

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

IN RE:)	
)	
PETITION OF TENNESSEE WASTEWATER SYSTEMS, INC., FOR APPROVAL OF ADJUSTMENT OF ITS RATES AND NEW TARIFF)	DOCKET NUMBER 16-00139
)	
)	

**FIRST DISCOVERY REQUEST OF TENNESSEE WASTEWATER SYSTEMS, INC.
TO THE CONSUMER PROTECTION AND ADVOCATE DIVISION**

This First Discovery Request is hereby served upon the Consumer Protection and Advocate Division ("CPAD"), pursuant to Rules 26, 33, 34 and 36 of the Tennessee Rules of Civil Procedure and Tenn. Comp. R. & Reg. 1220-1-2-.11. Tennessee Wastewater Systems, Inc. ("TWSI") requests that full and complete responses be provided pursuant to the Tennessee Rules of Civil Procedure. The responses are to be produced at Tennessee Wastewater Systems, Inc., 851 Aviation Parkway, Smyrna, TN 37167, c/o Jeff Riden, on or before 4:00 p.m. (CDT), June 12, 2017, as ordered by the Hearing Officer in the adoption of a procedural schedule in this TPUC Docket.

DEFINITIONS

When used in these Discovery Requests, terms shall have the following meanings:

Document. The term "document" shall be given the broadest meaning contemplated by Tenn. R. Civ. P. 34 and includes any handwritten, printed, typed, photographed, phone-recorded, tape-recorded, or graphic matter, however otherwise produced or reproduced; computer data, computer diskettes, and computer hard drive memory; further, "document" means, without limitation, all of the following: contracts; agreements; reports; correspondence; telegrams; memoranda; summaries or records of conversations in person or by telephone; meetings or contract negotiations; diaries; records; books; letters; marginal notations; photographs; ledgers or other records; drawings; sketches; plans; notes; drafts; receipts; canceled checks; and other documents, recordings, or writings of whatever nature or

description. As used herein, “document” includes originals, all non-identical copies (whether different from the original because of handwritten notes or underlining or highlighting or otherwise), and any translation of any document.

Identify (With Respect to Persons). When referring to a person, “identify” means to give the person’s full name and present or last known home and business address, telephone number, and email address. When referring to a natural person, “identify” also means to give, to the extent known, the present or last known place of employment. When referring to any person other than a natural person (e.g., a corporation, partnership, association, enterprise), “identify” also means to give, to the extent known, the entity’s full name, state and country of incorporation or formation, and name of principal place of business, corporate parent, subsidiaries, and affiliates. Once a person has been identified in accordance with this subparagraph, only the name of that person need be listed in response to subsequent discovery requesting the identification of that person.

Identify (With Respect to Documents). When referring to documents, “identify” means to give the following information: (i) the type of document (e.g., letter, memorandum, email, chart, computer input or output, photograph, etc.); (ii) the general subject matter of the document; (iii) the date the document was created; and (iv) the author(s), address (es) and recipient(s) of the document.

Identify (With Respect to Information). When referring to information relied upon to respond to these Requests “identify” means to provide a description or identifying characteristics of the information sought.

Miscellany. The term “concerning” means relating to, referring to, describing, evidencing, constituting, embodying, evidencing, memorializing, considering, mentioning, respecting, bearing on, referring to, addressing, in whole or in part, or having any relationship to the subject matter following the term. The terms “all” and “each” shall be construed as “all” and “each.” The term “any” means “each and every” as well as “any one.” The connectives “and” and “or” shall be construed to have

both conjunctive and disjunctive meanings. The use of the singular form of any word includes the plural and vice versa.

WHN. The term "WHN" means William H. Novak, CPA and/or WHN Consulting.

INSTRUCTIONS

1. Each Discovery Request should be responded to separately and fully. If you fail to response any of these Discovery Requests, in whole or in part, please describe the nature of the information and the basis for your refusal to provide the same, including a sufficiently detailed explanation of any claim of privilege or work product to permit a court to accurately assess the basis of your failure to response.

2. If any response to these Discovery Requests is based on information and belief rather than personal knowledge, such response shall state that it is made on that basis.

3. If any Discovery Request is deemed to call for information contained in a privileged oral or written communication, or information protected from disclosure by the work- product doctrine or otherwise, a list of each oral or written communication containing such information is to be furnished pursuant to Tenn. R. Civ. P. 26.02(5) and shall contain: the identity of the speaker or author; the identity of the persons to whom the communication was directed; the identity of all other persons who were present at the time of the oral communication or who read the written communication; the date of the communication; the manner in which the communication was made; a statement of fact constituting the basis for withholding information; the discovery request, including any subparagraphs, to which the information or document relates; and the identifying name of the document or oral communication withheld.

4. Pursuant to Tenn. R. Civ. P. 26, these Discovery Requests are continuing in nature and are to be supplemented as necessary.

5. These Discovery Requests shall be construed as broadly as possible to include all

information that may conceivably fall within their scope. The specificity of any discovery request shall not be construed to limit the generality of any other discovery request. Whenever appropriate, the singular form of a word shall be interpreted in the plural, and the plural in the singular. The terms “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these interrogatories any information which might otherwise be construed to be outside their scope.

6. To the extent your responses to these Discovery Requests do not provide a complete set of documents related to this matter, Petitioner requests a complete set pursuant to the authority provided by the Tennessee Rules of Civil Procedure.

7. All information where the original document is kept in electronic form should be provided in its original electronic form. Electronically-available documents should be provided on one of the following types of media, usable on a Windows-compatible computer: CD-ROM or DVD-ROM, USB flash drive, or portable hard drive. All documents produced in .pdf form shall be produced with OCR'd and extractable text.

8. To the extent that you rely upon documents to respond to these requests, produce those documents as an attachment to your responses.

9. Any questions about the intent or meaning of a question, or about the specific information requested, should be resolved by contacting counsel for Petitioner by telephone or electronic mail as quickly as possible.

FIRST DISCOVERY REQUESTS

1. Provide all the expenses associated with the escrow revenue. If the expenses cannot be provided, explain in detail why not.

RESPONSE:

2. Provide all the expenses associated with the developer revenue. If the expenses cannot be provided explain in detail why not. If the explanation for why the expenses are not included is because expenses were not provided, explain how developer revenue can be forecasted, but not the developer expenses.

RESPONSE:

3. Provide all the expenses related to the 24% increase in residential customer accounts. If the expenses cannot be provided, explain in detail why not.

RESPONSE:

4. Provide a list of all the States WHN performs any accounting or consulting services. Identify in each State the nature of work performed and for whom it is performed.

RESPONSE:

5. Identify all utilities WHN has represented before the TPUC since 2009.

RESPONSE:

6. Identify all the dockets in which WHN has provided testimony before the TPUC on behalf of the utilities responsive to Request 2.

RESPONSE:

7. Identify all the dockets WHN has provided services, including testimony, on behalf of the CPAD since 2009.

RESPONSE:

8. Identify all outside (ie. not within the Attorney General's Office) certified public accountants used by the CPAD in relation to rate case work before the TPUC in the past 3 years.

RESPONSE:

9. Produce the contract, invoices, and expenses for WHN related to this rate case.

RESPONSE:

10. Provide the specific accounts, amounts, billing timeframe, and tariff rate(s) that led to the conclusion that a compliance audit needs to be performed on TWSI's billing.

RESPONSE:

11. Provide support for and explain in detail all the ways in which the accounting practices of TWSI are deemed to be non-compliant.

RESPONSE:

12. Provide the documentation, support workpapers, rationale, and any other pertinent information that led the CPAD and WNH to the basis of a 24% increase in residential customer counts.

RESPONSE:

13. Identify all the TPUC dockets and all other documentation and support which were reviewed or relied upon in determining the 6.5% operating margin recommendation.

RESPONSE:

14. Provide a reconciliation of CAPD Exhibit Schedule 2, Test Period to TWSI Exhibit 2 and any supporting documentation to those differences.

RESPONSE:

15. Provide a reconciliation of CAPD Exhibit Schedule 3, Test Period Adjustments to TWSI Exhibit 2 and any supporting documentation to those differences.

RESPONSE:

16. Provide a reconciliation of CAPD Exhibit Schedule 4, Test Period to TWSI Exhibit 2 identifying by line number to TWSI NARUC accounts.

RESPONSE:

17. Provide a reconciliation of CAPD Exhibit Schedule 5, Test Period to TWSI Exhibit 2 identifying by line number to TWSI NARUC accounts.

RESPONSE:

18. Provide a reconciliation of CAPD Exhibit Schedule 6, Test Period to TWSI Exhibit 2 identifying by line number to TWSI NARUC accounts.

RESPONSE:

19. Provide a reconciliation of CAPD Exhibit Schedule 7, Test Period to TWSI Exhibit 2 identifying by line number to TWSI NARUC accounts.

RESPONSE:

20. Provide a reconciliation of CAPD Exhibit Schedule 8, Test Period to TWSI Exhibit 2 identifying by line number to TWSI NARUC accounts.

RESPONSE:

21. Provide a reconciliation of CAPD Exhibit Schedule 9, Test Period to TWSI Exhibit 2 identifying by line number to TWSI NARUC accounts.

RESPONSE:

22. Provide the documentation and support to the conclusion arrived on CAPD WP-1 Workpaper Support for Schedule 3, Average Period for each line number.

RESPONSE:

23. Provide the documentation and support to the conclusion arrived on CAPD WP-2 Workpaper Support for Schedule 4, Average Period for each line number.

RESPONSE:

24. Provide the documentation and support to the conclusion arrived on CAPD WP-3 Workpaper Support for Schedule 5, Average Period for each line number.

RESPONSE:

25. Provide the documentation and support to the conclusion arrived on CAPD WP-4 Workpaper Support for Schedule 6, Average Period for each line number.

RESPONSE:

26. Provide the documentation and support to the conclusion arrived on CAPD WP-5 Workpaper Support for Schedule 7, Average Period for each line number.

RESPONSE:

27. Provide the documentation and support to the conclusion arrived on CAPD WP-6 Workpaper Support for Schedule 8, Average Period for each line number.

RESPONSE:

28. Provide the documentation and support to the conclusion arrived on CAPD WP-7 Workpaper Support for Schedule 9, Average Period for each line number.

RESPONSE:

29. Provide the documentation and support to the Growth Adjustment column on WP-8 by rate class.

RESPONSE:

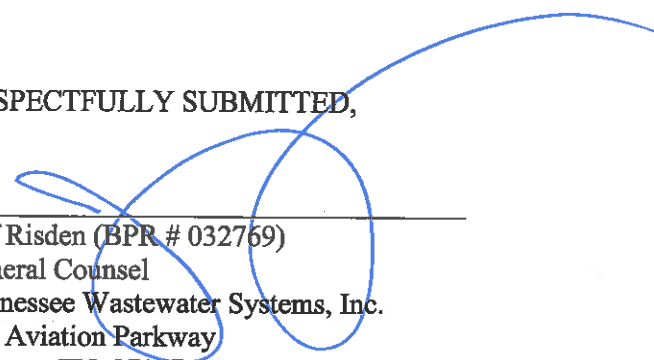
30. Provide the source used, specifically the tariff page number, and the reconciliation of the tariff rate to the WP-8 schedule for each rate use on schedule WP-8 by rate class.

RESPONSE:

31. Provide the source used, specifically the tariff page number, and the reconciliation of the tariff rate to the WP-9 schedule for each rate use on schedule WP-9 by rate class.

RESPONSE:

RESPECTFULLY SUBMITTED,



Jeff Riden (BPR # 032769)
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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:

Karen H. Stachowski, Esq.
Vance Broemel, Esq.
Office of the Tennessee Attorney General
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This the 31st day of May, 2017.

Jeff Riden

