

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

October 6, 2017

IN RE:

PETITION OF TENNESSEE WATER SERVICE,  
INC. FOR APPROVAL OF AN INTERIM  
EMERGENCY WILDFIRE RESTORATION  
SURCHARGE, INTERIM EMERGENCY  
WATER SERVICE AVAILABILITY  
SURCHARGE, INTERIM EMERGENCY MAKE-  
WHOLE SURCHARGE, AND AN INTERIM  
EMERGENCY OPERATION COST PASS-  
THROUGH MECHANISM

DOCKET NO.  
17-00108

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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 of the Tennessee Public Utility Commission ("Commission" or "TPUC") 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 October 5, 2017 requesting leave to serve Tennessee Water Service, Inc. ("TWS") 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 October 5, 2017.

Commission 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 Commission 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 the consequences of denying additional discovery would include the inability of the Consumer Advocate to “test the merits of TWS’s proposed establishment of emergency rates and to evaluate the impact on consumers and related policy issues presented in TWS’s *Emergency Petition*.”<sup>1</sup>

Commission 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. 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 TWS. Further, TWS 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>1</sup> *Memo*, p. 5 (October 5, 2017).