

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

October 6, 2016

IN RE:)	
)	
PETITION OF TENNESSEE-AMERICAN)	DOCKET NO.
WATER COMPANY FOR THE)	16-00022
RECONCILIATION OF THE 2016 CAPITAL)	
RIDERS.)	

ORDER DENYING MOTION TO RESCHEDULE HEARING TO NOVEMBER TRA
CONFERENCE

This matter is before the Hearing Officer of the Tennessee Regulatory Authority (“Authority” or “TRA”) for consideration of the *Motion to Reschedule Hearing to November TRA Conference* (“*Motion*”) filed by the Consumer Protection and Advocate Division of the Office of the Attorney General (“Consumer Advocate” or “CPAD”) on September 15, 2016.

CONSUMER ADVOCATE’S MOTION

In its *Motion*, the Consumer Advocate seeks to have the hearing that was scheduled for October 4, 2016 moved to the November Authority Conference. According to the CPAD, its review of *Tennessee American Water Company’s Responses to Fourth Set of Discovery Requests of the Consumer Protection and Advocate Division* (“*Discovery Response*”) filed on September 9, 2016 revealed a number of problems with the Tennessee American filings. The Consumer Advocate states that in Tennessee American Water Company’s (“Tennessee American” or “TAWC”) *Discovery Response*, TAWC filed a new calculation that “reduced the surcharges that were originally proposed in order to correct what the Consumer Advocate contends are errors in the original filing.”¹ The Consumer Advocate argues that the *Discovery Response* is essentially a new

¹ *Motion*, p. 1 (September 15, 2016).

request that it must now review. CPAD states “this new request should be put in a new filing that makes clear exactly what the Tennessee American request is...”² In addition, the CPAD argues that TAWC has calculated some costs using a 12-month average and used a 13-month average for the same costs in a different period, and TAWC maintains that both are correct. According to the CPAD, it “disagrees with the Company’s formula change and would propose a consistent methodology in a new filing for the calculation which will further lower the surcharge.”³

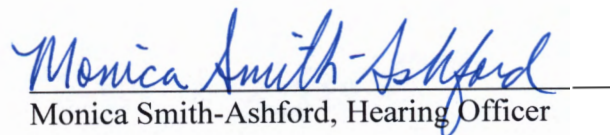
TAWC’S RESPONSE

On September 19, 2016, TAWC filed *Tennessee-American’s Response in Opposition to CPAD’s Motion to Reschedule Hearing to November TRA Conference* (“TAWC Response”) requesting that the CPAD’s *Motion* be denied. According to TAWC, any correction to its filing should not constitute a new filing and start the procedural process over again. Further, TAWC states “[t]he fact that the parties may have differing, adverse positions is no reason to delay a hearing.”⁴

FINDINGS AND CONCLUSIONS

Based on the record, the Hearing Officer finds that the Consumer Advocate has been given an adequate amount of time to evaluate TAWC’s filing, and any other areas of disagreement between the parties should be addressed during the hearing on the merits. Therefore, the hearing date in this docket should not be further delayed, and the Consumer Advocate’s *Motion to Reschedule Hearing to November TRA Conference* is **DENIED**.

IT IS HEREBY ORDERED.


Monica Smith-Ashford, Hearing Officer

² *Id.* at 2.

³ *Id.*

⁴ *TAWC Response*, p. 4 (September 19, 2016).