

IN THE TENNESSEE REGULATORY AUTHORITY
AT NASHVILLE, TENNESSEE

| | | |
|-----------------------------------|---|---------------------|
| IN RE: |) | |
| |) | |
| PETITION OF TENNESSEE AMERICAN |) | |
| WATER COMPANY REGARDING |) | |
| CHANGES TO THE QUALIFIED |) | |
| INFRASTRUCTURE INVESTMENT |) | Docket No. 17-00020 |
| PROGRAM RIDER, THE ECONOMIC |) | |
| DEVELOPMENT INVESTMENT RIDER, |) | |
| AND THE SAFETY AND |) | |
| ENVIRONMENTAL COMPLIANCE RIDER |) | |
| AND IN SUPPORT OF THE CALCULATION |) | |
| OF THE 2017 CAPITAL RECOVERY |) | |
| RIDERS RECONCILIATION |) | |

PETITION TO INTERVENE

Herbert H. Slatery III, Attorney General and Reporter for the State of Tennessee, by and through the Consumer Protection and Advocate Division of the Office of the Attorney General (Consumer Advocate), pursuant to Tenn. Code Ann. § 65-4-118, respectfully petitions the Tennessee Regulatory Authority (TRA) to grant the Consumer Advocate's intervention into this proceeding because consumers' interests, rights, duties or privileges may be determined or affected by the *Petition of Tennessee-American Water Company in Support of the Calculation of the 2017 Capital Recovery Riders Reconciliation (Petition)*. For cause, Petitioner would show as follows:

1. The Consumer Advocate is authorized by Tenn. Code Ann. § 65-4-118 to represent the interests of Tennessee consumers of public utility services by initiating and intervening as a party in any matter or proceeding before the TRA in accordance with the Uniform Administrative Procedures Act, Tenn. Code Ann. § 4-5-101 *et seq.*, and TRA rules.

2. Tennessee-American Water Company (TAWC) is a public utility regulated by the TRA. It provides water utility services to approximately 75,840 consumers located in Chattanooga, Tennessee, and the surrounding areas.

3. The *Petition* filed by TAWC is a follow-up to a set of tariffs originally approved by the TRA on April 14, 2014, in Docket No. 13-00130. The Consumer Advocate intervened in that docket and, after extensive negotiation and discovery, entered into a stipulation with TAWC on January 10, 2014, which formed part of the basis of the approval of certain tariffs by the TRA. These tariffs – including the Qualified Infrastructure Improvement Program Rider (QIIP), the Economic Development Investment Rider (EDI), and the Safety and Environmental Compliance Rider (SEC) (collectively, the QIIP, EDI, and SEC are referred to herein as the Capital Riders) – were approved under the “alternative ratemaking” statute, Tenn. Code Ann. § 65-5-103 *et seq.* *Petition* at 3-4.

4. Subsequent to the approval of the Capital Riders in TRA Docket No. 13-00130, TAWC filed TRA Docket Nos. 14-00121, 15-00029, 15-00111, 16-00022, and 16-00126, which sought to recover and then to reconcile, respectively, expenses under the Capital Riders. *Petition* at 1. The TRA approved revised tariffs pursuant to those filings. *Id.*

5. Under the tariffs approved in TRA Docket No. 13-00130, TAWC is required to file with the TRA on or before March 1 of each year a reconciliation for each of the Capital Riders from the previous calendar year, along with the accompanying support, in the manner set forth in those tariffs. *Petition* at 6. TAWC has now submitted its proposed reconciliation for the Capital Riders in this Docket.

6. The interests of consumers may be affected by determinations and orders made by the TRA with respect to (A) the interpretation, application, and implementation of Tenn. Code Ann. § 65-5-103(a), Tenn. Code Ann. § 65-5-103(d), and other relevant statutory and regulatory provisions, and (B) the review and analysis of the Company’s documentation, financial spreadsheets, and materials.

7. Only by participating as a party to this proceeding can the Consumer Advocate adequately carry out its statutory duty to represent the interests of Tennessee consumers.

Wherefore, the Consumer Advocate requests the TRA grant this *Petition to Intervene*.

RESPECTFULLY SUBMITTED,



HERBERT H. SLATTERY III
(BPR No. 009077)
Attorney General and Reporter
State of Tennessee



DANIEL P. WHITAKER III
(BPR No. 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
Telephone: (615) 741-8733
Facsimile: (615) 532-2910
Email: Daniel.Whitaker@ag.tn.gov

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:

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
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 10 day of April, 2017.



DANIEL P. WHITAKER III
Assistant Attorney General