

**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: August 14, 2024

**MOTION OF UWUA INTERVENORS FOR LEAVE TO FILE MORE THAN
FORTY DISCOVERY REQUESTS**

Pursuant to TPUC Rule 1220-1-2-.11(5)(a), the Utility Workers Union of America, AFL-CIO (“UWUA”) and UWUA Local 121 (collectively “UWUA”), by and through counsel, hereby respectfully move for leave to serve more than forty (40) discovery requests upon Tennessee-American Water Company (“TAWC” or the “Company”). Pursuant to TPUC Rule 1220-1-2-.11(5)(a), UWUA seeks leave of the Commission by motion and has filed a memorandum establishing good cause for service of the additional discovery requests and the discovery requests themselves. A copy of the proposed discovery is filed herewith.

Dated: August 14, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Motion of UWUA Intervenors for Leave to File More Than Forty Discovery Requests* was served via U.S. Mail, with a courtesy copy sent via electronic mail, upon:

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**MEMORANDUM IN SUPPORT OF UWUA’S MOTION FOR LEAVE TO
FILE MORE THAN FORTY DISCOVERY REQUESTS**

Pursuant to TPUC Rule 1220-1-2-.11(5)(a), the Utility Workers Union of America, AFL-CIO (“UWUA”) and UWUA Local 121 (collectively “UWUA”), by and through counsel, hereby submit this memorandum in support of UWUA’s Motion for Leave to Serve More than Forty Discovery Requests upon Tennessee-American Water Company (“TAWC” or the “Company”).

In support of this request, UWUA Intervenors state:

1. This is a complex rate case proceeding in which TAWC seeks “a rate increase to produce additional annual revenues of approximately \$14.1 million per year, or a 19.7% increase over current water service revenues.”¹ If approved in full, the Company’s annual revenue requirement would increase to \$85.9 million for the Attrition Year.

2. The UWUA, whose petition to intervene was granted by the Administrative Judge on

¹ Direct Testimony of Grant Allen Evitts, at page 6.

July 26, 2024, has direct and substantial interests in the matters at issue.

3. UWUA represents 60% of TAWC's current workforce and is participating in this matter to protect the legal interests of its members and TAWC hourly employees and to ensure they are able to provide services to customers that are safe, reliable, and high quality. Indeed, as the representative of hourly employees who deliver essential utility services to TAWC customers every day, UWUA is uniquely positioned to help promote appropriate inquiry into "the safety, adequacy and efficiency or lack thereof of the service or services furnished by" the Company. Tenn. Code Ann. § 65-5-101(a).

4. These discovery requests constitute the only opportunity for UWUA Intervenors to seek data on the Company's proposed rate increase and direct testimony before preparing and submitting UWUA's own testimony.

5. After timely filing its Petition to Intervene on June 28, 2024, UWUA filed its First Set of Discovery Requests on July 15, 2024 – after the June 7 deadline previously established for intervenors to file first discovery requests, but in accordance with the July 15 deadline to file what ordinarily would be intervenors' second round of discovery. UWUA now files its Second Set of Discovery Requests in accordance with the procedural schedule's deadline for intervenors ordinarily to file their third round of discovery. UWUA has previously advised the Administrative Judge and the other parties that UWUA seeks no modifications to the procedural schedule and will not be submitting a third set of discovery requests.

6. In its First Set of Discovery Requests, UWUA served only twenty-three (23) requests to TAWC – and only thirty-two (32) requests including lettered subparts. In its Second Set of

Discovery Requests, UWUA proposes only nineteen (19) additional discovery requests. Most of these additional discovery requests seek only clarification or information supplemental to TAWC's responses to UWUA's First Set of Discovery Requests.

7. Discovery procedures were established to prevent surprise and to allow the courts and all parties to "have an intelligent grasp of the issues to be litigated and knowledge of the facts underlying them."² UWUA has squarely focused its discovery requests to elicit information necessary to address UWUA's concerns about staffing adequacy and the ability of the Company to provide high quality and reliable service to customers.

8. The discovery UWUA seeks is not unreasonably cumulative nor duplicative and is not unduly burdensome. UWUA has endeavored to submit only non-duplicative requests and has attempted to request data that can be obtained only from TAWC. UWUA has also narrowly tailored its discovery requests to avoid overburdening TAWC and to prevent undue expense and delay.

9. Merely for purposes of comparison, the Consumer Advocate filed approximately 267 discovery requests in its First and Second Sets of Discovery Requests alone – not counting numerous subparts – after appropriately citing the voluminous nature of TAWC's initial filing and the sheer size of the proposed rate increase. For its part, the City of Chattanooga has filed 68 discovery requests so far in its First and Second Sets of Discovery Requests, not including subparts. TAWC has not opposed these discovery requests from the other intervening parties.

² *Vythoulkas v. Vanderbilt Univ. Hosp.*, 693 S.W.2d 350, 356 (Tenn. Ct. App. 1985) (internal citations omitted), superseded on other grounds by statute, Tenn. R. Civ. P. 26.02(4)(B), as recognized in *West v. Schofield*, 460 S.W.3d 113, 125 (Tenn. 2015).

For the foregoing reasons, UWUA respectfully requests that the Commission grant its Motion for Leave to File More than Forty Discovery Requests.

Dated: August 14, 2024

Respectfully submitted,

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