

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION
NASHVILLE, TENNESSEE
June 25, 2024**

IN RE:)	
)	
PETITION OF TENNESSEE-AMERICAN)	DOCKET NO.
WATER COMPANY TO MODIFY TARIFF,)	24-00032
CHANGE AND INCREASE CHARGES, FEES,)	
AND RATES, AND FOR APPROVAL OF A)	
GENERAL RATE INCREASE)	

**ORDER GRANTING CONSUMER ADVOCATE’S MOTION
TO ISSUE MORE THAN FORTY DISCOVERY REQUESTS**

This matter is before the Administrative Judge upon the *Consumer Advocate’s Motion for Leave to Issue More than Forty Discovery Requests* (“*Motion*”) filed by the Consumer Advocate Division of the Office of the Tennessee Attorney General (“Consumer Advocate”) on June 7, 2024, requesting permission to serve more than forty discovery requests on Tennessee-American Water Company, Inc. (“TAWC” or the “Company”) pursuant to Tennessee Public Utility Commission (“Commission” or “TPUC”) Rule 1220-1-2-.11(5)(a). 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 June 7, 2024.

In its *Memo*, the Consumer Advocate maintains that it has good cause to issue more than forty discovery requests. The Consumer Advocate states it seeks to present a “complete case” to the Commission which means “a case that not merely opposes selected parts of a company’s petition, but one that presents a virtually parallel case that sets forth an alternative number for every number presented by the company.”¹ The Consumer Advocate states the Company seeks an increase in rates. According to the Consumer Advocate, “TAWC seeks adjustments that will

¹ *Memo*, p. 4 (June 7, 2024).

result in a revenue requirement of approximately \$85.9 million for the Attrition Year.”² The Consumer Advocate argues that “substantial discovery by the Consumer Advocate is justified due to the requested implementation of a potentially substantial rate increase. Given the nine-month maximum within which this substantial rate increase request must be heard, the Consumer Advocate’s requests are reasonable and meet the “good cause” standard alone.”³ 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 rates. Therefore, the Consumer Advocate would not have the ability to develop fully prepared positions on the myriad of issues presented in the Petition.”⁴ According to the Consumer Advocate, “[w]ithout the requested discovery – and without receiving discovery responses in the format requested – the Consumer Advocate will be severely constrained in representing the interests of households that constitute TAWC’s consumers.”⁵ On June 13, 2024, TAWC filed a letter stating it did not oppose to the Consumer Advocate’s *Motion* but reserved the right to object to the number of future requests submitted by the Consumer Advocate in this docket.

TPUC Rule 1220-1-2-.11 (5)(a) provides 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.

² *Id.*

³ *Id.* at 4-5.

⁴ *Id.* at 5.

⁵ *Id.*

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(5)(a) and a showing of good cause, the Commission has been flexible in permitting supplemental discovery to occur. In light of the foregoing, the Administrative Judge finds that the Consumer Advocate has met the requirements of the Rule by showing good cause to issue additional discovery requests to TAWC. Further, the Company did not object to the *Motion*. Therefore, based on these findings, the Administrative Judge grants the *Motion*.

IT IS THEREFORE ORDERED THAT:

The *Consumer Advocate's Motion to Issue More than Forty Discovery Requests* is **GRANTED**.

A handwritten signature in black ink that reads "Monica Smith-Ashford". The script is cursive and fluid, with the first name "Monica" being more prominent than the last name "Smith-Ashford".

Monica Smith-Ashford, Administrative Judge