

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

September 12, 2024

IN RE:

PETITION OF TENNESSEE-AMERICAN WATER  
COMPANY TO MODIFY TARIFF, CHANGE AND  
INCREASE CHARGES, FEES, AND RATES, AND  
FOR APPROVAL OF A GENERAL RATE INCREASE

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DOCKET NO.  
24-00032

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

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This matter is before the Administrative Judge upon the *Motion of UWUA Intervenors for Leave to File More Than Forty Discovery Requests* (“*Motion*”) filed by the Utility Workers Union of America, AFL-CIO (“UWUA”) and UWUA Local 121 (collectively “UWUA”) on August 14, 2024, requesting to serve more than forty (40) discovery requests on Tennessee-American Water Company (“TAWC” or the “Company”) pursuant to Tennessee Public Utility Commission (“Commission” or “TPUC”) Rule 1220-1-2-.11(5)(a). UWUA also filed a *Memorandum in Support of UWUA’s Motion for Leave to File More Than Forty Discovery Requests* (“*Memo*”) on August 14, 2024. On August 16, 2024, the Company also filed a letter stating it did not object to UWUA’s *Motion*.<sup>1</sup>

UWUA seeks additional discovery to allow it to “adequately prepare and submit testimony” addressing “UWUA’s concerns about staffing adequacy and the ability of the Company to provide high quality and reliable service to customers.”<sup>2</sup> UWUA asserts that “these discovery requests constitute the only opportunity for UWUA Intervenors to seek data on the Company’s proposed rate

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<sup>1</sup> Letter to Chairman David Jones from Melvin J. Malone, Butler Snow LLP Re: Tennessee-American Water Company (“TAWC”) Does Not Object to the Utility Workers Union of America, AFL-CIO, and UWUA Local 121 August 14, 2024, Request to Issue its Final Set of Discovery Requests, Which Exceed 40 in Total to TAWC in Docket No. 24-00032 (August 16, 2024).

<sup>2</sup> *Memo*, pp. 2-3 (August 14, 2024).

increase and direct testimony before preparing and submitting UWUA's own testimony."<sup>3</sup> UWUA contends that since it represents 60% of TAWC's current workforce, it "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."<sup>4</sup> UWUA argues that its additional discovery requests seek information that can only be obtained from TAWC and are not duplicative nor unduly burdensome.<sup>5</sup>


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

No party shall serve on any other party no 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.

TPUC Rules allow a minimum of forty (40) 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. Based on the foregoing, the Administrative Judge finds the UWUA has met the requirements of the Rule by showing good cause to issue additional discovery requests. Further, the Company did not object the *Motion*. Therefore, based on these findings, the Administrative Judge concludes the *Motion* should be granted.

**IT IS THEREFORE ORDER THAT:**

The *Motion of UWUA Intervenors for Leave to File More Than Forty Discover Requests* is **GRANTED.**

  
Monica Smith-Ashford, Administrative Judge

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<sup>3</sup> *Id.* at 2.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 3.