

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

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

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**PRE-HEARING ORDER**

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Pursuant to Tenn. Code Ann. § 4-5-306(d) and Commission Rule 1220-1-2-.12, this matter came before the Administrative Judge of the Tennessee Public Utility Commission (“Commission” or “TPUC”) at Pre-Hearing Conference held via teleconference on November 6, 2024. The Pre-Hearing Conference was held to establish the orderly conduct of the Hearing on the *Petition to Modify Tariff, Change and Increase Charges, Fees, and Rates, and for Approval of a General Rate Increase* (“*Petition*”) scheduled to be held during the Commission Conference beginning at 10:00 a.m. (CST) on Monday, November 18, 2024, and continuing as necessary through November 21, 2024. If additional hearing days are required, the hearing will resume on December 4, 2024. Tennessee-American Water Company (the “Company,” “TAWC,” or “Tennessee-American”), the City of Chattanooga (the “City” or “COC”), the Utility Workers Union of America, AFL-CIO and UWUA Local 121 (together, the “Union” or “UWUA”), and the Consumer Advocate Division of the Office of the Tennessee Attorney General (“Consumer Advocate”), the parties in this matter, participated in the Pre-Hearing Conference.

## LEAD SERVICE LINE REPLACEMENT ISSUE

During the Pre-hearing Conference, the Administrative Judge asked the parties if they would object to moving the customer-owned lead service line replacement issue to another docket. The parties did not object to considering this issue in a separate docket.

Commission Rule 1220-01-02-.22 (2) provides as follows:

In any contested case the Commission or the Hearing Officer:

(2) May, on its own motion or the motion of any party, allow amendments, consolidate cases, join parties, sever aspects of the case for separate hearings, permit additional claims or contentions to be asserted, bifurcate or otherwise order the course of proceedings in order to further the just, efficient and economical disposition of cases consistent with the statutory policies governing the Commission.

The Administrative Judge finds that the customer-owned lead service line replacement issue presented in TAWC's *Petition* is complicated and presents several legal issues that need to be explored. Further, additional information is necessary, and this important issue warrants consideration outside of the constraints of a rate case. Therefore, based on these findings and because this issue does not impact TAWC's base rates, the Administrative Judge concludes that a new docket should be opened to consider the customer-owned lead service line replacement issue raised in TAWC's *Petition*.

## **PROCEDURAL MATTERS**

The following order of the Hearing has been established and agreed upon:

### **A. NOTICE OF HEARING & PUBLIC COMMENT**

On November 8, 2024, a *Notice of Hearing* was issued notifying the public that a Hearing on the *Petition* filed on May 1, 2024, will be held during the Commission Conference beginning at **10:00**

**a.m. CST on Monday, November 18, 2024.** As was included in the notice, members of the public are encouraged to participate by filing written comments in the docket file and/or presenting verbal comments during the Hearing.

#### **B. OPENING STATEMENTS**

Each party is permitted a maximum of ten (10) to twelve (12) minutes to present an opening statement. The parties will present in the following order: TAWC, Consumer Advocate, COC, and UWUA.

#### **C. EXHIBITS & DOCUMENTS**

The parties will provide any demonstrative exhibits related to a witness's pre-filed testimony by **November 14, 2024**. Each party should have its own copy of all exhibits, including those appended to pre-filed testimony, available for reference during the Hearing.

#### **D. WITNESSES**

During direct examination, a time limit has been established for each witness to summarize the pre-filed testimony. In addition, witnesses should be advised that they should not discuss their testimony with other witnesses, and they remain subject to recall for rebuttal purposes and should remain available throughout the length of the proceedings. The witnesses and time limits are set forth below:

- **Tennessee-American will present the following witnesses:**
  - Grant Evitts, Bob Lane, Ann Bulkley, Nick Furia, Grady Stout, Robert Prendergast, John Watkins, Harold Walker, Robert Mustich, Kevin Kruchinski, Dominic DeGrazia, Larry Kennedy, Patrick Baryenbruch, Linda Schlessman, Heath Brooks, and Chuck Rea

- Each witness will have ten (10) minutes to give a summary.
- **The City will present:**
  - Mark Garrett
  - The witness will have twenty (20) minutes to give a summary.
- **The Union will present:**
  - Shawn Garvey
  - Danny Seebeck
  - Each witness will have ten (10) minutes to give a summary.
- **The Consumer Advocate will present:**
  - William H. Novak
  - David Dittmore
  - Clark Kaml
  - Alex Bradley
  - Aaron Rothschild
  - Each witness will have ten (10) minutes to give a summary.

#### **E. Examination of Witnesses and Questions by the Commission**

While re-direct examination of a witness is allowed, the parties are reminded that it is to be limited to matters elicited during cross-examination that require clarification. It is not appropriate to raise new issues during re-direct examination. Re-cross examination is not permitted except in the event that a new issue is raised during the immediately preceding re-direct examination. The parties should be aware that the Commissioners might ask questions at any time during a witness's testimony and after cross-examination. The Commission's Advisory Staff will have an opportunity to ask questions as well.

## **F. Post-Hearing Briefs**

The parties have decided to file post-hearing briefs instead of presenting closing remarks at the Hearing. Generally, post-hearing briefs should be filed two (2) weeks after the transcript from the Hearing becomes available. As discussed during the pre-hearing Conference, post-hearing briefs should be filed according to the following schedule: If the hearing concludes on November 21<sup>st</sup>, briefs are due **December 13, 2024**. If the hearing concludes on December 6, 2024, briefs will be due December 20, 2024.

## **Summary Outline of Hearing**

For the convenience of the presiding panel and the parties, a *Procedural Outline of Hearing* has been provided as Attachment A to this Order.

## **IT IS SO ORDERED THAT:**

The Hearing scheduled to be held during the Commission Conference beginning at **10:00 a.m. CST on November 18, 2024**, shall be conducted in accordance with the requirements and deadlines set forth in this Pre-Hearing Order unless otherwise ordered by the Chairman or presiding Commissioner.

  
Monica Smith-Ashford, Administrative Judge

**ATTACHMENT A**

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION**

**NASHVILLE, TENNESSEE**

**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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**PROCEDURAL OUTLINE OF HEARING**

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Time/Date: **During Commission Conference held on November 18, 2024, at 10:00 a.m. (CST)**

**Hearing on the Merits**

Hearing Convened by Presiding Commissioner and Introductions

A. Preliminary Issues

B. Opening Statements (10-12 Minutes each):

- 1) TAWC
- 2) Consumer Advocate
- 3) City
- 4) Union

C. Witness Summaries:

**TAWC Witness**

**Grant Evitts**

- Oath Administered/Witness Sworn –

Summary of pre-filed testimony

Ten (10) minutes

Cross-examination

Consumer Advocate

Cross-examination

City

Re-direct examination

TAWC

Re-cross examination	(if requested & determined appropriate)
Questions	TPUC Commissioners and/or Advisory Staff

<b><u>TAWC Witness</u></b>	<b>Bob Lane</b>
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- Oath Administered/Witness Sworn –

Summary of pre-filed testimony	Ten (10) minutes
Cross-examination	Consumer Advocate
Cross-examination	City
Re-direct examination	TAWC

Re-cross examination	(if requested & determined appropriate)
Questions	TPUC Commissioners and/or Advisory Staff

<b><u>TAWC Witness</u></b>	<b>Ann Bulkley</b>
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- Oath Administered/Witness Sworn –

Summary of pre-filed testimony	Ten (10) minutes
Cross-examination	Consumer Advocate
Cross-examination	City
Re-direct examination	TAWC

Re-cross examination	(if requested & determined appropriate)
Questions	TPUC Commissioners and/or Advisory Staff

<b><u>TAWC Witness</u></b>	<b>Nick Furia</b>
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- Oath Administered/Witness Sworn –

Summary of pre-filed testimony	Ten (10) minutes
Cross-examination	Consumer Advocate
Cross-examination	City
Re-direct examination	TAWC

Re-cross examination	(if requested & determined appropriate)
Questions	TPUC Commissioners and/or Advisory Staff

<b><u>TAWC Witness</u></b>	<b>Grady Stout</b>
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- Oath Administered/Witness Sworn –

Summary of pre-filed testimony	Ten (10) minutes
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Cross-examination	Consumer Advocate
Cross-examination	City
Cross-examination	Union
Re-direct examination	TAWC
Re-cross examination	(if requested & determined appropriate)
Questions	TPUC Commissioners and/or Advisory Staff

**TAWC Witness**

**Robert Prendergast**

- Oath Administered/Witness Sworn –

Summary of pre-filed testimony	Ten (10) minutes
Cross-examination	Consumer Advocate
Cross-examination	City
Cross-examination	Union
Re-direct examination	TAWC
Re-cross examination	(if requested & determined appropriate)
Questions	TPUC Commissioners and/or Advisory Staff

**TAWC Witness**

**John Watkins**

- Oath Administered/Witness Sworn –

Summary of pre-filed testimony	Ten (10) minutes
Cross-examination	Consumer Advocate
Cross-examination	City
Re-direct examination	TAWC
Re-cross examination	(if requested & determined appropriate)
Questions	TPUC Commissioners and/or Advisory Staff

**TAWC Witness**

**Harold Walker**

- Oath Administered/Witness Sworn –

Summary of pre-filed testimony	Ten (10) minutes
Cross-examination	Consumer Advocate
Cross-examination	City
Re-direct examination	TAWC



Re-cross examination	(if requested & determined appropriate)
Questions	TPUC Commissioners and/or Advisory Staff

<b><u>TAWC Witness</u></b>	<b>Robert Mustich</b>
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- Oath Administered/Witness Sworn –	
Summary of pre-filed testimony	Ten (10) minutes
Cross-examination	Consumer Advocate
Cross-examination	City
Re-direct examination	TAWC
Re-cross examination	(if requested & determined appropriate)
Questions	TPUC Commissioners and/or Advisory Staff

<b><u>TAWC Witness</u></b>	<b>Kevin Krushinski</b>
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- Oath Administered/Witness Sworn –	
Summary of pre-filed testimony	Ten (10) minutes
Cross-examination	Consumer Advocate
Cross-examination	City
Re-direct examination	TAWC
Re-cross examination	(if requested & determined appropriate)
Questions	TPUC Commissioners and/or Advisory Staff

<b><u>TAWC Witness</u></b>	<b>Dominic DeGrazia</b>
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- Oath Administered/Witness Sworn –	
Summary of pre-filed testimony	Ten (10) minutes
Cross-examination	Consumer Advocate
Cross-examination	City
Re-direct examination	TAWC
Re-cross examination	(if requested & determined appropriate)
Questions	TPUC Commissioners and/or Advisory Staff

<b><u>TAWC Witness</u></b>	<b>Larry Kennedy</b>
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- Oath Administered/Witness Sworn –	
Summary of pre-filed testimony	Ten (10) minutes

Cross-examination	Consumer Advocate
Cross-examination	City
Re-direct examination	TAWC
Re-cross examination	(if requested & determined appropriate)
Questions	TPUC Commissioners and/or Advisory Staff

**TAWC Witness**

**Patrick Baryenbruch**

- Oath Administered/Witness Sworn –	
Summary of pre-filed testimony	Ten (10) minutes
Cross-examination	Consumer Advocate
Cross-examination	City
Re-direct examination	TAWC
Re-cross examination	(if requested & determined appropriate)
Questions	TPUC Commissioners and/or Advisory Staff

**TAWC Witness**

**Linda Schlessman**

- Oath Administered/Witness Sworn –	
Summary of pre-filed testimony	Ten (10) minutes
Cross-examination	Consumer Advocate
Cross-examination	City
Re-direct examination	TAWC
Re-cross examination	(if requested & determined appropriate)
Questions	TPUC Commissioners and/or Advisory Staff

**TAWC Witness**

**Heath Brooks**

- Oath Administered/Witness Sworn –	
Summary of pre-filed testimony	Ten (10) minutes
Cross-examination	Consumer Advocate
Cross-examination	City
Re-direct examination	TAWC
Re-cross examination	(if requested & determined appropriate)
Questions	TPUC Commissioners and/or Advisory Staff

**TAWC Witness****Chuck Rea**

- Oath Administered/Witness Sworn –

Summary of pre-filed testimony	Ten (10) minutes
Cross-examination	Consumer Advocate
Cross-examination	City
Re-direct examination	TAWC
Re-cross examination	(if requested & determined appropriate)
Questions	TPUC Commissioners and/or Advisory Staff

**City of Chattanooga Witness****Mark Garrett**

- Oath Administered/Witness Sworn –

Summary of pre-filed testimony	Twenty (20) minutes
Cross-examination	TAWC
Cross-examination	Consumer Advocate
Re-direct examination	City
Re-cross examination	(if requested & determined appropriate)
Questions	TPUC Commissioners and/or Advisory Staff

**Union Witness****Shawn Garvey**

- Oath Administered/Witness Sworn –

Summary of pre-filed testimony	Ten (10) minutes
Cross-examination	TAWC
Cross-examination	Consumer Advocate
Cross-examination	City
Re-direct examination	Union
Re-cross examination	(if requested & determined appropriate)
Questions	TPUC Commissioners and/or Advisory Staff

**Union Witness****Danny Seebeck**

- Oath Administered/Witness Sworn –

Summary of pre-filed testimony	Ten (10) minutes
Cross-examination	TAWC
Cross-examination	Consumer Advocate
Cross-examination	City
Re-direct examination	Union
Re-cross examination	(if requested & determined appropriate)
Questions	TPUC Commissioners and/or Advisory Staff

**Consumer Advocate Witness**

**William H. Novak**

- Oath Administered/Witness Sworn –

Summary of pre-filed testimony	Ten (10) minutes
Cross-examination	TAWC
Cross-examination	City
Re-direct examination	Consumer Advocate
Re-cross examination	(if requested & determined appropriate)
Questions	TPUC Commissioners and/or Advisory Staff

**Consumer Advocate Witness**

**David Dittemore**

- Oath Administered/Witness Sworn –

Summary of pre-filed testimony	Ten (10) minutes
Cross-examination	TAWC
Cross-examination	City
Re-direct examination	Consumer Advocate
Re-cross examination	(if requested & determined appropriate)
Questions	TPUC Commissioners and/or Advisory Staff

**Consumer Advocate Witness**

**Clark Kaml**

- Oath Administered/Witness Sworn –

Summary of pre-filed testimony	Ten (10) minutes
Cross-examination	TAWC
Cross-examination	City

Re-direct examination	Consumer Advocate
Re-cross examination	(if requested & determined appropriate)
Questions	TPUC Commissioners and/or Advisory Staff

**Consumer Advocate Witness**

**Alex Bradley**

- Oath Administered/Witness Sworn –

Summary of pre-filed testimony	Ten (10) minutes
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Cross-examination	TAWC
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Cross-examination	City
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Re-direct examination	Consumer Advocate
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Re-cross examination	(if requested & determined appropriate)
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Questions	TPUC Commissioners and/or Advisory Staff
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**Consumer Advocate Witness**

**Aaron Rothschild**

- Oath Administered/Witness Sworn –

Summary of pre-filed testimony	Ten (10) minutes
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Cross-examination	TAWC
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Cross-examination	City
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Re-direct examination	Consumer Advocate
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Re-cross examination	(if requested & determined appropriate)
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Questions	TPUC Commissioners and/or Advisory Staff
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D. Public Comment

E. Hearing Adjourned