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: September 17, 2024**

DIRECT TESTIMONY OF WITNESS DANNY SEEBECK
PROFFERED BY INTERVENORS UWUA AND UWUA, LOCAL 121

The Utility Workers Union of America, AFL-CIO ("UWUA"), and UWUA Local 121 (hereinafter collectively "UWUA"), intervenor parties in this action, hereby present the direct testimony of Danny Seebeck.

I. INTRODUCTION

Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

A. My name is Danny Seebeck. My business address is c/o UWUA Local 121, P.O. Box 60043, Chattanooga, TN 37406.

Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?

A. I am employed by Tennessee-American Water Company ("TAWC" or the "Company") as a truck driver/utility worker. I have worked for TAWC for nearly 22 years since January 2003.

Q. FOR WHOM ARE YOU APPEARING IN THIS PROCEEDING?

A. I am testifying on behalf of UWUA and UWUA Local 121 (referred to collectively as "UWUA"). Local 121 is the UWUA local union that represents TAWC hourly workers.

Q. DO YOU HOLD ANY POSITION WITH LOCAL 121?

A. Yes. I am the president of Local 121 and have held that position since about 2011.

Q. PLEASE DESCRIBE YOUR JOB RESPONSIBILITIES WITH TAWC.

A. My responsibilities as a truck driver/utility worker include repairing water main breaks or other Company infrastructure; performing new service installations; installing and repairing fire hydrants; and inspecting, installing, and repairing water distribution valves, among other duties.

Q. PLEASE SUMMARIZE YOUR TESTIMONY.

A. UWUA and Local 121 support the Company's request to recover expenses for its forecasted 117 full-time employees. However, we believe any order by the Commission in this case should be conditioned on a requirement for the Company to maintain its full-time workforce at least at the 117-person level in order to help alleviate chronic understaffing

resulting in unsafe, stressful working conditions for hourly workers and impeding the Company's ability to deliver services to customers.

II. STAFFING LEVELS

Q. WHAT DO YOU MEAN BY CHRONIC UNDERSTAFFING AT THE COMPANY?

A. Especially for the past several years, the Company has significantly reduced the hourly workforce by not replacing employees who have left due to retirements, resignations, or for other reasons. For example, there were 73 hourly workers in the Local 121 bargaining unit as recently as 2020, but today there are only 63. I should also note that none of the hourly union jobs the Company states it is currently trying to fill in its response to UWUA DR 1-21 would represent any new additions to the bargaining unit. Instead, these are all vacancies management has failed to fill over the past several years.

Q. HAVE THESE REDUCTIONS IMPACTED EMPLOYEE WORKING CONDITIONS OR SAFETY?

A. Absolutely. Currently, many employees in the Distribution Department where I work are working excessive overtime, in many cases for 12 or 14 hours, six or seven days a week just to keep up with the workload. As a result, very few employees are available for emergency call-outs such as for main breaks that happen late at night. One result of this is that the Company often has to allow main breaks to run overnight until the next workday before crews are available for repairs. This has been going on non-stop for at least the last four years. The same has been true this year in the meter shop, where employees are working excessive overtime just to keep up with the workload changing out meters and installing new meters for customers.

Q. PLEASE EXPLAIN HOW THIS UNDERSTAFFING HAS ADVERSELY IMPACTED EMPLOYEE SAFETY OR CONTRIBUTED TO STRESSFUL WORKING CONDITIONS.

A. For one thing, the pressure from the overall workload is enormous. Hourly workers are stressed every day trying to complete day-to-day work tasks and fatigued by the long hours. Although overtime is voluntary under our contract, the amount of overtime currently being worked because of understaffing is not sustainable. And while our members always strive to work at the safest levels possible, it's unavoidable that workers who are stressed and fatigued from excessive workload and long hours are more likely to experience workplace safety incidents, which of course can also pose safety risks to other employees.

Q. HAS ANY OTHER DEPARTMENT BEEN IMPACTED BY UNDERSTAFFING?

A. Yes. The Production Department is down to less than half its normal capacity, and management recently informed me the Company doesn't plan to fill another critical job vacancy in this area.

Q. WHAT ARE THE RESPONSIBILITIES OF THE PRODUCTION DEPARTMENT?

A. The Production Department handles maintenance of TAWC's production plant that produces clean water for customers throughout the Chattanooga region.

Q. PLEASE DESCRIBE UNDERSTAFFING IN THIS DEPARTMENT.

A. Until about three years ago, there were 15 hourly union employees in the Production Department: seven master maintenance mechanics, three laborers, three laborer/relief workers, one apprentice, and one laboratory worker. Today there are only seven union hourly workers in this department: four master maintenance mechanics, one laborer, one laborer/relief worker, and one apprentice. This understaffing in the Production Department

has been going on for at least the past three years, and as far as I know the Company has never bid any of these jobs for new hires.

Q. WHAT ABOUT THE LABORATORY WORKER IN THIS DEPARTMENT?

A. The Production Department lab worker left the Company in February 2021and has not been replaced since. Recently, TAWC's President and the Vice President of Operations informed me the Company did not include the lab worker position in this rate case and does not intend to fill this job.

Q. WHAT ARE THE LABORATORY WORKER'S JOB DUTIES?

A. The lab worker's most important job responsibility is to take water samples from designated collection sites every day for purposes of testing and quality control. This is a regulatory compliance requirement.

Q. WHO HAS BEEN PERFORMING THOSE JOB DUTIES SINCE THE LAB WORKER LEFT IN 2021?

A. The Company has assigned one of the laborers in the Production Department to fill in for the lab worker for more than three years now, on top of the laborer's usual job duties. My understanding is that collecting the required water samples previously performed by the lab worker by itself requires from four to six hours a day.

Q. WHAT ARE THE USUAL JOB RESPONSIBILITIES OF THE LABORER?

A. The laborer position is primarily responsible for running the DE sludge facility, which processes and disposes of sludge from our water treatment facility. He oversees the filling of trucks with sludge, and in addition makes certain that all of our booster and pump stations are clean and sanitary and handles pest control, mowing, and other landscaping

responsibilities for these facilities. The laborer is also responsible for cleaning, painting, and general cleanliness in our primary production plant.

Q. AND TAWC HAS ASSIGNED THE LABORER TO TAKE CARE OF ALL OF THESE RESPONSIBILITIES IN ADDITION TO THE LAB WORKER'S JOB?

A. Yes – and keep in mind the Company has reduced the number of laborers in the Production Department from three to one, has not posted any bids to fill those vacancies, and recently informed me it has no plans to fill the lab worker's position.

Q. HAS THIS UNDERSTAFFING IN THE PRODUCTION DEPARTMENT IMPACTED WORKING CONDITIONS OR SAFETY FOR THESE EMPLOYEES ALSO?

A. Yes, in much the same way as for employees in the Distribution Department and meter shop. Excessive workloads due to understaffing inevitably create more stressful working conditions for employees and more risk for safety accidents.

III. <u>VALVE INSPECTIONS</u>

Q. DOES UWUA HAVE ANY CONCERNS ABOUT TAWC'S VALVE INSPECTION PRACTICES?

A. Yes.

Q. PLEASE EXPLAIN THE IMPORTANCE OF DISTRIBUTION VALVES IN THE SYSTEM AND PROPER INSPECTION OF VALVES.

A. Distribution valves are critical in any water utility system to control and isolate the flow of water through the system, especially during emergencies such as main breaks. If a water utility doesn't routinely inspect and operate its valves, it's impossible to know if those valves will function properly during an emergency.

Q. DO IMPROPER INSPECTIONS OR FUNCTIONING OF VALVES IMPACT EMPLOYEE WORKING CONDITIONS OR SAFETY?

A. Yes. As I just mentioned, if a water utility doesn't properly inspect its distribution valves – especially by operating them on a regular basis – then there is no way to know whether they function properly, or to know which valves may need to be repaired. When hourly workers discover that the key valves they need to shut off the water during emergency main repairs don't function properly, that fact alone adds to the stress and overall workload, since the employees will have to search for valves that work so they can complete the repair. Even more concerning, when valves are broken so that workers can't shut off the water, then that increases the likelihood that employees will have to repair the main under full water pressure. That is inherently more dangerous than repairing a main with the water turned off.

Q. WHAT ARE THE POTENTIAL SAFETY HAZARDS OF REPAIRING A MAIN OR VALVE UNDER PRESSURE?

A. There are many. For one thing, working in wet conditions obviously creates more slip and fall hazards than working in dry conditions. In addition, if a water main or valve under pressure should burst while employees are working in an excavation pit to make repairs, that can cause serious injuries or worse. Moreover, whenever employees remove a valve or a piece of the main under water pressure to make the repairs, the excavation pit can easily flood or the earth surrounding the excavation can cave in, placing workers at risk of drowning or smothering.

Q. IS IT UNUSUAL FOR EMPLOYEES AT TAWC TO BE REQUIRED TO WORK ON MAIN REPAIRS WHILE THE MAIN IS UNDER FULL OR NEAR FULL PRESSURE?

A. No. This happens frequently. In the case of the larger mains – such as six-inches or larger – this typically happens when workers discover the valve or valves that should shut off water to that main don't work.

Q. WHAT ARE UWUA'S CONCERNS ABOUT THE COMPANY'S CURRENT VALVE INSPECTION PRACTICES?

A. Earlier this year, starting around late January or early February, management instructed employees in the Distribution Department that we could work unlimited overtime to inspect the Company's distribution valves to increase the Company's numbers for valve inspections this year. We were also instructed that we would not be operating valves during these inspections, but merely verifying we could get a key on the valve nut, make sure the valve wasn't obviously broken, and then move on to the next valve. Employees were given these instructions during weekly Distribution Department meetings.

Q. WERE YOU PRESENT DURING THESE MEETINGS?

A. Yes.

Q. WHAT DO YOU REMEMBER MANAGEMENT INSTRUCTING EMPLOYEES?

A. We were told the Company wanted to inspect 100% of the valves that management had targeted for inspection this year, and that Distribution Department employees could work overtime at the employee's convenience to complete these inspections. Management told us this was a corporate goal.

Q. HOW DOES THE COMPANY USUALLY CONDUCT SCHEDULED VALVE INSPECTIONS?

A. Normally, the Company uses designated crews working in specialized valve trucks to routinely inspect valves. TAWC has three valve trucks, and they use a machine to fully close and open all inspected valves. These trucks also have equipment such as jackhammers in case the valve inspectors need to break into pavement to access valves. In this case, the Company was asking Distribution Department employees to supplement this year's valve inspections, but without physically operating the valves to make sure they work.

Q. DID EMPLOYEES ASK QUESTIONS ABOUT THIS ASSIGNMENT?

A. Yes. For example, I asked what these inspections would look like. Management informed us that all we needed was a pickup truck and a valve key, and that we were only to identify the valve, make sure we could get a key on it and that the valve wasn't obviously broken, and then move on to the next valve. Management said we should only turn the valves the minimum number of rounds shown by the Company's Map Call program if we could, but if we couldn't, we should just mark the valve as having been inspected and move on. Supervisors also specifically said we needed to turn these valves "from red to green."

Q. WHAT DOES THAT MEAN?

A. The Company has an online system known as Map Call, which all distribution employees have access to from their trucks. When an employee opens the program for purposes of valve inspection, all the valves that haven't been inspected yet are marked on the map as red. Once the employee confirms that a valve has been inspected, it turns green.

Q. IN YOUR EXPERIENCE, DID THE MINIMUM NUMBER OF TURNS INDICATED IN THE MAP CALL PROGRAM FOR A VALVE MATCH THE TYPICAL NUMBER IT TAKES TO FULLY CLOSE THE VALVE?

A. No. I know from experience that it takes multiple turns to fully close a valve. The basic formula is to multiply the size of the valve by three and then to add three. So, a six-inch valve would normally require at least 21 turns to fully close the valve. When I started routine inspections of valves this year, I noticed the minimum number of turns indicated by the program would be significantly less than the typical number to fully close the valve.

Q. WHAT ELSE DID MANAGEMENT TELL EMPLOYEES?

A. The Map Call program requires employees to enter the number of turns made on a valve during an inspection. Management instructed us that we were to just verify we could get a key on the valve and that the valve would turn or wasn't otherwise obviously broken, and then to enter the minimum number of turns Map Call would accept for that valve. If we didn't turn the valve and the program would allow us to enter zero turns, we should enter zero. If not, we were instructed to enter whatever minimum number the program would allow and then to move on to the next valve. Management also stated that if we could get a key on the valve but the valve wouldn't turn, we should mark the valve as having been inspected, make a note of what the problem was with the valve, and then move on.

Q. HAS MANAGEMENT REPEATED THESE INSTRUCTIONS TO EMPLOYEES?

A. Yes, during numerous Distribution Department weekly meetings. In addition, in my case when I first started inspecting valves this year, I kept notes by hand and then turned in my notes to supervisors to record in Map Call. For example, I would record in my notes the exact number of turns I made on a valve, whenever I couldn't locate a valve, if a valve

wouldn't turn, or any other reason I couldn't complete an inspection. After a few weeks, supervisors informed me that Map Call would always allow employees to enter a zero for the number of turns if you also added something in the "notes" column, for example explaining why the employee didn't enter any required minimum number of turns. After receiving those instructions, I began following that practice, meaning that I would enter the accurate number of turns I made and add any explanation in the "notes" column. As it happens, however, I don't recall the Map Call program ever refusing entry of a zero or some other low number for the number of turns, even without entering notes.

Q. DID ANYTHING ELSE ABOUT THESE INSTRUCTIONS STRIKE YOU AS UNUSUAL?

A. Yes. Management has made clear to union workers the Company wants us to mark off as inspected as many valves as possible, but without fully operating them to make certain the valves actually work. The three valve trucks and inspection crews the Company normally uses to perform inspections automatically turn valves the required number of times to fully close and then re-open them. Valve truck inspections are done properly, but the problem from management's point of view is that the process takes too much time. Typically, inspecting 15 valves would be a good day for a valve truck crew. The Company has increased its inspection numbers this year by also recruiting Distribution Department employees to inspect valves manually, but without fully operating them to ensure they in fact function properly.

Q. DO THESE MANUAL INSPECTIONS ACCURATELY DETERMINE THE OPERABILITY OF TAWC'S VALVES?

A. No. It's not possible to know from an inspection if a distribution valve does what it is supposed to do – namely, to turn on and off water flowing through the main – without physically operating it during the inspection. And as I explained earlier, if the Company doesn't properly identify valves that are broken and need repair during routine inspections, this will increase the workload and stress on hourly workers during emergency main repairs, and can also contribute to significant safety hazards such as employees having to repair mains under full water pressure.

IV. SEPTEMBER 2019 TRANSMISSION MAIN BREAK

Q. ARE YOU AWARE OF ANY EXAMPLES OF THE COMPANY'S FAILURE TO MAINTAIN DISTRIBUTION VALVES RESULTING IN SAFETY HAZARDS FOR UTILITY WORKERS?

A. Yes. The best recent example is probably the rupture of TAWC's 36-inch transmission main in September 2019.

Q. PLEASE EXPLAIN.

A. On September 12, 2019, an outside contractor working to install a new valve on a 36-inch water transmission main inside our water treatment plant caused the main to rupture, resulting in numerous customers in Chattanooga losing water service for up to three days. A 36-inch water transmission main is huge, and the main involved in this case is a primary source of clean water delivered from our treatment plant into downtown Chattanooga and other neighborhoods north of the Tennessee River.

Q. WHAT WERE THE CONSEQUENCES OF THIS EVENT?

A. My understanding is that about 35,000 customers lost water for three days, and businesses, hotels, office buildings, and schools downtown and in other areas had to effectively shut

down until the Company was able to restore service. The Company also issued a boil water notice for a period of time after service was restored. Our work crews were finally able to repair the transmission main during the early morning of September 14. The Company has reported in its annual 10K report filed with the SEC for 2023 that it was able to restore full water service to all customers by the afternoon of September 15 and then lifted the boil water alert for all customers by September 16. (*See* SEC Form 10K for year ending December 31, 2023, at p. 59, attached to TAWC Petition, docketed May 1, 2024.)

Q. DID YOU WORK ON THIS REPAIR PROJECT?

A. Yes.

Q. WHAT DO YOU RECALL ABOUT THIS EVENT?

A. Our crews worked around the clock to repair the ruptured main. I was off sick the day the transmission main ruptured, but I came in the next day to help with the Company's efforts to stop the water flowing through the main so we could repair it. When I arrived, hourly workers were shutting off any valves they could find to try to turn off the water flow, but without success. Unfortunately, many of the key valves that should have shut off water in this transmission main didn't work, so we weren't able to repair the main as quickly as we otherwise would have been able to do to restore service.

Q. HAD THE COMPANY KNOWN BEFORE THIS EVENT THAT ANY OF THESE VALVES DIDN'T WORK?

A. Yes. Some of these valves hadn't worked for up to 20 years.

Q. HOW WERE WORKERS ABLE TO FINALLY REPAIR THE RUPTURED MAIN?

A. Since none of the key valves that could have shut off the transmission main worked, the Company decided on the night of September 13 to take out a 24-inch cross-tie valve located

on the University of Tennessee-Chattanooga campus, just under a mile away from the water treatment plant where the transmission main break occurred.

Q. WHAT IS A CROSS-TIE VALVE?

A. A cross-tie valve is a valve on a pipeline installed between two parallel mains. If this cross-tie valve had worked, it would have shut off the water to the transmission main or at least have substantially reduced the water pressure. Unfortunately, this was one of the key valves I mentioned above that we knew didn't work.

Q. PLEASE CONTINUE.

A. I was one of the hourly workers who removed and eventually replaced the cross-tie valve. First, we dug down over four feet to expose the valve and pipeline so we could repair it. Since we couldn't shut off the water, we had to remove the valve under pressure. It wasn't running at full pressure, but at approximately 6,000 gallons per minute. As soon as we removed the valve, water filled up the excavation pit and started running down the street.

Q. WHAT HAPPENED NEXT?

A. Once we removed the cross-tie valve, this substantially reduced the water pressure on the transmission main back at the treatment plant. As a result, crews at the treatment plant then replaced the valve on the 36-inch transmission main. However, doing that meant that even more water pressure flowed back into the main where our crew had removed the cross-tie valve and had already started working to replace it.

Q. THEN WHAT HAPPENED?

A. We needed to replace the cross-tie valve before we could restore water service, so employees decided to try to complete this repair under water. Numerous managers were

present and knew we were working on the main underwater, and they certainly wanted us to make the attempt.

Q. WHAT DO YOU MEAN BY ATTEMPTING TO MAKE THIS REPAIR UNDER WATER?

A. Well, me and three other hourly workers repeatedly dived under four feet of water to finish installing the new 24-inch valve. That meant holding our breath as long as we could while making repairs, surfacing to catch our breath, and then going back under water to continue working on the valve. This was late at night, so we were working under artificial lighting.

Q. AND WERE YOU ABLE TO COMPLETE THOSE REPAIRS?

A. Yes. We finished up early in the morning on September 14.

Q. WAS THIS REPAIR OPERATION DANGEROUS FOR WORKERS?

A. Without any doubt. As I have previously testified, working on any large water main under pressure inherently creates more risk for workers, and trying to repair a main while under water obviously poses additional risks. But unfortunately, under the circumstances it was necessary to allow us to finally restore water service to Chattanooga customers.

Q. DO YOU BELIEVE INCREASED STAFFING LEVELS AND BETTER VALVE MAINTENANCE COULD HAVE REDUCED THE RISK TO EMPLOYEES AND RESTORED SERVICE TO CUSTOMERS FASTER IN THIS INSTANCE?

A. Absolutely, for several reasons. First, if the Company had more hourly workers available, we would be able to inspect valves more often and also to repair broken valves that we identify though inspections on a timelier basis. If the key distribution valves had worked in this case, employees wouldn’t have had to undertake repair operations on mains under

water pressure, or to resort to replacing the cross-tie valve while under water. If the valves had worked, we also would have been able to restore water service much faster.

Q. DOES THIS COMPLETE YOUR TESTIMONY?

A. Yes, it does.

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VERIFICATION

STATE OF TN }
}
COUNTY OF Hamilton }

I, DANIEL SEEBECK, being duly sworn, state that I am authorized to testify on behalf of the Utility Workers Union of America, AFL-CIO ("UWUA"), and UWUA Local 121 in the above-referenced docket, that if present before the Commission and duly sworn, my testimony would be as set forth in my pre-filed testimony in this matter, and that my testimony herein is true and correct to the best of my knowledge, information, and belief.

DANIEL SEEBECK

Sworn to and subscribed before me
this 13th day of September, 2024.

Notary Public

My Commission Expires: 05/06/2028

HAYDEN VERSTRAT
STATE OF TENNESSEE
NOTARY PUBLIC
My Commission Expires on 05/06/2028
HAMILTON COUNTY

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Direct Testimony of Danny Seebeck Proffered by Intervenors UWUA and UWUA, Local 121* was served via U.S. Mail, with a courtesy copy sent via electronic mail, upon:

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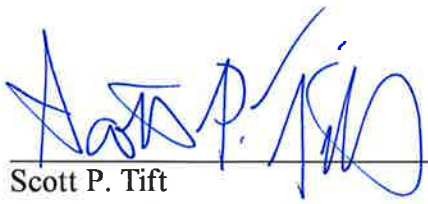

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