor's numbered requests (and the

corresponding subparts) seek data concerning specific assertions contained in the Company's voluminous testimony. In addition, responding to the questions should not be unduly burdensome; as they are focused almost exclusively on specific passages in the testimony of Company witnesses, the materials supporting these statements should be readily available.

TAWC emphasizes in its Response that UWUA Intervenor's "request . . . comes on the heels of representations made by counsel for the UWUA intervenors at the October 18, 2010 status conference . . . that the UWUA Intervenor would limit their involvement to issues related to staffing, service quality, and training."¹ In fact, UWUA Intervenor has limited their questions to matters concerning staffing, service quality, and training. Indeed, the Company is unable to produce a single example of a question that falls outside these bounds.² Equally important, the Company makes no claim that any of the questions are duplicative of requests posed by other parties.

TAWC argues that staffing, service quality, and training are "relatively minor issues in the context of the rate case as a whole." Response at 3. This statement is inconsistent with the Company's direct testimony. Company President Watson lists two of the three primary goals of this rate case as: (1) to provide "quality water service at an affordable price," and (2) "to fairly compensate employees for their work." Test. of John Watson 9:18-26. The attempt to portray UWUA Intervenor's concerns as "relatively minor" is also at odds with the statutory obligation of the Authority to investigate, in the context of rate proceedings, the "safety, adequacy and efficiency or lack thereof of the service or services furnished by" the company in question. Tenn. Code Ann. §§ 65-5-101(a), 65-5-103(a).

¹ TAWC Response in Opposition to UWUA Intervenor's Motion for Leave to Serve More Than Forty Discovery Requests at 3 (Nov. 9, 2010) ("Response").

² To be clear, no party sought—and the Authority did not impose—to limit UWUA Intervenor's participation in this case solely to issues related to staffing, service quality, or training issues.

Finally, UWUA Intervenor ask that the Authority consider Company complaints about the scope of discovery in context. Contrary to Company counsel’s representation at the prehearing conference, this is hardly “just a rate case,” not some “huge thing that’s got to go into, you know, federal court level of litigation...” Tr. 58:11, 17-18. The magnitude of the issues in this proceeding is substantial—TAWC seeks a roughly 26 percent rate increase and a nearly \$10 million increase in its revenue requirement—and the discovery sought by UWUA Intervenor is commensurate with an increase of that size. Before the Commission decides the fate of the proposed rate increase, it is appropriate for customer and employee representatives to conduct full discovery, and for the Company to provide the bases for its testimonial claims.

WHEREFORE, for the reasons stated here and in the UWUA Intervenor’s earlier Motion, the Authority should grant UWUA Intervenor leave to serve more than forty (40) data requests.

Respectfully submitted,

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November 10, 2010

CERTIFICATE OF SERVICE

I, Scott H. Strauss, counsel for UWUA Intervenors, hereby certify that on the 10th day of November, 2010, caused a true and correct copy of the foregoing Motion of UWUA Intervenors for Leave to Submit Brief Reply, and Reply to Tennessee American Water Company's Response in Opposition to UWUA Intervenors' Motion for Leave to Serve More Than Forty Discovery Requests to be served upon all parties of record via U.S. mail or facsimile.

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