

Petition To Intervene Filed By The City Of Chattanooga.

Electronically Filed in TPUC Docket Room on September 28, 2020 at 9:15 a.m.

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION
NASHVILLE, TENNESSEE**

IN RE:	)	
	)	
DOCKET TO INVESTIGATE AND	)	
CONSIDER POTENTIAL ISSUES AND	)	Docket No. 19-00103
MODIFICATIONS TO THE COLLECTIVE	)	
CAPITAL RIDERS OF	)	
TENNESSEE-AMERICAN WATER	)	
COMPANY	)	
	)	
	)	
	)	

PETITION TO INTERVENE

The City of Chattanooga, Tennessee, a municipal corporation, by and through counsel, pursuant to Tenn. Code Ann. §§ 4-5-310 and 65-2-107 and Rule 1220-1-2-.08 of the *Rules of the Tennessee Public Utility Commission, Division of Practice and Procedure*, petitions to intervene in this docket because the legal rights, duties, privileges, immunities, or other legal interests of the City of Chattanooga and its citizens may be adversely affected by any revisions or modifications made to the collective capital riders (the "Capital Riders") of the Tennessee-American Water Company ("TAWC").

For its cause, the City of Chattanooga would show as follows:

1. This is a contested case within the meaning of Tenn. Code Ann. § 65-2-101(2), as it will involve the determination of the legal rights, duties, or privileges of specific parties.
2. TAWC is a Tennessee corporation regulated by the Tennessee Public Utility Commission (the "Commission"). TAWC is a public utility and is engaged in providing residential, commercial, industrial, and municipal water service, including public and private fire protection service to the City of Chattanooga and surrounding areas.

3. The present docket, Docket No. 19-00103, stems from Docket No. 18-00120. Docket 18-00120 involved a Petition by TAWC seeking approval of its calculations of the tariff Capital Rider percentage rates for the upcoming calendar year. The Consumer Advocate intervened in the Docket, concluding that the Capital Riders produce rates that are unjust and excessive, primarily because the proposed tariff produce a rate base that is higher than TAWC's actual rate base. The Consumer Advocate offered a restructured tariff that it asserted would balance the interests of the Company and ratepayers while eliminating the return on an excessive or inflated rate base. After a hearing, the panel found that the capital expenditures as filed by TAWC were reasonable and the calculations presented by TAWC complied with the terms and methodologies of the tariff. However, the hearing panel voted unanimously to open a separate docket to address the issues raised by the Consumer Advocate. That new docket was opened as Docket No. 19-00103.

4. The purpose of Docket No. 19-00103 is to evaluate the structure and mechanics of the Capital Rider tariff, including the Consumer Advocate's proposed modifications to the tariff.

5. The City of Chattanooga is a proper party to intervene in this case, as the City of Chattanooga is a major customer of TAWC. The City seeks to protect the legal rights, duties, privileges, immunities, or other legal interests of the City of Chattanooga and its citizens as may be determined in these proceedings.

6. Only by intervening and participating in this proceeding can the City of Chattanooga properly protect its interests and the interests of its citizens.

WHEREFORE, the City of Chattanooga respectfully requests that the Commission grant the Petition to Intervene.

Respectfully Submitted,

CITY OF CHATTANOOGA

By: *CDaniel for Phillip Noblett w/ permission*
Phillip Noblett (BPR No. 10074)
City Attorney
300 City Hall Annex
East 11th Street
Chattanooga, TN 37403
(423) 643-8225
noblett@chattanooga.gov

CHAMBLISS, BAHNER & STOPHEL, P.C.

By: *CDaniel*
Frederick L. Hitchcock (BPR No. 005960)
Cathy Dorvil (BPR No. 034060)
Suite 1700, Liberty Tower
605 Chestnut Street
Chattanooga, Tennessee 37450
(423) 757-0222 – Telephone
(423) 508-1222 – Facsimile
rhitchcock@chamblisslaw.com
cdorvil@chamblisslaw.com

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing pleading was emailed and was served upon the following person(s) via ☐ hand delivery or ☒ email:

Vance Broemel
Daniel Whitaker
James Urban
Assistant Attorney General
Office of the Tennessee Attorney General
Consumer Advocate and protection Division
P.O. Box 20207
Nashville, TN 37202-0207
Vance.Broemel@ag.tn.gov
Daniel.Whitaker@ag.tn.gov
James.Urban@ag.tn.gov

Melvin Malone
Butler Snow LLP
150 3rd Avenue South, Suite 1600
Nashville, TN 37201
Melvin.malone@butlersnow.com

For the Tennessee Public Utility Commission:

Kelly Cashman Grams, General Counsel
Monica Smith-Ashford, Deputy General Counsel
Ryan McGehee, Senior Counsel
David Foster, Director, Utilities Division
Joe Shirley, Director, Utility Audit and
Compliance
kelly.grams@tn.gov
monica.smith-ashford@tn.gov
ryan.mcgehee@tn.gov
David.foster@tn.gov
Joe.Shirley@tn.gov

This 28th day of September, 2020.

By: _____

