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January 14, 2011

Mary Freeman, Chairman  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505

Attention: Sharla Dillon

filed electronically in docket office on 01/14/11

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

Dear Chairman Freeman:

Enclosed please find for filing in the above-referenced proceeding the Utility Workers Union of America, AFL-CIO and UWUA Local 121's Second Set of Discovery Requests to the Tennessee American Water Company. The original and four copies will be sent via U.S. Mail.

Please feel free to contact either of the undersigned if you have any questions. Thank you for your attention to this matter.

Sincerely,



Scott H. Strauss  
Katharine M. Mapes

Attorneys for UWUA Intervenors

Enclosures

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

**SECOND DISCOVERY REQUEST OF THE UTILITY  
WORKERS UNION OF AMERICA, AFL-CIO AND  
UWUA LOCAL 121 TO TENNESSEE AMERICAN  
WATER COMPANY**

To: Tennessee American Water Company, Inc.  
c/o R. Dale Grimes, Esq.  
Bass, Berry & Sims PLC  
AmSouth Center  
315 Deaderick Street, Suite 2700  
Nashville, TN 37238

Pursuant to the procedural schedule adopted in the Authority's November 12, 2010, Order, and Rules 26, 33, 34 and 36 of the Tennessee Rules of Civil Procedure and Tenn. Comp. R. & Reg. 1220-1-2-.11, the Utility Workers Union of America, AFL-CIO, ("UWUA") and UWUA Local 121 (referred to collectively as "UWUA"), hereby serves its second data request upon Tennessee American Water Company ("TAWC" or "Company"). UWUA incorporates by reference the definitions and instructions set forth in its initial discovery requests. As specified in the procedural schedule, responses (or objections) to these requests are due by January 24, 2011. In the event responses to any

of these questions are available sooner, UWUA asks that the Company produce them on a rolling basis.

The responses should be delivered to:

Scott H. Strauss, Esq.  
Katharine M. Mapes, Esq.  
SPIEGEL & MCDIARMID LLP  
1333 New Hampshire Ave, NW  
Washington, D.C. 20036  
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Mark Brooks, Esq.  
Attorney at Law  
521 Central Avenue  
Nashville, Tennessee 37203  
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### **DATA REQUESTS**

- UWUA 2-1. Please provide all documents prepared by or for the Company since January 1, 2009 that evaluate, assess, report upon, or compile statistics relating to the Company's program maintenance for valves. Your response should include, for example, any periodically-prepared reports that specify the number of valves inspected and/or repaired during a given period of time.
- UWUA 2-2. With reference to the Statement of Jerry Haddock, Exhibit No. UWUA-11 which is attached to the Direct Testimony of James Lewis, Exhibit UWUA-1, at ¶ 10, and for the period since January 1, 2009, please provide each of the reports prepared for the Company by Mr. Haddock in which he addressed valves that were in need of repair or maintenance.
- UWUA 2-3. For the period since January 1, 2009, please provide each of the reports prepared for the Company by persons other than Mr. Haddock that address valves in need of repair or maintenance.
- UWUA 2-4. For each of the reports provided in response to UWUA 2-2 or UWUA 2-3, please (a) describe the actions that the Company took in response to each of those reports and (b) provide supporting documentation, including but

not limited to reports showing the number and location of valves in need of repair that were repaired and returned to service.

- UWUA 2-5. For the period since January 1, 2009, please provide all communications to employees who perform valve maintenance work that concern or relate to the pace or scope of valve maintenance work, including the identification of those valves upon which maintenance work is to be performed. Include communications that concern or relate to the maintenance work to be performed on valves that are difficult to access, e.g., because they are covered up (by blacktop or otherwise) or filled with debris.
- UWUA 2-6. For the time period from January 1, 2009 until the present, please provide a statement of and documents showing: (a) the number of valves in the TAWC system (categorized by valve size); (b) the number of valves intended to be inspected and maintained each year (or portion of a year) and the number of valves in fact inspected and maintained during each year (or portion of a year); and (c) the number of operable valves in the system (categorized by valve size).
- UWUA 2-7. For the period since January 1, 2009, identify, by job title, the individuals responsible for valve maintenance, including related decisions on hiring and capital expenditures.
- UWUA 2-8. Please state the current employee complement, by job function, as of the date of this request, and provide documentation supporting your response.
- UWUA 2-9. Please provide all documents that concern or relate to the circumstances described at paragraph 12 of the Haddock Statement, Exhibit UWUA-11 (the incident involving the repair of leak on Lakeview Drive during the winter of 2009). In addition, provide all documents that concern or relate to any leak repair performed on Lakeview Drive since January 1, 2009.
- UWUA 2-10. With reference to the Letter of W. Bradley Weeks, dated September 22, 2010 and filed in this docket (attached hereto), please provide all documents that concern or relate to the August 21, 2010 water leak described therein, including efforts by the Company to repair the leak.

- UWUA 2-11. Please provide all documents that state the Company's policy regarding when overtime will be authorized for maintenance and repair work.
- UWUA 2-12. Please provide copies of all laws, rules or regulations that the Company believes governs its valve inspections, valve replacement, valve exercising or valve operations.

Respectfully submitted,

*/s/ Scott H. Strauss*

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1333 New Hampshire Avenue, NW  
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(202) 879-4000

*/s/ Mark Brooks*

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Mark Brooks  
Attorney at Law  
521 Central Avenue  
Nashville, Tennessee 37203  
(615) 259-1186

Attorneys for Utility Workers Union of  
America, AFL-CIO and UWUA Local 121

January 14, 2011

CERTIFICATE OF SERVICE

I, Scott H. Strauss, counsel for UWUA Intervenors, hereby certify that on the 14<sup>th</sup> day of January, 2011, caused a copy of the foregoing Motion to Intervene to be served upon all parties of record by postage prepaid, first-class, U.S. mail.

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Chairman, Tennessee Regulatory  
Authority  
c/o Sharla Dillon, Dockets and Records  
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460 James Robertson Parkway  
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Donald L. Scholes  
Branstetter, Stranch & Jennings PLLC  
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Fourth Floor  
Nashville, TN 37201

/s/ Scott H. Strauss

Scott H. Strauss

10-00189

RECEIVED

2010 OCT -5 AM 10:27

JOSEPH C. WAGNER  
DAVID E. NELSON  
W. BRADLEY WEEKS  
RICHARD C. WAGNER  
MICHAEL A. WAGNER

TENNESSEE REG. ROOM

LAW OFFICES  
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JAMES A. SHERRILL, (1902-1975)  
W. R. WEEKS (1916-1966)

September 22, 2010

RECEIVED  
CONSUMER SERVICES DIVISION

SEP 28 2010

TN REGULATORY AUTHORITY

Tennessee Regulatory Authority  
Consumer Services Division  
460 James Robertson Parkway  
Nashville, Tennessee 37243-0505

Re: Proposed Rate Increase and Recent Incident

Dear Sirs:

In the September 18, 2010 edition of the Chattanooga Times, we noticed that Tennessee American Water Company is requesting from your agency, permission to raise water rates. In particular, our community, the Town of Lookout Mountain, would have an average rise in water bills of \$4.70 per month.

I thought I would bring to your attention a recent incident that leaves me, as a consumer, a bit cold towards TAWC and their advertised attempts at "conservation". I can appreciate why water is expensive on Lookout Mountain since it has to be pumped to the top of the mountain and stored before it is transmitted to the various consumers. What I can't understand is the clear disregard for conservation of the water resource.

On August 21, 2010, a Saturday morning, we awoke and noticed a water leak in the middle of the public street in front of our house. At 8:30 a.m. we notified the water company that we had a water leak and that it was substantial. We again called at 1:00 p.m. since nothing had been done. Shortly after that, a representative arrived and put up a "sawhorse warning of a dangerous situation". By then, water was flowing freely from not only the surface of the road, but from each side of the road. Many hundreds of gallons of water were escaping per hour. At 8:03 a.m. the next morning, Sunday morning, we had experienced a significant reduction in water pressure and a significant increase in the water that was pouring forth from the leak. We contacted Tennessee American once again and were assured that they were sending someone "right away". No one arrived. The next morning at approximately 8:30 a.m. a truck arrived and began to open the hole. Although the pavement had buckled and much of the gravel and base of the road had washed out by this time, not to mention the thousands of gallons of water that had escaped, TAWC as indicated by their

September 22, 2010

Page 2

driver, made the decision that it was more profitable not to send their contractor on weekend time.

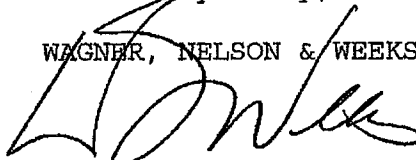
Clearly, TAWC made the decision to sacrifice the water for their own profitability. It is the water that we are paying for and when a leak occurs, it needs to be addressed immediately.

Our daughter, a civil engineer, has worked on brown water recycling in southern California and we know what a precious commodity water is although we are blessed with an abundance of it in our area. It was incredibly frustrating to view the inattention that the water company gave to this situation and then to read just a few weeks later that they are seeking a dramatic rate increase makes it even more disconcerting.

In conclusion, the leak was fixed, about five days later, shortly before the next weekend began! I hope that the regulatory authority takes performance and delivery of services into account when they set the rates.

Yours very truly,

WAGNER, NELSON & WEEKS



W. Bradley Weeks

WBW/lb

cc: Tennessee American Water Co.  
1101 Broad Street  
Chattanooga, TN 37402

Greg Brown, Mayor  
Town of Lookout Mountain  
700 Scenic Highway  
Lookout Mountain, TN 37350