

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

IN RE:)
)
TENNESSEE AMERICAN WATER)
COMPANY’S PFAS (PER-AND-POLY-)
FLUOROALKYL SUBSTANCES)) **DOCKET NO. 25-00086**
LITIGATION UNIVERSAL)
SURCREDIT TARIFF (“PLUS)
TARIFF”))

**CONSUMER ADVOCATE’S FIRST DISCOVERY REQUEST
TO TENNESSEE AMERICAN WATER COMPANY**

This First Discovery Request 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. & Reg. 1220-1-2-.11. The Consumer Advocate Division of the Attorney General’s Office (“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, 500 Dr. Martin L. King Jr. Blvd., Nashville, Tennessee 37243, c/o Shilina Brown, on or before 2:00 p.m. (CDT), November 19, 2025, as in the proposed procedural schedule.

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 Producing Party 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 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 based on 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 includes the plural, and vice-versa, where appropriate.

6. **Questions.** Any questions regarding this discovery request should be directed to the attorneys listed as issuing this Request.

7. **Definitions.** For the purposes of this Request, the following terms have the following meanings:

(a) “You,” “Your,” “Company,” 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. PFAS Compliance. Refer to the *Letter & Tariff Page*, Letter, p. 1. Provide an explanation

of the estimated expenses that TAWC may incur in the following:

- a. To comply with the United States Environmental Protection Agency's PFAS drinking water regulations;
- b. To comply with the United States Environmental Protection Agency's PFAS drinking water limits by the specified date of 2029;
- c. Detail the type or nature of the expenses in (a) and (b) above, (legal, management, capital, etc.); and
- d. If (c)above require action by the Company, provide an dollar estimate of these expenses in (c) above, if necessary.

RESPONSE:

- 1-2. PFAS Compliance.** Refer to the *Letter & Tariff Page*, Letter, p. 1. Will American Water incur expenses at the corporate level because of the United States Environmental Protection Agency's PFAS drinking water regulations? If so, respond to the following:
- a. Detail the nature of these expenses (legal, management, capital, etc.);
 - b. Provide an estimate of these expenses; and
 - c. Will any of these expenses be allocated to, or recovered from, subsidiaries, including TAWC?

RESPONSE:

- 1-3. Settlement Funds.** Refer to the *Letter & Tariff Page*, Letter, p. 2. Detail the estimated amount of settlement funds from each PFAS Manufacturer that is a party in the MDL Settlement described in the Letter.

RESPONSE:

- 1-4. PFAS Accounting.** Provide the details of the exact timing of the PFAS Settlement Proceeds that TAWC has already received. Specifically, identify the date of each individual receipt of Settlement Proceeds from each PFAS Manufacturer.¹

RESPONSE:

- 1-5. PFAS Accounting.** Provide a copy of the Company's monthly trial balance showing the accounts and balances where TAWC has recorded the PFAS Settlement Proceeds, as well as any PFAS Remediation Liabilities.

RESPONSE:

¹ Please note this is an ongoing discovery request.

1-6. PFAS Accounting. Provide a copy of the Company's monthly trial balance showing the accounts and balances where TAWC has recorded interest accrued on PFAS Settlement Proceeds.

RESPONSE:

1-7. PFAS Accounting. Provide an estimate of the PFAS Settlement Proceeds by PFAS Manufacturer/vendor that TAWC expects to receive from each. Further:

- a. If a settlement provides a formula for the determination of settlement funds for individual states/utilities, provide the formula being used and how it applies to TAWC; and
- b. If a settlement has not been reached, provide the estimate of the harm alleged by TAWC for each of the PFAS Manufacturers in litigation. Provide an explanation of the estimate of harm to TAWC.

RESPONSE:

1-8. PFAS Remediation Liability. Identify and provide a copy of all testing that has been done for monitoring levels of PFAS.

RESPONSE:

1-9. PFAS Remediation Liability. Identify and provide a copy of all PFAS Mitigation Costs that TAWC expects to incur.

RESPONSE:

1-10. PFAS Remediation Liability. Identify any insurance coverage that TAWC can utilize for recovery of PFAS Mitigation Costs.

RESPONSE:

1-11. Customer Refund Methodology. Refer to the *Letter & Tariff Page*, PLUS Tariff, Original Sheet 60. It appears that TAWC is proposing to refund all PFAS Settlement Proceeds

received over a 1-month period equally to all customers of record. Explain the Company's rationale for not refunding PFAS Proceeds over a longer period.

RESPONSE:

1-12. Customer Refund Methodology. Refer to the *Letter & Tariff Page*, PLUS Tariff, Original Sheet 60. It appears that TAWC is proposing to refund all PFAS Settlement Proceeds received over a 1-month period equally to all customers of record. Explain the Company's rationale for not refunding PFAS Proceeds based on customer usage.

RESPONSE:

1-13. Jurisdictional Treatment. Identify the PFAS Settlement Proceeds that have been received to date by each American Water Operating Company by each PFAS Manufacturer.

RESPONSE:

1-14. Jurisdictional Treatment. Provide a copy of all regulatory commission orders that identify the methodology approved to refund PFAS Settlement Proceeds for each American Water Operating Company.

RESPONSE:

RESPECTFULLY SUBMITTED,



SHILINA B. BROWN (BPR No. 020689)

Senior Assistant Attorney General

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Deputy Attorney General

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TPUC Docket No. 25-00086

Consumer Advocate's DR 1 to TAWC

CERTIFICATE OF SERVICE

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

Melvin J. Malone
Butler Snow LLP
Attorney of Record for Tennessee-American Water Company
1330 Adams Street
Suite 1400
Nashville, TN 37208
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This the 5th day of November 2025.



SHILINA B. BROWN
Senior Assistant Attorney General