

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE
February 24, 2017

IN RE:

PETITION OF TENNESSEE WASTEWATER
SYSTEMS, INC. FOR APPROVAL OF
ADJUSTMENT OF ITS RATES AND NEW
TARIFF

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DOCKET NO.
16-00139

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 13, 2017 requesting leave to serve Tennessee Wastewater Systems, Inc. ("TWSI") more than forty discovery requests 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 13, 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 asserts it has good cause to issue more than forty discovery requests. The Consumer Advocate states that additional discovery is necessary due to “the magnitude of the rate increase TWSI is requesting, the complexity of the issues in the general rate case, and the need for documentation from TWSI justifying the proposed rate increase and new tariff...”¹ According to the Consumer Advocate, “[t]he consequences of the denial of the additional discovery requested would include the inability of the Consumer Advocate to test the merits of TWSI’s proposed adjustment in rates and new tariff and to evaluate the impact on consumers and related policy issues presented in the Company’s *Petition*.”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 TWSI. 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. 5 (January 13, 2017).

² *Id.*