

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION
AT NASHVILLE, TENNESSEE**

IN RE:)	
)	
PETITION OF TENNESSEE)	DOCKET NO.16-00139
WASTEWATER SYSTEMS, INC. FOR)	
APPROVAL OF ADJUSTMENT OF ITS)	
RATES AND NEW TARIFF)	

**RESPONSE TO MOTION OF CONSUMER ADVOCATE FOR ANOTHER
EXTENSION OF TIME TO FILE TESTIMONY**

For the second time, the Consumer Advocate requests a substantial extension of time to file testimony in this case. The Consumer Advocate’s motion does not address other changes the Hearing Officer would need to make in the procedural schedule to accommodate the Consumer Advocate’s request. Unfortunately, it appears impossible to give the Consumer Advocate the full amount of time –two weeks – requested in the motion without shortening the time for Tennessee Wastewater Systems, Inc. (“TWSI”) to conduct discovery and file rebuttal. That said, TWSI does not oppose granting the Consumer Advocate’s request, in part, as long as the hearing date is not postponed and TWSI’s time to conduct discovery and file rebuttal is not reduced.

It should be noted that under the original procedural schedule issued by the Hearing Officer, the Consumer Advocate had five weeks to file testimony after receiving TWSI’s responses to two rounds of discovery. On April 7, 2017, the Consumer Advocate filed a motion seeking an additional four weeks, or until May 19, 2017, to file testimony. The motion cited the need to explore additional issues and also pointed out that the Consumer Advocate was continuing to gather information through “informal” discovery requests. In response, TWSI

agreed to give the Consumer Advocate all but two days of the requested additional time, until May 17, 2017, even though the revised schedule shortened considerably (from nine weeks to five) TWSI's time for discovery and filing rebuttal testimony.

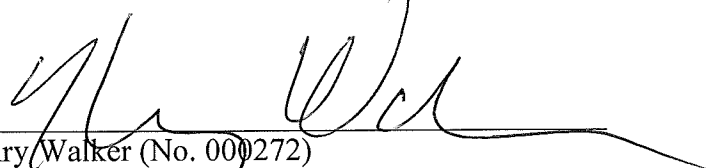
Now the Consumer Advocate requests another two weeks, repeating many of the same arguments which were raised in the first motion. If the motion is granted in full, that would increase to nearly eleven weeks the time between the closing of formal discovery and the Consumer Advocate's filing of testimony. That is an extraordinary amount of time given the small size of TWSI, which has only 2,800 customers. By comparison, the Consumer Advocate took nine weeks to file testimony in the Kingsport Power Company rate case (Docket 16-00001), a proceeding which involved a much larger utility (45,000 customers), more parties and issues, and was the electric company's first rate case in over two decades.

It appears that the main reason the Consumer Advocate is seeking additional time is that TWSI has allowed the Consumer Advocate essentially unlimited access to TWSI's books and records through these continuing "informal" discovery requests. As shown in the attachments to the Consumer Advocate's motion, the Consumer Advocate recently issued a fourth round of informal discovery, making a total of six rounds of discovery altogether in this case. That, too, is an extraordinary amount of discovery given TWSI's size. Nevertheless, TWSI has agreed to this process in an effort to be as transparent as possible and to facilitate settlement discussions. But the more information TWSI provides, the more time the Consumer Advocate requests to incorporate that information into the Advocate's case. Ironically, the utility's effort to be transparent is now being used as justification to reduce TWSI's time to prepare rebuttal, understandably leaving the utility to wonder whether it should have agreed to be so cooperative in the first place.

Under the current schedule, TWSI has five weeks and two days from the filing of the Consumer Advocate's testimony (due May 17) to take discovery of the Consumer Advocate and to prepare and file rebuttal (due June 23). As long as TWSI keeps those five weeks, TWSI does not oppose allowing the Consumer Advocate another continuance, but TWSI cannot agree to any schedule which would postpone the hearing date or further shorten TWSI's response time.

Respectfully submitted,

BRADLEY ARANT BOULT CUMMINGS LLP

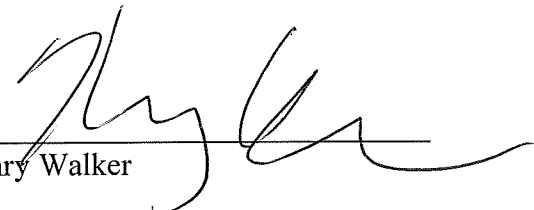
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CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of May, 2017, a copy of the foregoing document was served on the parties of record, via electronic delivery and U.S. Mail, postage prepaid, addressed as follows:

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