

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

AMERICAN WATER WORKS COMPANY, INC.,  
a/k/a AMERICAN WATER WORKS SERVICE  
COMPANY, INC. and its subsidiaries,

Respondent

and

Case No. 29-CA-30676  
Hon. Steven Davis

UTILITY WORKERS UNION OF AMERICA,  
AFL-CIO,

Charging Party.

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**UWUA STATEMENT OF EXCEPTIONS TO  
THE ADMINISTRATIVE LAW JUDGE'S DECISION**

Pursuant to Section 102.45 of the Board's Rules and Regulations, the Utility Workers Union of America, AFL-CIO ("UWUA") excepts to Administrative Law Judge Steven Davis' October 16, 2012 Decision in the above-captioned case.

The UWUA submits the following exceptions to the ALJ's Decision:

1. The UWUA excepts to the ALJ's conclusion that written notification to the FMCS need not be in writing. (ALJD p. 9 lines 49-51)

2. The UWUA excepts to the ALJ's conclusion disregarding the requirement of FMCS regulation 29 CFR Section 1402.1 that notifications pursuant to §8(d)(3) of the Act be in writing. (ALJD p. 9 lines 49-51)

3. The UWUA excepts to the finding that American Water Works statutorily notified the FMCS when McKeage called the Chicago FMCS office in July 2010. (ALJD p. 10 lines 1-2)

4. The UWUA excepts to the ALJ's finding that the evidence established American Water Works met its statutory obligation by phoning the FMCS. (ALJD p. 10 lines 8-9)

5. The UWUA excepts to the failure of the ALJ to include in his Conclusions of Law that American Water Works failed to meet its statutory obligation to properly notify the FMCS. (ALJD p. 10)

WHEREFORE, based on the above Exceptions, and the Brief in Support of Exceptions, the UWUA respectfully requests that the National Labor Relations Board modify the Administrative Law Judge's Decision to find that American Water Works failed to meet its statutory requirement, as the party desiring termination or modification of the parties' contract, to properly notify FMCS in violation of §8(d)(3); and that American Water Works' additional violation of §8(d)(3) is another reason its unilateral implementation of changes to the parties' contract violated §8(a)(1) and (5) of the Act.

Respectfully submitted,

McKNIGHT, McCLOW, CANZANO  
SMITH & RADTKE, P.C.

By: /s/ David R. Radtke  
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Dated: December 20, 2012

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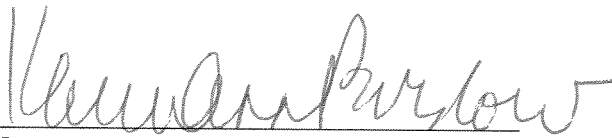
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**STATEMENT OF SERVICE**

The undersigned states that on December 20, 2012, she served the UWUA Statement of Exceptions to the Administrative Law Judge's Decision upon the following parties by electronic mail:

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