

IN THE TENNESSEE REGULATORY AUTHORITY
AT NASHVILLE, TENNESSEE

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|----------------------------------|---|---------------------|
| IN RE: |) | |
| |) | |
| PETITION OF TENNESSEE AMERICAN |) | |
| WATER COMPANY REGARDING THE |) | Docket No. 16-00126 |
| 2016 INVESTMENT AND RELATED |) | |
| EXPENSES UNDER THE QUALIFIED |) | |
| INFRASTRUCTURE INVESTMENT |) | |
| PROGRAM RIDER, THE ECONOMIC |) | |
| DEVELOPMENT INVESTMENT RIDER, |) | |
| AND THE SAFETY AND ENVIRONMENTAL |) | |
| COMPLIANCE RIDER |) | |

PETITION TO INTERVENE

Herbert H. Slatery III, Attorney General and Reporter for the State of Tennessee, by and through the Consumer Protection and Advocate Division of the Office of the Attorney General (“Consumer Advocate”), pursuant to Tenn. Code Ann. § 65-4-118, respectfully petitions the Tennessee Regulatory Authority (“TRA” or “Authority”) to grant the Consumer Advocate’s intervention into this proceeding because consumers’ interests, rights, duties or privileges may be determined or affected by the *Petition of Tennessee-American Water Company Regarding the 2016 Investment and Related Expenses Under the Qualified Infrastructure Investment Program Rider, the Economic Development Investment Rider, and the Safety and Environmental Compliance Rider* (“*Petition*”) filed in this TRA Docket by Tennessee American Water Company (“Tennessee American” or “Company”). For cause, Petitioner would show as follows:

1. The Consumer Advocate is authorized by Tenn. Code Ann. § 65-4-118 to represent the interests of Tennessee consumers of public utility services by initiating and intervening as a party in any matter or proceeding before the Authority in accordance with the Uniform Administrative Procedures Act, Tenn. Code Ann. § 4-5-101 *et seq.*, and Authority rules.

2. Tennessee American is a public utility regulated by the Authority. It provides water utility services to approximately 78,000 consumers located in Chattanooga and the surrounding areas in the State of Tennessee.

3. This *Petition* filed by Tennessee American is a follow-up to a set of tariffs originally approved by the TRA on April 14, 2014, in Docket 13-00130. The Consumer Advocate intervened in that docket and after extensive negotiation and discovery entered into a stipulation with Tennessee American on January 10, 2014, which formed part of the basis of the approval of certain tariffs by the TRA. These tariffs -- including the Qualified Infrastructure Improvement Program Rider (“QIIP”), the Economic Development Investment Rider (“EDI”), and the Safety and Environmental Compliance Rider (“SEC”) (collectively, the QIIP, EDI, and SEC are referred to herein as the “Capital Riders”) -- were approved under the “alternative ratemaking” statute, Tenn. Code Ann. § 65-5-103 *et seq.* *Petition* at paragraphs 6-7.

4. Subsequent to the approval of the Capital Riders in TRA Docket 13-00130, the Company filed TRA Dockets 14-00121, 15-00029, 15-00111, and 16-00022, which sought to recover and then to reconcile, respectively, expenses under the Capital Riders. *Petition* at page 1. The Authority approved revised tariffs pursuant to those filings. *Id.*

5. Under the tariffs approved in TRA Docket 13-00130, the Company is required to file with the TRA on or before December 1 of each year projections for each of the Capital Riders for the upcoming calendar year in the manner set forth in those tariffs. *Petition* at paragraphs 10, 11, and 12. This *Petition* is Tennessee American’s required “on or before December 1 filing” for the Capital Riders for 2017 and details the expenses Tennessee American will be seeking to recover starting January 1, 2017. *Id.*


6. The interests of consumers, including without limitation the proposed increase in rates to be paid by Tennessee American’s consumers under the *Petition*, may be affected by


determinations and orders made by the Authority with respect to (i) the interpretation, application, and implementation of Tenn. Code Ann. § 65-5-103(a), Tenn. Code Ann. § 65-5-103(d), and other relevant statutory and regulatory provisions, and (ii) the review and analysis of the documentation, financial spreadsheets, and materials provided by Tennessee American.

7. Only by participating as a party to this proceeding can the Consumer Advocate adequately carry out its statutory duty to represent the interests of Tennessee consumers.

Wherefore, the Consumer Advocate requests the Authority to grant this *Petition to Intervene*.

RESPECTFULLY SUBMITTED,


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CERTIFICATE OF SERVICE

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

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This the 13th day of December, 2016.



DANIEL P. WHITAKER III