

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

IN RE:

**PETITION OF TENNESSEE-AMERICAN
WATER TO MODIFY TARRIFF,
CHANGE AND INCREASE CHARGES,
FEES, AND RATES, AND FOR
APPROVAL OF GENERAL RATE
INCREASE**

DOCKET NO. 24-00032

FILED: July 15, 2024

**FIRST SET OF DISCOVERY REQUESTS OF UTILITY WORKERS
UNION OF AMERICA, AFL-CIO, AND UWUA LOCAL 121
TO TENNESSEE-AMERICAN WATER COMPANY**

Pursuant to the Order Establishing Procedural Schedule entered in this matter on June 13, 2024, the Utility Workers Union of America, AFL-CIO (“UWUA”), and UWUA Local 121 (collectively “UWUA”), by and through counsel, submit the following First Set of Discovery Requests (the “Requests”) to Petitioner Tennessee-American Water Company (“TAWC” or the “Company”).¹ TAWC’s responses to the Requests shall be delivered to counsel for UWUA in accordance with the Order Establishing Procedural Schedule.

INSTRUCTIONS

1. These Requests call for all information, including information contained in documents, which relates to the subject matter of the Requests and which is known or available to TAWC and/or any of its affiliates. If there is no responsive information or document, please so state.

¹ UWUA acknowledges that its Petition to Intervene is still pending decision by the Administrative Judge in this matter, but files this discovery request in accordance with the July 15, 2024, deadline set by the Order Establishing Procedural Schedule for second discovery requests from intervenors.

2. These 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.

3. Please identify the person or persons responsible (whether primarily or indirectly) for preparing and providing each response. If a Request is directed to the testimony or an exhibit of a witness and is answered by another person, please state whether the witness agrees with this response.

4. To the extent that the data or information requested is incorporated or contained in a document, identify the document including page/line numbers if applicable.

5. If a Request specifically requests an answer in response rather than the production of documents, an answer is required. The production of documents alone will not suffice.

6. If information requested is not available in the exact form requested, provide such information or documents as are available that best respond to the Request.

7. Provide all documents requested 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.

8. Each Request to “Provide all documents . . .” or similar phrase includes a request for the “identification” (see **Definitions**) of all such documents. To the extent that a document is self-identifying, it need not be separately identified.

9. If TAWC raises objections to this discovery based on any purported privilege or immunity, include in TAWC’s response a complete explanation concerning the privilege or immunity asserted. If TAWC claims a document is privileged, identify the document and state the basis for the privilege or immunity asserted. If TAWC contends that it is entitled to refuse to fully answer any of this discovery, state the exact legal basis for each such refusal.

10. The singular shall include the plural, and vice versa, where appropriate. The words “and” and “or” shall be construed conjunctively and disjunctively as necessary to make the Request inclusive rather than exclusive. The word “including” shall be construed to mean including but not limited to.

11. If TAWC cannot answer a Request in full, after exercising due diligence to secure the information necessary to do so, state the answer to the extent possible, state why TAWC cannot answer the Request in full, and state what information or knowledge TAWC has concerning the unanswered portions.

12. If a document requested is unavailable, identify the document, describe in detail the reasons the document is unavailable, and state where the document can be obtained.

13. If any document responsive to a Request has been destroyed, state when and why it was destroyed, identify the person who directed the destruction, and identify all documents relevant to the destruction or the explanation. If the document was destroyed pursuant to any document retention/destruction program, identify and produce a copy of the guideline, policy, or company manual describing such retention/destruction program.

14. If no document is responsive to a Request, then so state. In each such instance, the Request should be treated as an interrogatory and a full and detailed response to the Request should be provided.

DEFINITIONS

1. “Document” shall include and mean, without limitation, the original and each draft and copy of any kind of written, printed, typed, recorded, or graphic matter, however produced or reproduced, of any kind or description, whether sent or received or neither. The term shall further include, without limitation, originals, all copies, all images, all backup or

archived copies, and all drafts of papers, books, writings, memoranda, letters, electronic files, computer files, emails, text messages, correspondence, notes, book entries, accounts, statements of accounts, checks, cancelled checks, minutes of meetings, contracts, intra-office communications, intra-departmental communications, recordings or notes of telephone conversations, recordings or notes of other conversations, or meetings, affidavits, schedules, calculations, computer files, and all other written or electronic records. The term “Document” includes the term “Communication.”

2. “Communication” means any oral or written statement conveyed by one person or entity to another person or entity by whatever means, including electronic communications, emails, and computer files. “Communicate” means any such conveyance of a “Communication.”

3. “Identify” and “Identification” mean (a) when used with reference to an individual person, to state his/her full name, employer, job title, and present or last known business address and telephone number; and (b) when used with reference to a Document, means to state the type of the Document, its date, author, addressee, any other recipient(s), general subject matter, present location, and custodian.

4. “TAWC” or the “Company” means Tennessee-American Water Company and all employees, agents, attorneys, representatives, subsidiaries, or any other person or entity acting or purporting to act on its behalf.

5. An “Affiliate” of TAWC means any entity that, directly or indirectly, is in control of, is controlled by, or is under common control with TAWC, and specifically includes TAWC’s parent corporation American Water Works Co., Inc. (“AWK”) and all subsidiaries of AWK or TAWC.

DISCOVERY REQUESTS

1. For each calendar year since and including 2012, please provide a statement showing: (a) the total numbers of operable and inoperable valves in the TAWC system (categorized by valve size and operability); (b) the number of valves intended or planned by TAWC to be operated, inspected, maintained, and/or repaired during each year; and (c) the number of valves in fact operated, inspected, maintained, and/or repaired during each year.

RESPONSE:

2. For each calendar year since and including 2012, please provide all documents that support or relate to TAWC's response to UWUA Request 1, including any documents prepared by or for the Company that evaluate, assess, report upon, communicate to employees, or compile statistics relating to the Company's program for inspection and maintenance of valves. TAWC's response should include, for example, work orders, reports, or other documents that specify the number of valves intended or planned by TAWC for operation, inspection, maintenance, or repair during each year, and/or the number of valves in fact operated, inspected, maintained, or repaired during each year.

RESPONSE:

3. For each calendar year since and including 2012, please provide all reports or other documents provided to the Company by any person (including TAWC or AWK employees, contractors, or other persons or entities), or provided by the Company to any such persons or entities, that address valves in need of repair and/or maintenance.

RESPONSE:

4. For each of the documents provided in response to UWUA Request 3, please describe the actions that the Company took in response to each of those reports or other documents and provide all supporting documentation, including but not limited to reports showing the number and location of valves in need of repair that were in fact repaired and returned to service or alternatively were not repaired and returned to service.

RESPONSE:

5. For each calendar year since and including 2012, please provide a statement showing: (a) the total numbers of operable and inoperable fire hydrants in the TAWC system (categorized by operability); (b) the number of hydrants intended or planned by TAWC to be inspected, maintained, and/or repaired during each year; and (c) the number of hydrants in fact inspected, maintained, and/or repaired during each year.

RESPONSE:

6. For each calendar year since and including 2012, please provide all documents that support or relate to TAWC's response to UWUA Request 5, including any documents prepared by or for the Company that evaluate, assess, report upon, communicate to employees, or compile statistics relating to the Company's program for inspection and maintenance of fire hydrants. TAWC's response should include, for example, work orders, reports, or other documents that specify the number of hydrants intended or planned by TAWC for inspection, maintenance, or repair during each year, and/or the number of hydrants in fact inspected, maintained, or repaired during each year.

RESPONSE:

7. For each calendar year since and including 2012, please provide all reports or other documents provided to the Company by any person (including TAWC or AWK employees, contractors, fire departments, emergency personnel, municipalities, or other persons or entities), or provided by the Company to any such persons or entities, that address fire hydrants in need of repair and/or maintenance.

RESPONSE:

8. For each of the documents provided in response to UWUA Request 7, please describe the actions that the Company took in response to each of those reports or other documents and provide all supporting documentation, including but not limited to reports showing the number and location of hydrants in need of repair that were in fact repaired and returned to service or alternatively were not repaired and returned to service.

RESPONSE:

9. For each calendar year since and including 2012, please provide a statement showing: (a) the total number of customer meters in service in the TAWC system and the total number of such meters that have exceeded the manufacturer's recommended replacement date and/or are otherwise obsolete or inoperable; (b) the number of meters intended or planned by TAWC to be inspected, replaced, and/or repaired during each year; and (c) the number of meters in fact inspected, replaced, and/or repaired during each year.

RESPONSE:

10. For each calendar year since and including 2012, please provide all documents that support or relate to TAWC's response to UWUA Request 9, including documents prepared by or for

the Company that evaluate, assess, report upon, communicate to employees, or compile statistics relating to the Company's program for inspection, replacement, or repair of meters. TAWC's response should include, for example, work orders, reports, or other documents that specify the number of meters intended or planned by TAWC for inspection, replacement, or repair during each year, and/or the number of meters in fact inspected, replaced, or repaired during each year.

RESPONSE:

11. For each calendar year since and including 2012, please provide all reports or other documents provided to the Company by any person (including TAWC or AWK employees, contractors, or other persons or entities), or provided by the Company to any such persons or entities, that address meters in need of replacement and/or repair.

RESPONSE:

12. For each of the documents provided in response to UWUA Request 11, please describe the actions that the Company took in response to each of those reports or other documents and provide all supporting documentation, including but not limited to reports showing the number and location of meters in need of replacement or repair that were in fact either replaced or repaired or alternatively were not replaced or repaired.

RESPONSE:

13. For each calendar year since and including 2012, please provide a statement showing: (a) the total number of leak inspections and/or repairs the Company intended or planned to perform during each year on TAWC infrastructure (including water mains, service lines, and other infrastructure other than valves, fire hydrants, or customer meters); (b) the number of such planned

leak inspections and/or repairs the Company in fact performed during each year; and (c) separately, the number of unplanned leak inspections and repairs that TAWC performed as a result of emergency water main breaks or other infrastructure failures during each year.

RESPONSE:

14. For each calendar year since and including 2012, please provide all documents that support or relate to TAWC's response to UWUA Request 13, including any documents prepared by or for the Company that evaluate, assess, report upon, communicate to employees, or compile statistics relating to the Company's program for leak inspections and repairs. TAWC's response should include, for example, work orders, reports, or other documents that specify the number of TAWC water main or other infrastructure leaks that TAWC intended or planned to repair during each year; the number of intended or planned infrastructure leak repairs that TAWC in fact performed during each year; and/or the number of unplanned repairs of infrastructure leaks that TAWC performed during each year as a result of emergency water main breaks or other infrastructure failures.

RESPONSE:

15. For each calendar year since and including 2012, please provide all reports or other documents provided to the Company by any person (including TAWC or AWK employees, contractors, or other persons or entities), or provided by the Company to any such persons or entities, that address TAWC water mains or other infrastructure in need of repair and/or maintenance.

RESPONSE:

16. For each of the documents provided in response to UWUA Request 15, please describe the actions the Company took in response to each of those reports or other documents and provide all

supporting documentation, including but not limited to reports showing the number and location of any TAWC water mains in need of repair that were in fact repaired and returned to service or alternatively were not repaired and returned to service.

RESPONSE:

17. For each calendar year since and including 2012, please provide a statement of and documents showing: (a) the total number of new service installations requested by TAWC customers and/or scheduled by TAWC during each year (categorized by residential, commercial, or other); and (b) the number of such new service installations in fact completed during each year and the corresponding backlog of new service installations still unfulfilled at the end of each such year. TAWC's response should include all documents prepared by or for the Company during any such years that evaluate, assess, report upon, or compile statistics relating to TAWC's progress in completing new service installations.

RESPONSE:

18. With reference to TAWC's response to Discovery Request 1-20 from the Consumer Advocate Division, please supplement TAWC's response by providing the year-end number of TAWC employees for each calendar year since and including 2012, categorized by union hourly employees, non-union hourly employees, and exempt employees.

RESPONSE:

19. With reference to the testimony of Grady Stout at 37: 5-16 and 38: 1-6, please provide a full and detailed explanation of the extent to which TAWC's current staffing level does not "support completion of all necessary day-to-day work," and provide all documents prepared by or for TAWC

since November 1, 2012 that evaluate, assess, report upon, communicate to employees, or compile statistics relating to the efficiencies and/or relative costs to the Company of “internal [versus] contract labor and straight time versus overtime.”

RESPONSE:

20. With reference to the testimony of Grady Stout at 38: 7-18 and 39: 1-5, please provide a full and detailed assessment of the impacts that failure to fill the forecasted staffing level of 117 full-time employees would have on TAWC’s ability to “maintain the company’s current level of operations while also managing increased organic customer growth and increased water regulation” or to otherwise provide safe and reliable water utility services to TAWC customers.

RESPONSE:

21. With reference to the testimony of Grady Stout at 38: 7-18 and 39: 1-5, please categorize how many of the total forecasted 117 full-time TAWC employees will be union hourly employees, non-union hourly employees, and exempt employees, and identify the specific job classifications TAWC expects to fill for the additional full-time employees in the Company’s forecasted 117 full-time employee staffing level over the current staffing level.

RESPONSE:

22. Please provide all documents referenced, utilized, or generated by TAWC in evaluating, assessing, or preparing its forecasted 117 full-time employee staffing level for the Attrition Year, including all work papers, other supporting documentation, and communications between TAWC and any other persons or entities (including TAWC or AWK employees).

RESPONSE:

23. Please provide all documents prepared by or for TAWC since November 1, 2012 that contain any evaluation or assessment of the safety, adequacy, or efficiency of the services furnished by the Company. Please include in TAWC's response any documents submitted by or for TAWC to the Commission, prepared by or for TAWC for internal use, or sent by TAWC to or received from AWK, the Commission, or any other person or entity.

RESPONSE:

Dated: July 15, 2024

Respectfully submitted,

Scott P. Tift by MF

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *First Set of Discovery Requests of Utility Workers Union of America, AFL-CIO, and UWUA Local 121 to Tennessee-American Water Company* was served via U.S. Mail, with a courtesy copy sent via electronic mail, upon:

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