

scheduled Authority Conference held on October 21, 2013, the assigned panel of Directors voted unanimously to convene a contested case proceeding and appoint General Counsel or her designee to act as Hearing Officer to handle any preliminary matters arising in the proceedings. On October 23, 2013, the Hearing Officer suspended the tariffs through February 4, 2014.

CONSUMER ADVOCATE'S PETITION TO INTERVENE

In its *Petition to Intervene*, the Consumer Advocate seeks to intervene in these proceedings pursuant to Tenn. Code Ann. § 65-4-118, which authorizes the Consumer Advocate to intervene in proceedings before the Authority in order to represent the interests of Tennessee consumers of public utility services.³ The Consumer Advocate asserts its intervention is necessary because, if approved, the Qualified Infrastructure Investment Program, Economic Development Investment Rider, Safety and Environmental Compliance Rider, and the Pass-Throughs for Purchased Power, Chemicals, Purchased Water, Wheeling Water Costs, Waste Disposal, and TRA Inspection Fee, proposed by Tennessee American will affect the rates of consumers. The Consumer Advocate states that only by participating in this proceeding can it adequately carry out its statutory duties on behalf of Tennessee consumers.

FINDINGS & CONCLUSIONS

Tenn. Code Ann. § 4-5-310(a) sets forth the following criteria to be considered in reviewing a petition to intervene in Authority proceedings:

(a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if;

(1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the

³ Tenn. Code Ann. § 65-4-118(b)(1) states, "The consumer advocate division has the duty and authority to represent the interests of Tennessee consumers of public utilities services. The division may, with the approval of the attorney general and reporter, participate or intervene as a party in any matter or proceeding before the authority or any other administrative, legislative or judicial body and initiate such proceeding, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and the rules of the authority."

hearing, at least seven (7) days before the hearing;

(2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of the law; and


(3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.⁴

Under TRA Rule 1220-1-2-.06, any party opposing a motion in a contested case must file and serve a response to the motion within seven days of service of the motion. Tennessee American has not objected to the Consumer Advocate's request to intervene.

Therefore, upon due consideration, the Hearing Officer finds that the legal rights and interests of Tennessee consumers of public utility services may be affected in this proceeding, and that the Consumer Advocate's petition is timely filed, its intervention shall not impair the interests of justice or the orderly and prompt conduct of the proceedings. For these reasons, the Hearing Officer agrees that the Consumer Advocate's *Petition to Intervene* should be granted.

IT IS THEREFORE ORDERED THAT:

The Consumer Advocate and Protection Division of the Office of the Attorney General is granted leave to intervene in this proceeding and shall receive copies of any notices, orders, or other documents herein.


Kelly Cashman-Grams, Hearing Officer

⁴ See also Tenn. Code Ann. § 65-2-107: "All persons having a right under the provisions of the laws applicable to the authority to appear and be heard in contested cases as defined in this chapter shall be deemed parties to such proceedings for the purposes of this chapter. In addition, the authority may upon motion allow any interested person to intervene and become a party to any contested case."