### IN THE TENNESSEE REGULATORY AUTHORITY AT NASHVILLE, TENNESSEE

IN RE:	)	
	)	
PETITION OF TENNESSEE AMERICAN	)	
WATER COMPANY FOR APPROVAL OF A	)	
QUALIFIED INFRASTRUCTURE INVEST-	)	
MENT PROGRAM, AN ECONOMIC	)	
DEVELOPMENT INVESTMENT RIDER,	)	<b>DOCKET NO. 13-00130</b>
A SAFETY AND ENVIRONMENTAL	)	
COMPLIANCE RIDER, AND PASS-	)	
THROUGHS FOR PURCHASED POWER,	)	
CHEMICALS, PURCHASED WATER,	)	
WHEELING WATER COSTS, WASTE	)	
DISPOSAL, AND TRA INSPECTION FEE	)	

### RESPONSES OF CONSUMER ADVOCATE AND PROTECTION DIVISION TO FIRST DISCOVERY REQUESTS OF TENNESSEE AMERICAN WATER COMPANY

The Consumer Advocate and Protection Division of the Office of the Attorney General and Reporter, pursuant to the Authority's Order Establishing Procedural Schedule entered on October 29, 2013, hereby submits its responses to the first discovery requests of Tennessee American Water Company.

### **RESPONSES TO DATA REQUESTS**

**DATA REQUEST NO. 1:** Please provide electronic copies (on CD) of all tables, charts, diagrams, schedules, and exhibits (collectively, "Exhibits") the CAD intends to use in the testimony of all witnesses for the CAD. Please include all workpapers, schedules, underlying computations and supporting documentation that each witness plans to use or rely on in the preparation of his testimony, including the preparation of all Exhibits. Please provide all electronic spreadsheets with cell formulas, cell references, macros and VBA code intact.

**RESPONSE:** The Consumer Advocate's investigation into this matter is ongoing. It has not yet determined whether it will call any witnesses to testify at the hearing on the merits in this docket. If the Consumer Advocate decides to call any witnesses, it will supplement its response to this request to provide the requested Exhibits and documents contemporaneously with the filing of the witness' pre-filed testimony

Answered by: Joe Shirley, Senior Counsel, Office of Attorney General and Reporter.

**DATA REQUEST NO. 2:** Please identify each person whom the Consumer Advocate expects to call as an expert witness at the hearing on the merits of this matter. For each such witness:

- a. Please produce a curriculum vitae detailing the educational background, work experience and professional achievements that you contend qualify the witness to render testimony on the issues on which he or she will testify at the hearing on the merits of this matter.
- b. Please produce all pre-filed testimony, work papers, calculations and other documents that you contend support the facts, opinions, conclusions, proposals and recommendations to be presented in the testimony of the witness at the hearing on the merits of this matter.
- c. Please produce all work papers, calculations and other documents created, used, referenced or relied upon by the witness in this matter.

RESPONSE: Please see the response to Data Request No. 1, above. Notwithstanding the foregoing response, and without waiving its right to keep confidential the identity of, facts known by, or opinions held by non-testifying experts, the Consumer Advocate states that it may call William H. Novak to testify at the hearing on the merits in this matter. Mr. Novak's Vita, which contains information responsive to Data Request No. 2.a, is attached hereto as Attachment WHN-1. If the Consumer Advocate decides to call Mr. Novak as an expert witness, it will supplement its response to this request to provide the documents and information responsive to Request Nos. 2.b and 2.c contemporaneously with the filing of Mr. Novak's pre-filed testimony, including all pre-filed testimony, work papers, calculations and other documents that (1) support the facts, opinions, conclusions, proposals and recommendations presented by Mr. Novak and (2) were created, used, referenced or relied upon by Mr. Novak in this matter.

Answered by: Joe Shirley, Senior Counsel, Office of Attorney General and Reporter; William H. Novak, Principal/Owner, WHN Consulting.

**DATA REQUEST NO. 3:** Please produce copies of all hearing exhibits and other documents that you plan to introduce, use or reference at the hearing on the merits of this matter.

**RESPONSE:** The Consumer Advocate has not yet determined the hearing exhibits and other documents that it may introduce, use or reference at the hearing on the merits in this matter. The Consumer Advocate will supplement its response to this request once this determination has been made.

Answered by: Joe Shirley, Senior Counsel, Office of Attorney General and Reporter.

Respectfully submitted,

Joe Shirley (BPR #22287)

Senior Counsel

Office of the Attorney General

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(615) 741-8727

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joe.shirley@ag.tn.gov

### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served via U.S. Mail and electronic mail upon:

Gary M. VerDouw Director of Rates, Central Division American Water Company 772 Craig Road Saint Louis, MO 63141 Gary.VerDouw@amwater.com

Melvin J. Malone
Junaid Odubeko
Butler, Snow, O'Mara, Stevens & Cannada, PLLC
The Pinnacle at Symphony Place
150 3rd Avenue South, Suite 1600
Nashville, TN 37201
melvin.malone@butlersnow.com
junaid.odubeko@butlersnow.com

This the 19th day of November, 2013.

### ATTACHMENT WHN-1 William H. Novak Vitae

### William H. Novak

19 Morning Arbor Place The Woodlands, TX 77381

Phone: 713-298-1760

Email: halnovak@whnconsulting.com

### Areas of Specialization

Over twenty-five years of experience in regulatory affairs and forecasting of financial information in the rate setting process for electric, gas, water and wastewater utilities. Presented testimony and analysis for state commissions on regulatory issues in four states and has presented testimony before the FERC on electric issues.

### Relevant Experience

### WHN Consulting - September 2004 to Present

In 2004, established WHN Consulting to provide utility consulting and expert testimony for energy and water utilities. Complete needs consultant to provide the regulatory and financial expertise that enabled a number of small gas and water utilities to obtain their Certificate of Public Convenience and Necessity (CCN) that included forecasting the utility investment and income. Also provided the complete analysis and testimony for utility rate cases including revenues, operating expenses, taxes, rate base, rate of return and rate design for utilities in Tennessee. Assisted American Water Works Company in preparing rate cases in Ohio and Iowa. Provided commercial and industrial tariff analysis and testimony for an industrial intervenor group in a large gas utility rate case. Industry spokesman for water utilities dealing with utility commission rulemaking. Consultant for the North Carolina and Illinois Public Utility Commissions in carrying out their oversight functions of Duke Energy and Peoples Gas Light and Coke Company through focused management audits. Also provide continual utility accounting services and preparation of utility commission annual reports for water and gas utilities.

### Sequent Energy Management – February 2001 to July 2003

Vice-President of Regulatory Compliance for approximately two years with Sequent Energy Management, a gas trading and optimization affiliate of AGL Resources. In that capacity, directed the duties of the regulatory compliance department, and reviewed and analyzed all regulatory filings and controls to ensure compliance with federal and state regulatory guidelines. Engaged and oversaw the work of a number of regulatory consultants and attorneys in various states where Sequent has operations. Identified asset management opportunities and regulatory issues for Sequent in various states. Presented regulatory proposals and testimony to eliminate wholesale gas rate fluctuations through hedging of all wholesale gas purchases for utilities. Also prepared testimony to allow gas marketers to compete with utilities for the transportation of wholesale gas to industrial users.

### Atlanta Gas Light Company – April 1999 to February 2001

Director of Rates and Regulatory Analysis for approximately two years with AGL Resources, a public utility holding company serving approximately 1.9 million customers in Georgia, Tennessee, and Virginia. In that capacity, was instrumental in leading Atlanta Gas Light Company through the most complete and comprehensive gas deregulation process in the country that involved terminating the utility's traditional gas recovery mechanism and instead allowing all 1.5 million AGL Resources customers in Georgia to choose their own gas marketer. Also responsible for all gas deregulation filings, as well as preparing and defending gas cost recovery and rate filings. Initiated a weather normalization adjustment in Virginia to track adjustments to company's revenues based on departures from normal weather. Analyzed the regulatory impacts of potential acquisition targets.

### Tennessee Regulatory Authority - Aug. 1982 to Apr 1999; Jul 2003 to Sep 2004

Employed by the Tennessee Regulatory Authority (formerly the Tennessee Public Service Commission) for approximately 19 years, culminating as Chief of the Energy and Water Division. Responsible for directing the division's compliance and rate setting process for all gas, electric, and water utilities. Either presented analysis and testimony or advised the Commissioners/Directors on policy setting issues, including utility rate cases, electric and gas deregulation, gas cost recovery, weather normalization recovery, and various accounting related issues. Responsible for leading and supervising the purchased gas adjustment (PGA) and gas cost recovery calculation for all gas utilities. Responsible for overseeing the work of all energy and water consultants hired by the TRA for management audits of gas, electric and water utilities. Implemented a weather normalization process for water utilities that was adopted by the Commission and adopted by American Water Works Company in regulatory proceedings outside of Tennessee.

### **Education**

B.A, Accounting, Middle Tennessee State University, 1981 MBA, Middle Tennessee State University, 1997

### **Professional**

Certified Public Accountant (CPA), Tennessee Certificate # 7388 Certified Management Accountant (CMA), Certificate # 7880 Former Vice-Chairman of National Association of Regulatory Utility Commission's Subcommittee on Natural Gas

# Witness & Advisory History for William H. Novak, CPA Selected Cases

WHN Consulting (2004 - Present)
In September of 2004 - Present)
In September of 2004 I established WHN Consulting to provide utility consulting and expert witness testimony for Energy and Water utilities in addition to accounting services for the preparation and presentation of utility reports to state commissions.

During this time, I prepared testimony and/or presented evidence in the following cases:

WHN Consulting

# Witness & Advisory History for William H. Novak, CPA Selected Cases

WHN Consulting (2004 - Present) Continued
In September of 2004 I established WHN Consulting to provide utility consulting and expert witness testimony for Energy and Water utilities in addition to accounting services for the preparation and presentation of utility reports to state commissions.

During this time, I prepared testimony and/or presented evidence in the following cases:

Date January 2010	Docket/Case 09-0391-WS-AIR	Company/Jurisdiction Ohio-American Water Company Ohio Consumers' Counsel	Glassification Water Distribution	Responsibilities Rate Design and Class Cost of Service Testimony & Analysis in Ohio-American Water Rate Case on behalf of the Office of the Ohio Consumers' Counsel http://dis.puc.istate.oh.us/Tiff_oDD/NA1001001A10A05A75430A83420.pdf
December 2009	GUD 9902	CenterPoint Energy Company Texas Attorney General	Natural Gas Distribution	Opposition to CenterPoint Energy's proposed Cost of Service Adjustment lariff on behalf of the State of Texas
May 2009	HB 1349	Chattanooga Manufacturers Assoc	Natural Gas Distribution	Spokesperson for Industrial Natural Gas Users before the Tennessee State Legislature in opposition to Natural Gas Deregulation Bill proposed by Tennessee Natural Gas Utilities <a href="http://irga.granicus.com/MediaPlaver.php?view" id='19755"'>http://irga.granicus.com/MediaPlaver.php?view</a> id=78&Gip id=1405&meta id=19755
July 2008	07-1080-GA-AIR	Vectren Energy Delivery of Ohio Ohio Consumers' Counsel	Natural Gas Distribution	Rate Design and Class Cost of Service Testimony & Analysis in Vectren Rale Case on behalf of the Office of the Ohio Consumers' Counsel http://dis.buc.stnte.ch.us/THToPDf/A1001001A08524A85844198256.pdf
December 2010 December 2009 December 2008 December 2007 August 2006	05-00251	Bristol TN Essential Services Tennessee Regulatory Auth.	Electric & Telephone	Compliance Audit of Cost Allocation Manual (CAM) www.state.in.us/tra/orders/2005/0500251an.pdf www.state.in.us/tra/orders/2005/0500251at.pdf www.state.in.us/tra/orders/2005/0500251at.pdf
October 2007 August 2009	07-0723-EL-UNC 07-0974-EL-UNC	Duke Energy - Ohio Public Utilities Comm of Ohio	Electric Distribution	Focused Management Audit of Fuel & Purchased Power (FPP Riders) WHN Consulting as a Subcontractor to Liberty Consulting Group Responsible for Financial Issues of the Audit http://dis.puc.statie.oh.us/Tiff?pPD/A1001001407/K01982112CA1262.pdf http://dis.puc.statie.oh.us/Tiff?pPD/A1001001400F15B80440D49280.pdf
September 2007	06-0556	Peoples & North Share Gas Cos Illinois Commerce Commission	Natural Gas Distribution	Management Audit of Gas Purchasing Practices WHN Consulting as a Subcontractor to Liberty Consulting Group Responsible for Accounting Issues of the Audit www.icz Illinois gowidockeu/fles aspx?nn=05-0556&docid=122643
August 2007	07-00105	Atmos Energy Corporation Tennessee Regulatory Auth.	Natural Gas Distribution	Rate design for Industrial Intervenor Group www.state.tn.us/tra/orders/2007/0700105cb.pdf
December 2006	06-00281	AUI, LLC Tennessee Regulatory Auth.	Natural Gas Distribution	Establishment of initial rates for a new utility www.state.in.us/tra/orders/2006/0600281m.pdf
July 2006	05-00258	Aimos Energy Corporation Tennessee Regulatory Auth.	Natural Gas Distribution	Rate design for Industrial Intervenor Group www.state.In.us/tra/orders/2005/0500258cf.pdf www.state.tn.us/tra/orders/2005/0500258hd.pdf
July 2006	06-00187	Aqua Utilities Tennessee Regulatory Auth.	Water & Wastewater	Entire Rate Case (Pale Base, Revenues, Expenses, Rate of Retum, Rate Design) www.siate.in.us/tra/orders/2006/06/00187.pdf

WHN Consulting

# Witness & Advisory History for William H. Novak, CPA Selected Cases

### AGL Resources (1999 - 2003)

AGL Resources is the holding company of Atlanta Gas Light Company (Georgia), Chattanooga Gas Company (Virginia). In 1999, I was hired by AGL Resources as the Director of Rates & Regulatory Analysis. At this time, Atlanta Gas Light Company was going through retail deregulation by the Georgia Public Service Commission. As a result, I was actively involved in several dockets.

During this time, I prepared testimony and/or presented evidence in the following cases:

Responsibilities Technical Testimony for an annual fixed gas rate proposal in Tennessee. www.siate.in.us/tra/orders/2002/020383.pdf	Technical Testimony for a Weather Normalization Adjustment in Virginia.	Unbundling Rate Theory and Recommendations to the South Carolina PSC.
Classification Natural Gas Distribution	Natural Gas Distribution	Natural Gas Distribution
CGC Fixed Rate PGA Tennessee Regulatory Auth.	VNG Weather Nomalization Adj. Virginia State Corp. Commission	South Carolina Retail Unbundling PSC of South Carolina
Docket/Case 02-00383	PUE-02-00237	2001-220-G
Date September 2002	March 2002	February 2002

# Witness & Advisory History for William H. Novak, CPA Selected Cases

## Tennessee Regulatory Authority (1994 - 1999, 2003 - 2004)

In 1994, the Tennessee Legislature created the Tennessee Consumer Advocate's Office of the Attorney General to advocate cases before the renamed Tennessee Regulatory Authority, I was responsible for leading a team to investigate all electric, gas and water rate cases and advise the TRA Commissioners on the proper course of action based on the evidence in the record. The documentation of this analysis is reflected in the TRA Orders.

Duning this time, I analyzed Information and advised the TRA Directors (formerly Commissioners) in the following major rate cases:

Responsibilities	Rate Base, Revenues, Expenses, Taxes and Rate Design recommendations www.state.tn.us/tra/orders/2004/0400034eo.pdf	Rate Base, Revenues, Expenses, Taxes and Rate Design recommendations www.state.in.us/tra/orders/2003/0300313bt.pdf	Rate Design recommendations www.stale.tn.us/tra/orders/2003/0300118cw.pdf	Rate Base, Revenues, Expenses, Taxes and Rate Design recommendations	Rate Base, Revenues, Expenses, Taxes and Rate Design recommendations	Rate Base, Revenues, Expenses, Taxes and Rate Design recommendations
Classification	Gas Distribution	Gas Distribution	Water Distribution	Gas Distribution	Gas Distribution	Water Distribution
Company	Chattanooga Gas Company	Nashville Gas Company	Tennessee-American Water Co	Chattanooga Gas Company	Nashville Gas Company	Tennessee-American Water Co
Docket/Case	04-00034	03-00313	03-00118	97-00982	26-00977	96-00959
Date	August 2004	September 2003	July 2003	April 1998	November 1996	October 1996

### Witness & Advisory History for William H. Novak, CPA Selected Cases

### Tennessee Public Service Commission (1982 - 1993)

Until 1994, the Tennessee Public Service Commission had oversight of public utilities in Tennessee with elected Commissioners, During this time, the Staff of the TPSC carried out the advocacy role in cases coming before the Commission.

During this time, I analyzed information and testified before the TPSC Commissioners in the following major rate cases:

Responsibilities	Revenues, Gas Cost, Income Taxes, Rate Design,	Revenues, Income Taxes, Rate Design.	Entire Case.	Revenues, Expenses, Income Taxes.	Revenues, Gas Cost, Income Taxes, Rate Design.	Revenues, Gas Cost, Income Taxes, Rate Design.	Revenues, Gas Cost, Income Taxes, Rate Design.	Sales Adjustment Mechanism.	Entire Case,	Entire Case,	Revenues, Gas Cost, Storage Investment and Expense, Income Taxes, Rale Design.	Revenues, Gas Cost, Storage Investment and Expense, Income Taxes, Rate Design.	Entire Case.	Revenues, Expenses, Income Taxes, Rate Design.	Revenues, Expenses, Income Taxes, Working Capital,	Revenues, Expenses, Income Taxes, Working Capital,	Entire Case.	Revenues, Gas Cost, Income Taxes.	Revenues, Expenses, Rate Base, Taxes.	Revenues, Gas Cost, Income Taxes, Rate Base,	Rale Base,	Rate Base.	Revenues, Gas Cost, Uncollectible Expense,	Revenues and Gas Cost, Wages and Benefits, Inflation Factor	Wages, Benefits, Distribution & Support Services, Other Miscellaneous Expenses.	Revenue and Purchased Power Expense,	Revenues, Expenses and Taxes.	Revenues, Expenses and Taxes.	Operating Expenses and Payroll Taxes.	Calculation of Salaries & Wages and payroll related benefits.
Classification	Natural Gas Distribution	Water Distribution	All Utilities	Electric Distribution	Natural Gas Distribution	Natural Gas Distribution	Natural Gas Distribution	Natural Gas Distribution	Electric Distribution	Water Distribution	Natural Gas Distribution	Natural Gas Distribution	Electric Distribution	Natural Gas Distribution	Telephone	Water Distribution	Wastewater Distribution	Natural Gas Distribution	Electric Distribution	Natural Gas Distribution	Water Distribution	Natural Gas Distribution	Natural Gas Distribution	Natural Gas Distribution	Telephone	Electric Distribution	Natural Gas Distribution	Telephone	Telephone	Natural Gas Distribution
Company	Chattanooga Gas Company	Tennessee-American Water Co.	Generic Docket (FAS 106 Costs)	Kingsport Power Company	United Cities Gas Company	Chattanooga Gas Company	Nashville Gas Company	Chattanooga Gas Company	Kingsport Power Company	Tennessee-American Water Co.	Nashville Gas Company	United Cities Gas Company	Kingsport Power Company	Chattanooga Gas Company	Millington Telephone Company	Tennessee-American Water Co.	Lynwood Utility Company	Nashville Gas Company	Kingsport Power Company	United Cities Gas Company	Tennessee-American Water Co.	Chattanooga Gas Company	Nashville Gas Company	United Cities Gas Company	South Central Bell Telephone Co.	Kingsport Power Company	Tennessee-Virginia Energy Согр.	General Telephone Company	Tennessee Telephone Company	United Cities Gas Company
Docket	93-06946	93-02943	92-14631	92-04425	92-02987	91-03765	91-02636	90-08876	90-05735	89-15388	89-10491	89-10017	89-02126	88-01363	U-88-7559	U-87-7534	U-87-7521	U-87-7499	U-86-7472	U-86-7442	U-86-7402	U-85-7382	U-85-7355	U-84-7333	U-84-7315	U-84-7308	U-83-7277	U-83-7247	U-83-7234	U-82-7211
Date	December 1993	August 1993	April 1993	October 1992	August 1992	September 1991	August 1991	February 1991	November 1990	April 1990	November 1989	October 1989	March 1989	February 1989	August 1988	March 1988	January 1988	October 1987	May 1987	January 1987	May 1986	January 1986	September 1985	May 1985	January 1985	October 1984	June 1984	November 1983	September 1983	May 1983