

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

IN RE:)
)
TENNESSEE-AMERICAN WATER)
COMPANY’S PFAS (PER- AND POLY-)
FLUOROALKYL SUBSTANCES))
LITIGATION UNIVERSAL)
SURCREDIT TARIFF (“PLUS)
TARIFF”))

DOCKET NO. 25-00086

**CONSUMER ADVOCATE’S COMPLAINT AND REQUEST TO OPEN A CONTESTED
CASE AND INVESTIGATION**

Jonathan Skrmetti, Attorney General and Reporter for the State of Tennessee, by and through the Consumer Advocate Division of the Office of the Attorney General (“Consumer Advocate”), pursuant to Tenn. Code Ann. § 65-4-118, and Tennessee Public Utility Commission (“TPUC” or the “Commission”) Rules 1220-01-01-.08 and 1220-01-02-.02(4),¹ respectfully petitions the Tennessee Public Utility Commission to grant the Consumer Advocate’s complaint and request to open an contested case and an investigation in this matter since consumers’ interests, rights, duties or privileges may be determined or affected by *Tennessee-American Water Company’s PFAS (Per- and Poly Fluoroalkyl Substances Litigation Universal Surcredit Tariff (“PLUS Tariff”))*.

¹ “A tariff filing does not constitute a contested case; however, any interested person may object to the tariff filing by filing a complaint. Any such complaint shall state the nature of the interest, the grounds for any such objection and the relief sought. A copy of the complaint shall be served on the company filing the tariff. The company filing the tariff shall have the right to respond to such complaint. It shall be within the discretion of the Commission to convene a contested case. A complaint opposing the tariff shall be filed no later than seven (7) days prior to the Commission Conference immediately preceding the proposed effective date of the tariff.” Tenn. Comp. R. & Regs. 1220-01-.02(4).

The Consumer Advocate would show as follows:

1. The Consumer Advocate is authorized by Tenn. Code Ann. § 65-4-118 to represent the interests of Tennessee consumers of public utility services by initiating and intervening as a party in any matter or proceeding before the Commission in accordance with the Uniform Administrative Procedures Act, Tenn. Code Ann. §§ 4-5-101, *et seq.*, and Commission rules.

2. On October 6, 2025, Tennessee American Water Company (“TAWC” or “Company”) filed PFAS (Per- and Poly Fluoroalkyl Substances Litigation Universal Surcredit Tariff (“PLUS Tariff”) to be effective upon thirty (30) days following filing. The PLUS Tariff provides for the distribution of the settlement proceeds to customers that are received by TAWC from a class action lawsuit from large manufacturers of various PFAS containing chemicals. The settlement amounts are being paid directly to TAWC by the settlement administrator. TAWC decided to distribute these remediation settlement funds directly to customers as a bill credit. The bill credit will be reflected on customer bills as PFAS settlement payment amounts are received by TAWC. TAWC anticipates several payments to be made to them from the large manufacturers. The amount of the credit would vary based on the proceeds received (net of attorneys’ fees and costs) and the number of TAWC customers at the time of the settlement payment. The first settlement amount has been received by TAWC from 3M and TAWC intends to issue a customer credit of approximately \$48.30 per water customer.

3. The settlement proceeds received by TAWC originated from a PFAS class action lawsuit wherein TAWC were plaintiffs against several of the major manufacturers of PFAS: 3M Company (“3M”); The Chemours Company, The Chemours Company FC, LLC, DuPont de Nemours, Inc., Corteva, Inc., and E.I. DuPont de Nemours and Company n/k/a EIDP, Inc. (collectively “DuPont”); Tyco Fire Products LP (“Tyco”); and BASF Corporation (“BASF”)

(collectively “PFAS Manufacturers”). Following consolidation of all the lawsuits into a multi-district litigation (“MDL”) docket before the U.S. District Court for the District of South Carolina,² the case was settled between the affected water utilities and the PFAS manufacturers.

4. In March 2024, the MDL settlement was reached with 3M and DuPont. In November 2024, a MDL settlement was reached with Tyco and BASF. These settlements have all been approved by the District Court in South Carolina. The 3M settlement is expected to yield two payments in 2025, followed by annual payments in subsequent years. The DuPont, Tyco, and BASF settlements are expected to result in one-time payments on a date in the future.

5. TAWC does not know the specific total amounts of each of the settlements received from the PFAS Manufacturers and these amounts will be determined by the settlement administrator based on various factors. TAWC will ultimately receive settlements from all the PFAS Manufacturers and have decided they will distribute these monies to customers via the PLUS Tariff.

6. The PLUS Tariff revises TAWC current tariff and will allow TAWC to distribute the settlement proceeds received from the PFAS Manufacturers equally to all its 89,000 customers regardless of usage via a bill credit on their water bill. TAWC does not intend to set aside the PFAS settlement funds for future PFAS remediation efforts by TAWC. In the event TAWC needs to institute PFAS remediation efforts in the future, ratepayers will bear the costs of that expense when incurred by TAWC at a future date.

7. The interests of consumers may be affected by determinations and orders made by the Commission with respect to (a) the interpretation, application, and implementation of Tenn.

² The MDL docket comprises multiple civil cases involving one or more common issues in cases that are pending at the same time in different courts. *In re: Aqueous Film-Forming Foams Product Liability Litigation*, MDL No. 2:18-mn-2873-RMG (D.S.C.)

Code Ann. § 65-5-105 and other relevant statutory and regulatory provisions and (b) the review and analysis of the documentation, financial spreadsheets, and materials provided by each utility.

8. Only by participating as a party to this Docket can the Consumer Advocate adequately carry out its statutory duty to represent the interests of Tennessee consumers.

Wherefore, the Consumer Advocate requests the Commission to grant this Petition to Intervene.

RESPECTFULLY SUBMITTED,


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Attorney General and Reporter
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via electronic

mail upon:

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On this 17th day of October, 2025.

Shilina B. Brown by permission
SHILINA B. BROWN
Senior Assistant Attorney General

(KBS)