

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

IN RE:)	
)	
PETITION OF TENNESSEE-)	
AMERICAN WATER COMPANY)	DOCKET NO. 23-00007
REGARDING THE 2023 PRODUCTION)	
COSTS AND OTHER PASS-)	
THROUGHS RIDER)	

**CONSUMER ADVOCATE’S FIRST SET OF DISCOVERY REQUESTS
TO TENNESSEE AMERICAN WATER COMPANY**

This First Set of Discovery Requests is hereby served upon Tennessee American Water Company (“TAWC” or the “Company”), pursuant to Rules 26, 33, 34, and 36 of the Tennessee Rules of Civil Procedure and Tenn. Comp. R. & Regs. 1220-01-02-.11. The Consumer Advocate Division of the Office of the Attorney General (“Consumer Advocate”) requests that full and complete responses be provided pursuant to the Tennessee Rules of Civil Procedure. The responses are to be produced at the Office of the Tennessee Attorney General and Reporter, Consumer Advocate Division, John Sevier Building, 500 Dr. Martin L. King Jr. Blvd., Nashville, Tennessee 37243, c/o Karen H. Stachowski, on or before Friday, February 17, 2023, at 2:00 p.m. CST.

PRELIMINARY MATTERS AND DEFINITIONS

1. **Continuing Request.** These discovery requests are to be considered continuing in nature and are to be supplemented from time to time as information is received by the Company and any of its affiliates which would make a prior response inaccurate, incomplete, or incorrect.

2. **Clear References.** To the extent that the data or information requested is incorporated or contained in a document, identify the document including page/line number if applicable.

3. **Format of Responses.** Provide all responses in the format in which they were created or maintained, for example, Microsoft Word or Microsoft Excel format with all cells and formulas intact and in working order. If a document (including without limitation a financial or other spreadsheet or work paper) is not created or maintained in Microsoft Excel format, convert the document to Microsoft Excel format or provide the document in a format that enables or permits functionality like or similar to Microsoft Excel (including without limitation the functionality of working cells and formulas), or provide the software program(s) that will enable the Consumer Advocate to audit and analyze the data and information in the same manner as would be enabled or permitted if the document were provided in Microsoft Excel format.

4. **Objections.** If any objections to this discovery are raised on the basis of privilege or immunity, include in your response a complete explanation concerning the privilege or immunity asserted. If you claim a document is privileged, identify the document and state the basis for the privilege or immunity asserted. If you contend that you are entitled to refuse to fully answer any of this discovery, state the exact legal basis for each such refusal.

5. **Singular/Plural.** The singular shall include the plural, and vice-versa, where appropriate.

6. **Definitions.** As used in this Request:

(a) “You,” “Your,” “Company,” “Tennessee American,” or “TAWC” shall mean Tennessee American Water Company and all employees, agents, attorneys, representatives or any other person acting or purporting to act on its behalf.

(b) “Affiliate” shall mean any entity who, directly or indirectly, is in control of, is controlled by, or is under common control with the Company. For greater clarification, “control” is the ownership of 20% or more of the shares of stock

entitled to vote for the election of directors in the case of a corporation, or 20% or more of the equity interest in the case of any other type of entity, or status as a director or officer of a corporation or limited liability company, or status as a partner of a partnership, or status as an owner of a sole proprietorship, or any other arrangement whereby a person has the power to choose, direct, or manage the board of directors or equivalent governing body, officers, managers, employees, proxies, or agents of another person. In addition, the term “Affiliate” shall mean any entity that directly or indirectly provides management or operational services to the Company or any affiliate (as defined in the preceding sentence) of the Company, or to which the Company provides management or operational services. Further, the payment of money to the Company or receipt by the Company of money from an entity with which the Company has any relationship, other than such payment or receipt, shall include the payor or recipient of such money as an “Affiliate”.

(c) “Communication” shall mean any transmission of information by oral, graphic, written, pictorial or otherwise perceptible means, including but not limited to personal conversations, telephone conversations, letters, memoranda, telegrams, electronic mail, newsletters, recorded or handwritten messages, meetings and personal conversations, or otherwise.

(d) “Document” shall have the broadest possible meaning under applicable law. “Document” shall mean any medium upon which intelligence or information can be recorded or retrieved, such as any written, printed, typed, drawn, filmed, taped, or recorded medium in any manner, however produced or reproduced, including but not limited to any writing, drawing, graph, chart, form, letter, note, report, electronic mail, memorandum (including memoranda, electronic mail, report, or note of a meeting or communication), work paper, spreadsheet, photograph, videotape, audio tape, computer disk or record, or any other data compilation in any form without limitation, which is in your possession, custody or control. If any such document was, but no longer is, in your possession, custody or control, state what disposition was made of the document and when it was made?

(e) “Person” shall mean any natural person, corporation, firm, company, proprietorship, partnership, business, unincorporated association, or other business or legal entity of any sort whatsoever.

(f) “Identify” with respect to:

- i. Any natural person, means to state the full name, telephone number, email address and the current or last known business address of the person (if no business address or email address is available provide any address known to you) and that person’s relationship, whether business, commercial, professional, or personal with you;
- ii. Any legal person, business entity or association, means to state the full name, the name of your contact person with the entity, all trade name(s), doing business as name(s), telephone number(s), email address(es), and

current or last known business address of such person or entity (if no business address is available provide any address known to you);

iii. Any document, means to state the type of document (e.g., letter), the title, identify the author, the subject matter, the date the document bears and the date it was written; and

iv. Any oral communication, means to state the date when and the place where it was made, identify the person who made it, identify the person or persons who were present or who heard it, and the substance of it.

(g) “And” and “or” shall be construed conjunctively or disjunctively as necessary to make the discovery request inclusive rather than exclusive.

(h) “Including” shall be construed to mean including but not limited to.

FIRST DISCOVERY REQUESTS

1-1. Refer to <Workpaper_Usage – 2022.xlsx> filed with the Company’s Petition and the water main break in June 2022, which was reported in the local news.¹ Provide answers to the following:

- a. Confirm that the Company experienced a water main break in June 2022. If confirmed, provide the Company’s analysis detailing the cause of the main break.
- b. Does the main in question transport treated water sourced from the Company’s own treatment operations, purchased from suppliers, or a combination of both?
- c. Confirm that treated water was lost during this incident. If confirmed, provide how much, or an estimate of, treated water that was lost. If not confirmed, provide an explanation of how treated water was not lost during the incident.
- d. Do the numbers presented within this file make any adjustments for this incident regards to “System Delivery”?
 - i. If yes, provide a detailed description of the adjustment along with a supporting calculation documentation the adjustment.
 - ii. If no, provide a comprehensive response detailing how the June main break did not cause a material difference in water delivery.
- e. Do the numbers presented within this file make any adjustment for this incident with regards to “Water Sales”?

¹ Staff Reporter, *Water Main Repaired After Water Cut Off for Nearly Seven Hours at Chattanooga Convention Center, Area Businesses Wednesday*, June 8, 2022, at www.timesfreepress.com/news/2022/jun/08/water-remains-cut-chattanoogaconventicenter-ar/. A copy of the article is attached as Exhibit CAD DR#1-1.

RESPONSE:

1-2. Refer to <Workpaper_Usage – 2022.xlsx> filed with the Company’s Petition. As shown in Table 1, the Consumer Advocate notes that the Company’s water sales were especially volatile for the period covering June – September 2022.

Table 1				
Period	System Delivery	Water Sales	Delta	Non Revenue Water
Jun-22	1,181,185	865,739	315,445	27%
Jul-22	1,210,113	1,093,340	116,773	10%
Aug-22	1,173,374	751,684	421,690	36%
Sep-22	1,116,540	956,390	160,150	14%

Provide answers to the following:

- a. Has the Company determined the cause(s) of the large spike in non-revenue water incurred during August?
 - i. If yes, provide the causes(s) of the increase along with the Company’s actions to remediate the causes(s) and all supporting documentation; and
 - ii. If no, provide the Company’s rationale for not exploring the large increase in non-revenue water incurred during this period.

RESPONSE:

1-3. Refer to Bob Lane’s Testimony at page 16, lines 10-14, <Workpaper_Chemicals - 2022.xlsx>, Tab “Monthly Totals”, and news that the “water sector is grappling with staff shortages and clogged supply chains.”² Provide answers to the following:

- a. Has the Company studied the use of other water treatments without the use of Sodium Hypochlorite?
 - i. If yes, what were the results? Also, provide supporting documentation for your response.
 - ii. If no, provide the Company’s mitigation plan if future supply chain issues worsen? Also, provide supporting documentation for your response.

² *Staff Shortages, Clogged Supply Chains Among Latest Water Sector Pandemic Challenges*, November 15, 2021 at www.awwa.org/AWWA-Articles/staff-shortages-clogged-supply-chains-among-latest-water-sector-pandemic-challenges#:~:text=Kinks%20in%20supply%20chain%20Seventy-two%20percent%20of%20responding,%2845%25%29%2C%20most%20commonly%20chlorine%20gas%20and%20sodium%20hypochlorite. A copy of the article is attached as Exhibit CAD DR#1-3.

- b. Does the Company have any plans to mitigate the impacts of the predicted increase in Sodium Hypochlorite?
- i. If yes, please provide a discussion of them. Also, provide supporting documentation for your response.

RESPONSE:

- 1-4. Refer to <Workpaper_Purchased Water - 2022.xlsx> as filed with the Company's Petition.
- Specifically, refer to Tab "Marion Board of Water." Provide a copy of the bills for these services for June through October 2022.

RESPONSE:

RESPECTFULLY SUBMITTED,



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CERTIFICATE OF SERVICE

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

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This the 3rd day of February, 2023.



KAREN H. STACHOWSKI
Senior Assistant Attorney General

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Water main repaired after water cut off for nearly seven hours at Chattanooga Convention Center, area businesses Wednesday

June 8, 2022 at 2:33 p.m. | Updated June 8, 2022 at 10:51 p.m.

by [Staff Report](#)

A water main broke early Wednesday in downtown Chattanooga, shutting off water for the Chattanooga Convention Center and nearby businesses for nearly seven hours before the leak was repaired and water service restored shortly before 2 p.m.

Crews from Tennessee American Water opened hydrants and worked to fix the water main break along 13th Street and Carter Street Wednesday. The water utility issued an emergency alert for the area around the trade center around 7 a.m. Wednesday about the water outage, but utility spokeswoman Daphne Kirksey said the water leak was repaired and water was flowing normally again shortly before 2 p.m.

Water main lines deliver water to customers throughout most of America, but on average a water main breaks somewhere in the country every couple of

minutes, Kirksey said.

Mike Shuford, executive director of the Carter Street Corp., which operates the trade center, said the convention complex was still able to maintain its lunch programs for the CBMC (Christian Business Men's Connection) and Chattanooga Tax Practitioners using disposable dinnerware and paper products. But the restrooms were shut down much of the day due to the temporary water cutoff.

Shuford said he considered bringing in portable toilets for the Best of Preps banquet Wednesday night, but water service has now been fully restored by the utility. Shuford said the water outage was the first of its kind to unexpectedly cut off water since the trade center opened in 1986.

The adjacent Marriott Hotel has water storage on its upper floors and was not immediately impacted by the water main break, Shuford said.

With water service restored, Tennessee American Water advises customers in the affected area to watch for water that isn't clear.

"If your water is discolored, run the cold water taps only, at the lowest level of the house for about 3 to 5 minutes until the water runs clear," the company said in a notice to customers.

- *Compiled by Dave Flessner*

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Staff shortages, clogged supply chains among latest water sector pandemic challenges

 November 15, 2021

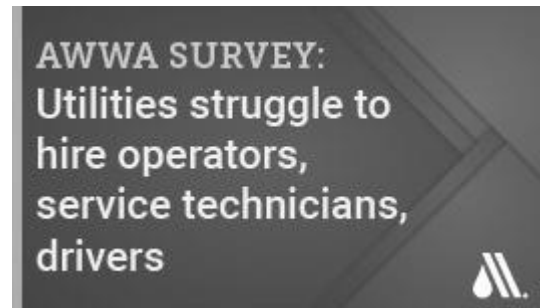
Connections Article, Publications

The water sector is grappling with staff shortages and clogged supply chains triggered by the ongoing COVID-19 pandemic, according to a recent survey conducted by the American Water Works Association (AWWA) of its utility and service provider members.

For AWWA website, the 416 utilities that responded to the survey said they currently are struggling to hire staff, especially for the positions of water operator, service technician and driver. In addition, 21 % of the utility respondents indicated their employee turnover rate has nearly

doubled to 21%, compared to 11% earlier in 2021. Illnesses and quarantining have impacted field and water treatment operations in about 30% of surveyed utilities.

Among service provider respondents, 55% of organizations reporting hiring issues said they are struggling to fill engineering positions, followed by service technicians (36%) and administrative positions (27%).



The AWWA survey, conducted Oct. 5-20, is the fifth in a series of surveys to assess in real time the impact of the coronavirus pandemic on AWWA member organizations. The latest survey generated 455 responses, including 28 from consultants, manufacturers, service providers and other non-utility members. Larger utilities, especially those serving populations over 100,000, reported more challenges than smaller utilities.

Kinks in supply chain

Seventy-two percent of responding utilities reported difficulty obtaining pipes or other infrastructure components. Utilities also reported supply chain issues with vehicles (48% of respondents), electronic equipment (46%) and chemicals (45%), most commonly chlorine gas and sodium hypochlorite.



In a June 2020 survey, just 4% of responding utilities reported chemical supply issues. In the latest survey, 26% of respondents anticipate supply issues will continue into 2022.

More positively, concern about the availability of personal protective equipment (PPE) has dropped, with 11% of utilities indicating a current supply issue compared to a high of 56% in April 2020.

Efforts to help customers through pandemic

At the start of the pandemic, the most common utility efforts to help financially-burdened customers included suspending water shutoffs and/or late payments, with nearly 90% and 80% of utilities, respectively, enacting these policies. Of the utility respondents in the latest survey, about 63% had re-instituted shutoffs and late fees.

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use this site, you agree to our use of cookies. To learn more, including how to manage cookie settings in your browser, read our [Cookie Policy](#). In addition, 34% of utility respondents said their customers had access to some type of Customer Assistance Program (CAP) prior to the pandemic and another 38% said they

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established a program during the pandemic to assist customers with bill payments.

Just over a third of utilities with CAP programs report enrollment currently at peak levels and another quarter have only seen a slight decrease.



Of the utilities establishing new CAPs during the pandemic, 20% said they are still in place, 16% said theirs had expired and 2% said they will make these programs permanent.

Vaccine access, employee policies

Just 10% of all survey respondents reported difficulty getting vaccination access and priority, a significant drop from 36% earlier in 2021. Fifty-nine percent reported that at least half of their employees are vaccinated, including 58% of utilities and 77% of service providers. Most organizations are tracking vaccination status.

Seventy-one percent of all respondents said their organizations do not have a vaccine requirement policy and are not considering one. Twelve percent of utility respondents reported having a vaccine requirement, including 29% of very large organizations. Twenty-one percent of service provider respondents reported having a vaccine requirement.

Office and remote work arrangements

Among utility survey respondents, 9% said they have implemented permanent hybrid working arrangements and 21% are considering them. Service providers were more likely to still have remote work policies in place and to be moving forward with hybrid remote/office work.

Of the utility respondents, 55% said workplace effectiveness was about the same during remote work, 32% said it decreased and 13% said it increased. Of the service provider respondents, 48% said remote work was equally effective, 26% said it decreased and 26% said it increased.

More information is available on AWWA's COVID-19 resource page.

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