

BEFORE THE TENNESSEE REGULATORY AUTHORITY

**NASHVILLE, TENNESSEE
February 24, 2017**

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

**ORDER GRANTING CONSUMER ADVOCATE’S MOTION FOR LEAVE
TO ISSUE MORE THAN FORTY DISCOVERY REQUESTS**

This matter came before the Hearing Officer upon the *Motion for Leave to Issue More than Forty Discovery Requests* (“*Motion*”) filed by the Consumer Protection and Advocate Division of the Office of the Attorney General (“Consumer Advocate”) on January 6, 2017, requesting leave to serve more than forty discovery requests on Tennessee-American Water Company (“TAWC” or the “Company”) pursuant to TRA Rule 1220-1-2-.11. The Consumer Advocate also filed a *Memorandum in Support of the Consumer Advocate’s Motion for Leave to Issue more than Forty Discovery Requests* (“*Memo*”) on January 6, 2017.

TRA Rule 1220-1-2-.11 states as follows:

No party shall serve on any other party more than forty (40) discovery requests including sub-parts without first having obtained leave of the Authority or a Hearing Officer. Any motion seeking permission to serve more than forty (40) discovery requests shall set forth the additional requests. The motion shall be accompanied by a memorandum establishing good cause for the service of additional interrogatories or requests for production. If a party is served with

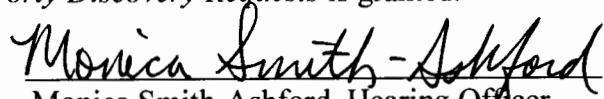
more than forty (40) discovery requests without an order authorizing the same, such party need only respond to the first forty (40) requests.

In its *Memo*, the Consumer Advocate states “[t]he consequences of the denial of the additional discovery requested would include the inability of the Consumer Advocate to test the merits of TAWC’s proposed tariff increases (also known collectively as Capital Riders) and to evaluate the impact on consumers and related policy issues presented in the Company’s *Petition*.”¹ In addition, the Consumer Advocate maintains that “additional discovery is necessary in order for the Consumer Advocate to take informed positions in representing consumers in any potential settlement negotiations.”²

TRA Rules allow a minimum of forty discovery requests to be served upon a party. Nevertheless, upon compliance with TRA Rule 1220-1-2-.11 and a showing of good cause, the TRA has been flexible in permitting supplemental discovery to occur. In light of the foregoing, the Hearing Officer finds that the Consumer Advocate met the requirements of the Rule by showing good cause to issue additional discovery requests to TAWC. Further, the Company does not oppose the Consumer Advocate’s *Motion*. Therefore, based on these findings, the Hearing Officer grants the *Motion*.

IT IS THEREFORE ORDERED THAT:

The *Motion for Leave to Issue More than Forty Discovery Requests* is granted.


Monica Smith-Ashford, Hearing Officer

¹ *Memo*, p. 4 (January 6, 2017).

² *Id.* at 5.