

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

July 3, 2012

IN RE:

**PETITION OF TENNESSEE AMERICAN WATER
COMPANY FOR A GENERAL RATE INCREASE,
IMPLEMENTATION OF A DISTRIBUTION
SYSTEM INFRASTRUCTURE CHARGE AND THE
ESTABLISHMENT OF TRACKING MECHANISMS
FOR PURCHASED POWER, PENSIONS AND
CHEMICAL EXPENSES**

**DOCKET NO.
12-00049**

ORDER SETTING PROCEDURAL SCHEDULE

At a regularly scheduled Authority Conference on June 7, 2012, Chairman Kenneth C. Hill, Director Sara Kyle, and Director Mary W. Freeman, of the Tennessee Regulatory Authority ("TRA"), the panel assigned to this docket, voted unanimously to convene a contested case and to appoint Chairman Hill as Hearing Officer for the purpose of preparing this matter for hearing, including handling preliminary matters and establishing a procedural schedule to completion. This matter is before the Hearing Officer now to consider the Consumer Advocate and Protection Division of the Attorney General's Office ("Consumer Advocate") and Tennessee American Water Company's ("TAWC") *Joint Proposed Procedural Schedule*.

On June 28, 2012, the Consumer Advocate and TAWC filed a *Joint Motion to Extend the Deadline for the First Round of Discovery to July 6, 2012 and to Submit a Proposed Procedural Schedule*.¹ The parties stated that they have worked together to negotiate a satisfactory

¹ The TRA has, by order, previously set a deadline of June 29, 2012 for the first set of discovery requests. See *Order Suspending Tariff For One Hundred Eighty Days, Convening a Contested Case and Appointing a Hearing Officer*, p. 2 (June 14, 2012).

procedural schedule that will provide for a fair and orderly process leading up to the tentative date set by the TRA for the hearing of the merits. Additionally, the parties have agreed that moving the initial data requests to July 6, 2012 will allow the Consumer Advocate and any potential intervening party additional time to prepare requests for relevant information.

After careful review of the *Joint Proposed Procedural Schedule*, the Hearing Officer finds that, in general, it is reasonable and should be approved. However, two amendments should be made to the parties' initial proposal: first, the intervenors' pre-filed testimony shall be due on August 20, 2012, in order to ensure that the intervenors have sufficient time to develop and prepare comprehensive testimony.

Second, subsequent to August 20, 2012, the supplemental testimony will not be accepted from the intervenors; however, amended testimony that corrects errors previously made in direct testimony will be accepted. Therefore, all such testimony correcting errors should be made no later than September 26, 2012, in order to give TAWC sufficient time to incorporate such changes in its rebuttal testimony. Any errors discovered after September 26, 2012 may be corrected by the witness during the hearing on the merits.

IT IS THEREFORE ORDERED THAT:

1. The amended *Joint Proposed Procedural Schedule*, attached to this Order as **Exhibit A**, is hereby adopted and is in full force and effect.

A handwritten signature in black ink, appearing to read "Kenneth C. Hill", written over a horizontal line.

Chairman Kenneth C. Hill
Hearing Officer

TRA DOCKET NO. 12-00049

**PROCEDURAL SCHEDULE
(JUNE 3, 2012)**

July 6, 2012	First Round of Data Request Due
July 10, 2012	Objections to Discovery Due
July 13, 2012	Motions to Compel Due
July 17, 2012	Status Conference with TRA
July 30, 2012	First Round of Data Requests Responses Due
August 20, 2012	Intervenors Pre-filed Testimony Due
September 7, 2012	Second Round of Data Requests Due
September 7, 2012	Objections to Discovery Due
September 14, 2012	Motions to Compel Due
September 18, 2012	Status Conference with TRA
September 26, 2012	Second Round of Data Requests Responses Due
September 26, 2012	Corrections to Intervenors Pre-filed Testimony Due
October 3, 2012	TAWC Rebuttal Testimony Due
October 8, 2012	Pre-Hearing Motions Due
October 15-19, 2012	Hearing
October 29, 2012	Post-Hearing Briefs Due