

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

IN RE:

**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**

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Docket No. 16-00126

**MOTION FOR EXTENSION OF TIME TO FILE
CONSUMER ADVOCATE’S PRE-FILED TESTIMONY**

The Consumer Protection and Advocate Division of the Office of the Attorney General (“Consumer Advocate”), hereby requests an extension of time until the discovery dispute between the Consumer Advocate and Tennessee American Water Company (“TAWC”) is resolved and the Consumer Advocate has had a sufficient opportunity to review any additional discovery that is provided pursuant to an Order by the Hearing Officer.

In support of this Motion, the Consumer Advocate would show as follows:

1. On January 6, 2017, the Consumer Advocate filed its Supplemental Discovery Requests to TAWC.
2. On January 19, 2017, TAWC filed its Responses to *Supplemental Discovery Requests* of the CAD.
3. Within its responses to the Supplemental Discovery Requests, TAWC did not file complete responses and has asserted certain information is not available in the requested format

and the information request is overbroad, unduly burdensome, duplicative, and seeks information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

4. TAWC has not provided the required verification by a Company officer of the rate filings as set forth in the tariff established in Docket No. 13-00130. This has led to TAWC refusing to provide a Company verification of the percentages and the underlying accounting. TAWC has only provided the attestation of two engineers, which does not meet the tariff's requirement.

5. The Consumer Advocate, upon receiving the responses on January 19, 2017, immediately sent the responses to its expert. The Consumer Advocate also reached out to Opposing Counsel in a good faith attempt to settle the discovery dispute. Unfortunately, the Parties could not reach an agreement.

6. The due date ordering by the Hearing Officer for the Consumer Advocate to file its testimony is January 30, 2017, which is six days from the date this Motion is being filed.

7. Because TAWC has still not provided the Consumer Advocate with adequate responses to its discovery, the Consumer Advocate will be severely disadvantaged and will be unable to file complete and informed testimony by the due date, January 30, 2017.

8. The Consumer Advocate is assessing the partial discovery responses provided by TAWC in order to expedite its filing of the testimony as quickly as possible after the Hearing Officer's decision regarding the additional discovery. The Consumer Advocate's purpose has never been to delay or inconvenience an opposing party but merely to advocate on behalf of consumer to the highest extent possible.

In view of the foregoing, the Consumer Advocate respectfully requests that the Hearing Officer extend the due date for the Consumer Advocate's pre-filed testimony until after TAWC has provided full and complete responses and the Consumer Advocate has had sufficient time to

review the discovery that has already been filed alongside any supplemental discovery responses received under the Motion to Compel which has been contemporaneously filed today. In view of the immediacy of the current deadline, expedited consideration is respectfully requested.

RESPECTFULLY SUBMITTED,

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DANIEL P. WHITAKER III (BPR #035410)
Assistant Attorney General
Office of the Tennessee Attorney General
Public Protection Section
Consumer Protection and Advocate Division
P.O. Box 20207
Nashville, Tennessee 37202-0207
Phone: (615) 532-9299
Fax: (615) 532-2910
daniel.whitaker@ag.tn.gov

CERTIFICATE OF SERVICE

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

Linda Bridwell
Manager of Rates and Regulation – Tennessee and Kentucky
Kentucky American Water Company
2300 Richmond Road
Lexington, KY 40502
Linda.Bridwell@amwater.com

Melvin J. Malone, Esq.
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

This the 24 day of January, 2017

A handwritten signature in black ink, appearing to read "D. P. Whitaker III", is written over a horizontal line.

Daniel P. Whitaker III
Assistant Attorney General