

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

July 26, 2024

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

ORDER GRANTING THE PETITION TO INTERVENE FILED BY THE
UTILITY WORKERS UNION OF AMERICA, AFL-CIO AND UWUA LOCAL 121

This matter is before the Administrative Judge of the Tennessee Public Utility Commission (“Commission” or “TPUC”) to consider the *Petition to Intervene of Utility Workers Union of America, AFL-CIO, and UWUA Local 121* (“UWUA *Petition to Intervene*”) filed by the Utility Workers Union of America, AFL-CIO and UWUA Local 121 (together “UWUA”) on June 28, 2024.

RELEVANT BACKGROUND

Tennessee-American Water Company (“TAWC”) is a public utility providing residential, commercial, industrial, and municipal water service to more than 87,000 customers in Chattanooga, Tennessee and surrounding areas. On May 1, 2024, TAWC filed a *Petition to Modify Tariff, Change and Increase Charges, Fees, and Rates, and for Approval of a General Rate Increase* (“*Petition*”).

UWUA’S *PETITION TO INTERVENE*

On June 28, 2024, the UWUA filed the *UWUA Petition to Intervene* seeking to intervene in the docket pursuant to Tenn. Code Ann. §§ 4-5-310 and 65-2-107 and Commission Rule 1220-1-2-.08 asserting that the “legal rights, duties, privileges, and other legal interests of UWUA and its members may be determined or affected by the *Petition of Tennessee-American Water Company*”

(“TAWC” or the “Company”) in this matter.”¹ According to UWUA, sixty-one of TAWC’s 101 employees are UWUA members and constitute a majority of TAWC’s workforce.² UWUA argues that “[a]s the representative of a majority of the Company’s workforce, UWUA has a substantial interest in ensuring that TAWC is permitted to charge just and reasonable rates – i.e., those that will permit, among other things, the Company’s workforce to perform their essential functions for customers in an appropriate manner.”³ In addition, UWUA asserts that “notwithstanding the extraordinary size of TAWC’s proposed rate increase in this matter, UWUA is concerned the Company remains unwilling to address a central problem impeding its ability to deliver reliable and high-quality services to customers – namely, the lack of an adequate complement of hourly staff.”⁴ UWUA states that if granted intervention in these proceedings, it will coordinate with other Intervenor to avoid duplication or complication of the proceedings.⁵ TAWC did not oppose the *UWUA Petition to Intervene*.

FINDINGS & CONCLUSIONS

Tenn. Code Ann. § 4-5-310 establishes the following criteria for granting petitions to intervene:

(a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if:

- (1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing;
- (2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and

¹ *UWUA Petition to Intervene*, p. 1 (June 28, 2024).

² *Id.* at 2.

³ *Id.*

⁴ *Id.* at 3.

⁵ *Id.* at 4.

(3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.

(b) The agency may grant one (1) or more petitions for intervention at any time, upon determining that the intervention sought is in the interests of justice and shall not impair the orderly and prompt conduct of the proceedings.⁶

The Administrative Judge finds that the determinations made in this docket will directly impact the UWUA. Therefore, upon due consideration, the Administrative Judge concludes that the legal rights, duties, privileges, immunities, or other legal interest of the UWUA may be determined in this proceeding. Further, the Administrative Judge finds that there is no opposition to UWUA's intervention, and the *UWUA Petition to Intervene* was timely-filed and should not impair the interests of justice or the orderly and prompt conduct of the proceedings. For these reasons, the Administrative Judge concludes that the *UWUA Petition to Intervene* should be granted.

IT IS THEREFORE ORDERED THAT:

The *Petition to Intervene of Utility Workers Union of America, AFL-CIO, and UWUA Local 121* is granted. The Utility Workers Union of America, AFL-CIO, and UWUA Local 121 may intervene and participate as a party in this proceeding and, as such, shall receive copies of any notices, orders, or other documents filed herein.


Monica Smith-Ashford, Administrative Judge

⁶ Tenn. Code Ann. § 4-5-310.