

**IN THE TENNESSEE PUBLIC UTILITY COMMISSION
AT NASHVILLE, TENNESSEE**

IN RE:)	
)	
PETITION OF TENNESSEE-AMERICAN)	
WATER COMPANY REGARDING)	
CHANGES TO THE QUALIFIED)	
INFRASTRUCTURE INVESTMENT)	Docket No. 21-00030
PROGRAM RIDER, THE ECONOMIC)	
DEVELOPMENT INVESTMENT RIDER,)	
AND THE SAFETY AND)	
ENVIRONMENTAL COMPLIANCE RIDER)	
AND IN SUPPORT OF THE CALCULATION)	
OF THE 2021 CAPITAL RECOVERY)	
RIDERS RECONCILIATION)	

PETITION TO INTERVENE

The Consumer Advocate Unit in the Financial Division of the Office of the Tennessee Attorney General (the “Consumer Advocate”), by and through Herbert H. Slatery III, Attorney General and Reporter for the State of Tennessee, pursuant to Tenn. Code Ann. § 65-4-118, respectfully petitions the Tennessee Public Utility Commission (TPUC or the “Commission”) 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 2021 Capital Recovery Riders Reconciliation* (“*Petition*”). For cause, the Consumer Advocate 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 Commission in accordance with the Uniform Administrative Procedures Act, Tenn. Code Ann. §§ 4-5-101, *et seq.*, and TPUC rules.

2. Tennessee-American Water Company (TAWC or “Company”) is a public utility regulated by the Commission. It provides water utility services to approximately 82,157 consumers located in Chattanooga, Tennessee, and the surrounding areas.¹

3. The *Petition* filed by TAWC is a follow-up to a set of tariffs originally approved by TPUC on April 14, 2014 in TPUC 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 Commission. 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.*²

4. After the approval of the Capital Riders in TPUC Docket No. 13-00130, TAWC filed TPUC Docket Nos. 14-00121, 15-00029, 15-00111, 16-00022, 16-00126, 17-00020, 17-00124, 18-00022, 18-00120, 19-00031, and 20-00028, which sought to recover and then to reconcile, respectively, expenses under the Capital Riders.³ The Commission approved revised tariffs pursuant to those filings.

5. Under the tariffs approved in TPUC Docket No. 13-00130, TAWC must file with the Commission, 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

¹ *Petition* at 3.

² *Id.* at 5.

³ *Id.* at 1, 1 n.1. TAWC submitted its seventh annual petition since approval of the Capital Riders in TPUC Docket No. 20-00128. However, TPUC Docket No. 20-00128 has not yet been heard by the Commission as of the date of this filing.

those tariffs.⁴ TAWC has now submitted its proposed reconciliation for the Capital Riders in this Docket.

6. In its *Petition*, the Company proposes to change the rates currently in place for its consumers. For instance, TAWC avers that in the 2020 calendar year, it earned less than its authorized rate of return of 7.23%.⁵ Therefore, it has included its proposed earnings test adjustment calculation in its filing.

7. The interests of consumers may be affected by determinations and orders made by TPUC with respect to the following; (i) 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; (ii) the review and analysis of the Company's documentation, financial spreadsheets, and materials; and (iii) the interpretation, application, and/or implementation of the terms and conditions of the Commission's Orders in TPUC Docket Nos. 13-00130, 14-00121, 15-00029, 15-00111, 16-00022, 16-00126, 17-00020, 17-00124, 18-00022, 18-00120, and 19-00031, and 20-00028, as well as any related settlement agreements applicable to these dockets.

8. 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.

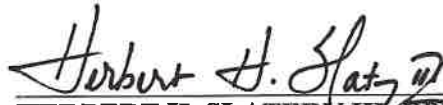
Wherefore, the Consumer Advocate requests the Commission grant this *Petition to Intervene*.

Intentionally blank

⁴ *Id.* at pg. 7, ¶12.

⁵ *Direct Testimony of Elaine K. Chambers*, p. 26 (February 26, 2021).

RESPECTFULLY SUBMITTED,



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



RACHEL C. PROCACCINI (*pro hac vice pending*)
Practicing Pending Admission
Counsel for the Consumer Advocate Unit
VANCE L. BROEMEL (BPR No. 011421)
Senior Assistant Attorney General
Office of the Tennessee Attorney General
Financial Division, Consumer Advocate Unit
P.O. Box 20207
Nashville, Tennessee 37202-0207
Phone: (615) 741-2357
Fax: (615) 741-1026
Email: rachel.procaccini@ag.tn.gov
Email: vance.broemel@ag.tn.gov

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via U.S. Mail and electronic mail upon:

Melvin J. Malone
Butler Snow LLP
The Pinnacle at Symphony Place
150 3rd Avenue South, Suite 1600
Nashville, TN 37201
melvin.malone@butlersnow.com

Elaine K. Chambers
Director of Rates and Regulation – Tennessee and Kentucky
Kentucky American Water Company
2300 Richmond Road
Lexington, KY 40502
Elaine.K.Chambers@amwater.com

This the 30 day of March, 2021.



RACHEL C. PROCACCINI
Counsel for the Consumer Advocate Unit