

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

June 2, 2017

IN RE:

PETITION OF TENNESSEE-AMERICAN  
WATER COMPANY IN SUPPORT OF THE  
CALCULATION OF THE 2017 CAPITAL  
RECOVERY RIDERS RECONCILIATION

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DOCKET NO.  
17-00020

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

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This matter is 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 May 19, 2017, requesting leave to serve more than forty discovery requests on Tennessee-American Water Company ("TAWC" or the "Company") pursuant to Tennessee Public Utility Commission ("Commission" or "TPUC") 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 May 19, 2017.

In its *Memo*, the Consumer Advocate maintains that "[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 adjustment in rates and to evaluate the impact on consumers and related policy issues presented in the Company's *Petition*."<sup>1</sup> According to the Consumer

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<sup>1</sup> *Memo*, p. 3 (May 19, 2017).

Advocate “discovery is necessary in order for the Consumer Advocate to take informed positions in representing consumers in any potential settlement negotiations.”<sup>2</sup>

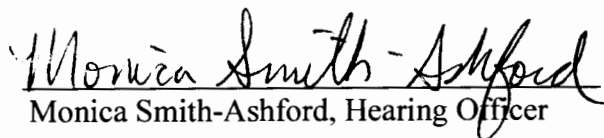
TPUC Rule 1220-1-2-.11 states as follows:

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.

TPUC Rules allow a minimum of forty discovery requests to be served upon a party. Nevertheless, upon compliance with TPUC Rule 1220-1-2-.11 and a showing of good cause, the Commission 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, on May 24, 2017, TAWC filed a letter indicating it 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

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<sup>2</sup> *Id.* at 4.