

November 7, 2024

VIA ELECTRONIC FILING

Hon. David Jones, Chairman
c/o Ectory Lawless, Docket Room Manager
Tennessee Public Utility Commission
502 Deaderick Street, 4th Floor
Nashville, TN 37243
TPUC.DocketRoom@tn.gov

Electronically Filed in TPUC Docket Room
on November 7, 2024 at 3:02 p.m.

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, TPUC Docket No. 24-00032*

Dear Chairman Jones:

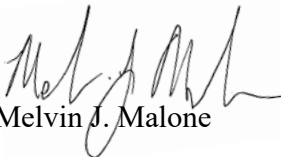
Attached for filing please find *Tennessee-American Water Company's Second Supplemental Response to DR 1-74 of the First Set of Discovery Requests of the Consumer Advocate* in the above-captioned matter.

Please note that the Attachment to this Second Supplemental Response to DR 1-74 contains **CONFIDENTIAL INFORMATION** and is being submitted **UNDER SEAL** as **CONFIDENTIAL and PROPRIETARY**. Both a public version and a nonpublic, **CONFIDENTIAL** version of this response is attached.

As required, the original plus four (4) hard copies will follow. Should you have any questions concerning this filing, or require additional information, please do not hesitate to contact me.

Very truly yours,

BUTLER SNOW LLP



Melvin J. Malone

Attachment

cc: Bob Lane, TAWC
Shilina Brown, Consumer Advocate Division
Victoria Glover, Consumer Advocate Division
Phillip Noblett, City of Chattanooga
Frederick Hitchcock, City of Chattanooga
Scott Tift, UWUA

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

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

DOCKET NO. 24-00032

**TENNESSEE-AMERICAN WATER COMPANY’S
SECOND SUPPLEMENTAL RESPONSE TO DR 1-74 OF THE
FIRST SET OF DISCOVERY REQUESTS OF THE CONSUMER ADVOCATE**

Tennessee-American Water Company (“TAWC”), by and through counsel, hereby submits its Second Supplemental Response to DR 1-74 of the First Set of Discovery Requests propounded by the Consumer Advocate Division of the Attorney General’s Office (“Consumer Advocate”).

GENERAL OBJECTIONS

1. TAWC objects to all requests that seek information protected by the attorney-client privilege, the work-product doctrine and/or any other applicable privilege or restriction on disclosure.
2. TAWC objects to the definitions and instructions accompanying the requests to the extent the definitions and instructions contradict, are inconsistent with, or impose any obligations beyond those required by applicable provisions of the Tennessee Rules of Civil Procedure or the rules, regulations, or orders of the Tennessee Public Utility Commission (“TPUC” or “Authority”).
3. The specific responses set forth below are based on information now available to TAWC, and TAWC reserves the right at any time to revise, correct, add to or clarify the objections or responses and supplement the information produced.

4. TAWC objects to each request to the extent that it is unreasonably cumulative or duplicative, speculative, unduly burdensome, irrelevant or seeks information obtainable from some other source that is more convenient, less burdensome or less expensive.

5. TAWC objects to each request to the extent it seeks information outside TAWC's custody or control.

6. TAWC's decision, now or in the future, to provide information or documents notwithstanding the objectionable nature of any of the definitions or instructions, or the requests themselves, should not be construed as: (a) a stipulation that the material is relevant or admissible, (b) a waiver of TAWC's General Objections or the objections asserted in response to specific discovery requests, or (c) an agreement that requests for similar information will be treated in a similar manner.

7. TAWC objects to those requests that seek the identification of "any" or "all" documents or witnesses (or similar language) related to a particular subject matter on the grounds that they are overbroad and unduly burdensome and exceed the scope of permissible discovery.

8. TAWC objects to those requests that constitute a "fishing expedition," seeking information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence and is not limited to this matter.

9. TAWC does not waive any previously submitted objections to the Consumer Advocate's discovery requests.

**TENNESSEE AMERICAN WATER COMPANY
TENNESSEE PUBLIC UTILITY COMMISSION
DOCKET NO. 24-00032
FIRST DISCOVERY REQUEST OF THE
CONSUMER ADVOCATE DIVISION**

Responsible Witness: John Watkins

Question:

1-74. Identify and provide invoice support for all legal costs charged to TAWC in 2023 associated with TPUC Docket No. 19-00103.

Response:

Please see the attachment TAW_R_CADDR1_074_062524_Attachment for invoice support of the 2023 legal costs associated with Docket No. 19-00103. The table below identifies the associated charges.

| Firm > Firm: Short Name | Matter > Practice Group > Practice Group (w/ path) | Matter > Substantive Law > Substantive Law (w/ path) | Invoice Number | Matter > Matter ID | Billed Amt by Billing Period Law Firm Start Date | Billing Period End Date |
|---------------------------------------|---|---|---------------------------|--------------------------------------|---|------------------------------------|
| Butler Snow | Rates & Regulatory | Regulatory/Com pliance | 1036958 2 | 2019006 28 | \$14,763.75 USD | 01/01/2023 01/31/2023 |
| Butler Snow | Rates & Regulatory | Regulatory/Com pliance | 1037262 0 | 2019006 28 | \$8,813.00 USD | 02/01/2023 02/28/2023 |
| Butler Snow | Rates & Regulatory | Regulatory/Com pliance | 1037674 2 | 2019006 28 | \$6,619.50 USD | 03/01/2023 03/31/2023 |
| Butler Snow | Rates & Regulatory | Regulatory/Com pliance | 1037889 7 | 2019006 28 | \$10,764.00 USD | 04/01/2023 04/30/2023 |
| Butler Snow | Rates & Regulatory | Regulatory/Com pliance | 1038360 2 | 2019006 28 | \$24,804.00 USD | 05/01/2023 05/31/2023 |
| Butler Snow | Rates & Regulatory | Regulatory/Com pliance | 1038619 3 | 2019006 28 | \$17,208.85 USD | 05/01/2023 06/30/2023 |
| Butler Snow | Rates & Regulatory | Regulatory/Com pliance | 1038943 8 | 2019006 28 | \$9,568.00 USD | 07/01/2023 07/31/2023 |
| Butler Snow | Rates & Regulatory | Regulatory/Com pliance | 1039390 6 | 2019006 28 | \$10,608.00 USD | 08/01/2023 08/31/2023 |

| | | | | | | | |
|--------------|--------------------|-----------------------|----------|-----------|-------------------------|------------|------------|
| Butler Snow | Rates & Regulatory | Regulatory/Compliance | 10398337 | 201900628 | \$9,100.00 USD | 09/01/2023 | 09/30/2023 |
| Butler Snow | Rates & Regulatory | Regulatory/Compliance | 10402041 | 201900628 | \$2,496.00 USD | 10/01/2023 | 10/31/2023 |
| Butler Snow | Rates & Regulatory | Regulatory/Compliance | 10405743 | 201900628 | \$3,172.00 USD | 11/01/2023 | 11/30/2023 |
| Butler Snow | Rates & Regulatory | Regulatory/Compliance | 10409840 | 201900628 | \$3,952.00 USD | 12/01/2023 | 12/31/2023 |
| Total | | | | | \$121,869.10 USD | | |

Supplemental Response:

First, the Company has identified the following two errors in the chart originally submitted: (1) invoice number 10386193, dated 05/01/23 has an actual, correct start date of 06/01/23; and (2) invoice number 10386193 shows a total amount of \$17,208.85, while the correct total amount is \$17,199.50. The revised, corrected original chart is set forth below, which matches the invoices in the attachment to the original response:

| Firm > Firm: Short Name | Matter > Practice Group > Practice Group (w/ path) | Matter > Substantive Law > Substantive Law (w/ path) | Invoice Number | Matter ID | Billed Amt by Billing Period Law Firm Start Date | Billing Period End Date |
|---|---|---|-----------------------|------------------|---|--------------------------------|
| Butler Snow | Rates & Regulatory | Regulatory/Compliance | 10369582 | 201900628 | \$14,763.75 USD | 01/01/2023 01/31/2023 |
| Butler Snow | Rates & Regulatory | Regulatory/Compliance | 10372620 | 201900628 | \$8,813.00 USD | 02/01/2023 02/28/2023 |
| Butler Snow | Rates & Regulatory | Regulatory/Compliance | 10376742 | 201900628 | \$6,619.50 USD | 03/01/2023 03/31/2023 |
| Butler Snow | Rates & Regulatory | Regulatory/Compliance | 10378897 | 201900628 | \$10,764.00 USD | 04/01/2023 04/30/2023 |
| Butler Snow | Rates & Regulatory | Regulatory/Compliance | 10383602 | 201900628 | \$24,804.00 USD | 05/01/2023 05/31/2023 |
| Butler Snow | Rates & Regulatory | Regulatory/Compliance | 10386193 | 201900628 | \$17,199.50 USD | 06/01/2023 06/30/2023 |
| Butler Snow | Rates & Regulatory | Regulatory/Compliance | 10389438 | 201900628 | \$9,568.00 USD | 07/01/2023 07/31/2023 |

| | | | | | | | |
|--------------|--------------------|-----------------------|----------|-----------|-------------------------|------------|------------|
| Butler Snow | Rates & Regulatory | Regulatory/Compliance | 10393906 | 201900628 | \$10,608.00 USD | 08/01/2023 | 08/31/2023 |
| Butler Snow | Rates & Regulatory | Regulatory/Compliance | 10398337 | 201900628 | \$9,100.00 USD | 09/01/2023 | 09/30/2023 |
| Butler Snow | Rates & Regulatory | Regulatory/Compliance | 10402041 | 201900628 | \$2,496.00 USD | 10/01/2023 | 10/31/2023 |
| Butler Snow | Rates & Regulatory | Regulatory/Compliance | 10405743 | 201900628 | \$3,172.00 USD | 11/01/2023 | 11/30/2023 |
| Butler Snow | Rates & Regulatory | Regulatory/Compliance | 10409840 | 201900628 | \$3,952.00 USD | 12/01/2023 | 12/31/2023 |
| Total | | | | | \$121,859.75 USD | | |

Second, the Company has learned that each of the invoices previously provided in this response contain legal fees for multiple TAWC legal matters. As shown below, a review of those invoices reveals that the 2023 legal fees related solely to TPUC Docket No. 19-00103 were \$56,368.00. The remaining \$65,491.75 can be broken down into 3 categories, the Capital Recovery Riders (“CRRs”), CCR Reconciliation (“Recon”), and the Production Cost and Other Pass Throughs (“PCOP”).

| 2023 | 19-00103 | CRRs | Recon | PCOP | TOTALS |
|---------------|---------------------|--------------------|---------------------|---------------------|----------------------|
| January | \$ 8,372.00 | \$ - | \$ - | \$ 6,391.75 | \$ 14,763.75 |
| February | \$ 1,196.00 | | \$ 4,341.00 | \$ 3,276.00 | \$ 8,813.00 |
| March | \$ 2,392.00 | \$ 334.50 | \$ 2,102.50 | \$ 1,790.50 | \$ 6,619.50 |
| April | \$ 2,496.00 | \$ - | \$ 6,188.00 | \$ 2,080.00 | \$ 10,764.00 |
| May | \$ 8,788.00 | \$ 2,288.00 | \$ 9,724.00 | \$ 4,004.00 | \$ 24,804.00 |
| June | \$ 6,032.00 | \$ - | \$ 10,907.50 | \$ 260.00 | \$ 17,199.50 |
| July | \$ 5,148.00 | \$ - | \$ 4,160.00 | \$ 260.00 | \$ 9,568.00 |
| August | \$ 7,176.00 | \$ - | \$ 3,432.00 | \$ - | \$ 10,608.00 |
| September | \$ 8,528.00 | \$ - | \$ 572.00 | \$ - | \$ 9,100.00 |
| October | \$ 2,288.00 | \$ - | \$ 208.00 | \$ - | \$ 2,496.00 |
| November | \$ - | \$ - | \$ 3,172.00 | \$ - | \$ 3,172.00 |
| December | \$ 3,952.00 | \$ - | \$ - | \$ - | \$ 3,952.00 |
| TOTALS | \$ 56,368.00 | \$ 2,622.50 | \$ 44,807.00 | \$ 18,062.25 | \$ 121,859.75 |

Second Supplemental Response:

Attached is the TN GRC – Legal Invoices – Privilege Log, which is filed **UNDER SEAL** as **CONFIDENTIAL INFORMATION**. The second supplement is related to the legal invoices and costs associated with Docket No. 19-00103 in 2023.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via U.S. Mail or electronic mail upon:

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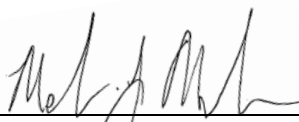
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This the 7th day of November 2024.



Melvin J. Malone