

**IN THE TENNESSEE PUBLIC UTILITY COMMISSION  
AT NASHVILLE, TENNESSEE**

IN RE: )  
)  
PETITION OF TENNESSEE- )  
AMERICAN WATER COMPANY ) DOCKET NO. 25-00002  
REGARDING THE 2025 PRODUCTION )  
COSTS AND OTHER PASS- )  
THROUGHS RIDER )

## CONSUMER ADVOCATE'S FIRST SET OF DISCOVERY REQUESTS TO TENNESSEE AMERICAN WATER COMPANY

This First Set of Discovery Requests is hereby served upon Tennessee-American Water Company (“TAWC” or the “Company”), pursuant to Rules 26, 33, 34, and 36 of the Tennessee Rules of Civil Procedure and Tenn. Comp. R. & Regs. 1220-01-02-.11. The Consumer Advocate Division of the Office of the Attorney General (“Consumer Advocate”) requests that full and complete responses be provided pursuant to the Tennessee Rules of Civil Procedure. The responses are to be produced at the Office of the Tennessee Attorney General and Reporter, Consumer Advocate Division, John Sevier Building, 500 Dr. Martin L. King Jr. Blvd., Nashville, Tennessee 37243, c/o Victoria B. Glover, on or before Wednesday, February 21, 2025, at 2:00 p.m. CST.

## PRELIMINARY MATTERS AND DEFINITIONS

1. **Continuing Request.** These discovery requests are to be considered continuing in nature and are to be supplemented from time to time as information is received by the Company and any of its affiliates which would make a prior response inaccurate, incomplete, or incorrect.

2. **Clear References.** To the extent that the data or information requested is incorporated or contained in a document, identify the document including page/line number if applicable.

3. **Format of Responses.** Provide all responses in the format in which they were created or maintained, for example, Microsoft Word or Microsoft Excel format with all cells and formulas intact and in working order. If a document (including without limitation a financial or other spreadsheet or work paper) is not created or maintained in Microsoft Excel format, convert the document to Microsoft Excel format or provide the document in a format that enables or permits functionality like or similar to Microsoft Excel (including without limitation the functionality of working cells and formulas), or provide the software program(s) that will enable the Consumer Advocate to audit and analyze the data and information in the same manner as would be enabled or permitted if the document were provided in Microsoft Excel format.

4. **Objections.** If any objections to this discovery are raised on the basis of privilege or immunity, include in your response a complete explanation concerning the privilege or immunity asserted. If you claim a document is privileged, identify the document and state the basis for the privilege or immunity asserted. If you contend that you are entitled to refuse to fully answer any of this discovery, state the exact legal basis for each such refusal.

5. **Singular/Plural.** The singular shall include the plural, and vice-versa, where appropriate.

6. **Definitions.** As used in this Request:

(a) “You,” “Your,” “Company,” “Tennessee American,” or “TAWC” shall mean Tennessee American Water Company and all employees, agents, attorneys, representatives or any other person acting or purporting to act on its behalf.

(b) “Affiliate” shall mean any entity who, directly or indirectly, is in control of, is controlled by, or is under common control with the Company. For greater clarification, “control” is the ownership of 20% or more of the shares of stock

entitled to vote for the election of directors in the case of a corporation, or 20% or more of the equity interest in the case of any other type of entity, or status as a director or officer of a corporation or limited liability company, or status as a partner of a partnership, or status as an owner of a sole proprietorship, or any other arrangement whereby a person has the power to choose, direct, or manage the board of directors or equivalent governing body, officers, managers, employees, proxies, or agents of another person. In addition, the term "Affiliate" shall mean any entity that directly or indirectly provides management or operational services to the Company or any affiliate (as defined in the preceding sentence) of the Company, or to which the Company provides management or operational services. Further, the payment of money to the Company or receipt by the Company of money from an entity with which the Company has any relationship, other than such payment or receipt, shall include the payor or recipient of such money as an "Affiliate".

(c) "Communication" shall mean any transmission of information by oral, graphic, written, pictorial or otherwise perceptible means, including but not limited to personal conversations, telephone conversations, letters, memoranda, telegrams, electronic mail, newsletters, recorded or handwritten messages, meetings and personal conversations, or otherwise.

(d) "Document" shall have the broadest possible meaning under applicable law. "Document" shall mean any medium upon which intelligence or information can be recorded or retrieved, such as any written, printed, typed, drawn, filmed, taped, or recorded medium in any manner, however produced or reproduced, including but not limited to any writing, drawing, graph, chart, form, letter, note, report, electronic mail, memorandum (including memoranda, electronic mail, report, or note of a meeting or communication), work paper, spreadsheet, photograph, videotape, audio tape, computer disk or record, or any other data compilation in any form without limitation, which is in your possession, custody or control. If any such document was, but no longer is, in your possession, custody or control, state what disposition was made of the document and when it was made?

(e) "Person" shall mean any natural person, corporation, firm, company, proprietorship, partnership, business, unincorporated association, or other business or legal entity of any sort whatsoever.

(f) "Identify" with respect to:

- i. Any natural person, means to state the full name, telephone number, email address and the current or last known business address of the person (if no business address or email address is available provide any address known to you) and that person's relationship, whether business, commercial, professional, or personal with you;
- ii. Any legal person, business entity or association, means to state the full name, the name of your contact person with the entity, all trade name(s), doing business as name(s), telephone number(s), email address(es), and

current or last known business address of such person or entity (if no business address is available provide any address known to you);

iii. Any document, means to state the type of document (e.g., letter), the title, identify the author, the subject matter, the date the document bears and the date it was written; and

iv. Any oral communication, means to state the date when and the place where it was made, identify the person who made it, identify the person or persons who were present or who heard it, and the substance of it.

(g) “And” and “or” shall be construed conjunctively or disjunctively as necessary to make the discovery request inclusive rather than exclusive.

(h) “Including” shall be construed to mean including but not limited to.

### **FIRST SET OF DISCOVERY REQUESTS**

1-1. **Non-Revenue Water Calculation.** Refer to Page 8 of Company witness Lane’s testimony

regarding the Non-Revenue Water calculation which reads, in part, as follows:

*The calculations in this Petition are consistent with the calculations made pursuant to and in compliance with the approved tariff in TPUC Docket No. 13-00130 and again in Docket Nos. 15-00001, 15-00131, 16-00148, 18-00009, 19-00010, 20-00008, 21-00006, 22-00005, 23-00007 and 24-00002, with the exception of using the unaccounted for water limitation factor rather than the Non-Revenue Water limitation factor to be consistent with TPUC precedent pursuant to the Commission’s orders in TPUC Docket Nos. 08-00039 and 10-00189 (formerly TRA dockets).*

*The Company is making this adjustment to conform to the limitation factor on unaccounted for water adopted by the Commission in TPUC Docket Nos. 12-00049, 10-00189 and 08-00039. The Company realized there was an inconsistency between how the unaccounted for water limitation factor had previously been implemented in more recent years and the clear language of these previous Commission decisions applying a 15% unaccounted for water limitation factor. TAWC is rectifying that in this filing.*

Provide a narrative of precisely what portions of TPUC Docket Nos. 08-00039, 10-00189 and 12-00049 that the Company is referring to and how these particular dockets dictate the methodology used by the Commission in the PCOP calculation.

**RESPONSE:**

1-2. **Approved Deferred Amount.** Refer to the Company's File <Workpaper\_Revenue - 2024>, Tab "Links", that was included with the filing. Specifically, refer to Cell B6 of this spreadsheet which contains a value of \$1,034,368 as the Deferred Revenue and references TPUC Docket No. 23-00007 for support.

Is it the Company's intent to use the Deferred Revenue from TPUC Docket No. 23-00007 as the supporting reference instead of the amount from TPUC Docket No. 24-00002? If so, provide a narrative explanation supporting the use of this amount. If the Company believes that this amount was used in error, then provide an updated PCOP calculation.

**RESPONSE:**

1-3. **Out-of-Period Adjustment.** Refer to the Company's File <Workpaper\_Purchased Water - 2024>, Tab "Monthly Totals", Cell F24 that was included with the Company's filing. This Cell has a value of \$154,832 for the Review Period for the Marion Board of Water. Next refer to this same spreadsheet, Tab "Jasper Highlands", Cell K25. This Cell has a value of \$166,907 for the Review Period but uses out-of-period amounts to arrive at this total.

Is it the Company's contention that both of these two differing amounts are appropriate to include in the PCOP calculation? If so, provide a narrative explanation to support using separate amounts for these two calculations. If the Company believes that one of these amounts was provided in error, then provide an updated calculation.

**RESPONSE:**

1-4. **Source & Support.** Refer to the Company's File <Petitioner's Exhibit - PCOP CALC Exhibit - RCL (TAW\_EXH\_RCL\_1\_011723)>, Tab "Jasper Highlands Workpaper", Cell C9, of the spreadsheet that was included with the filing. This Cell has a value of 9,501,833 for the 2024 Jasper Highlands Billed Usage that is then referenced in other schedules. Provide the source and support for this amount which appears as an unreferenced hard-coded amount.

**RESPONSE:**

1-5. **Source & Support.** Refer to the Company's File <CONFIDENTIAL Workpaper\_Chemicals - 2024>, Tab "Monthly Totals", Column AO, included in the filing. This Column is identified as the "General Ledger Total" and has a total value of \$[REDACTED]. Provide the source and support for the individual monthly amounts in this Column that appear as unreferenced hard-coded amounts.

**RESPONSE:**

1-6. **Source & Support.** Refer to the Company's File <Petitioner's Exhibit – PCOP CALC Exhibit – RCL (TAW EXH RCL 1 011723)>, Tab "Support Workpaper", Column E, included in the filing. This Column of data includes the PCOP Authorized Amounts from TPUC Docket No. 12-00049. Identify and provide supporting documentation for the Authorized Amounts to be used in future PCOP filings from the Company's 2024 Rate Case in TPUC Docket No. 24-00032.

**RESPONSE:**

RESPECTFULLY SUBMITTED,

*Vance L. Broemel*

**VANCE L. BROEMEL** (BPR No. 011421)

Senior Assistant Attorney General

**KAREN H. STACHOWSKI** (BPR No. 019607)

Deputy Attorney General

Office of the Tennessee Attorney General

Consumer Advocate Division

P.O. Box 20207

Nashville, TN 37202-0207

Phone: (615) 741-8733

Email: [Vance.Broemel@ag.tn.gov](mailto:Vance.Broemel@ag.tn.gov)

Email: [Karen.Stachowski@ag.tn.gov](mailto:Karen.Stachowski@ag.tn.gov)

**TPUC Docket No. 25-00002**

*CA's 1<sup>st</sup> DR to TAWC*

**CERTIFICATE OF SERVICE**

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

Robert C. Lane  
Senior Manager, Rates and Regulatory  
Tennessee-American Water Company  
109 Wiehl Street  
Chattanooga, TN 37403  
Email: [Bob.Lane@amwater.com](mailto:Bob.Lane@amwater.com)

Melvin J. Malone  
Katherine Barnes  
Butler Snow LLP  
The Pinnacle at Symphony Place  
150 3rd Avenue South, Suite 1600  
Nashville, TN 37201  
Email: [Melvin.Malone@butlersnow.com](mailto:Melvin.Malone@butlersnow.com)  
Email: [Katherine.Barnes@butlersnow.com](mailto:Katherine.Barnes@butlersnow.com)

This the 11<sup>th</sup> day of February, 2025.

*Vance L. Broemel*

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VANCE L. BROEMEL  
Senior Assistant Attorney General