

**BEFORE THE TENNESSEE REGULATORY AUTHORITY AT**

**NASHVILLE, TENNESSEE**

**June 4, 2014**

**IN RE:**

**SHOW CAUSE PROCEEDING AGAINST  
TENNESSEE WASTEWATER SYSTEMS, INC.  
FOR MATERIAL NON-COMPLIANCE AND/OR  
VIOLATIONS OF STATE LAW AND/OR TENN.  
R. & REGS. §§ 1220-04-13, *et. seq.***

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**DOCKET NO.  
14-00041**

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**PRE-HEARING ORDER**

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This matter came before the Hearing Officer of the Tennessee Regulatory Authority (“Authority”) during a Pre-Hearing Conference held on June 4, 2014. In accordance with the Notice issued on May 28, 2014, the Hearing Officer convened the Pre-Hearing Conference in the Executive Conference Room in the Offices of the Tennessee Regulatory Authority located at 502 Deaderick Street, 4<sup>th</sup> Floor, Nashville, Tennessee. The parties were represented as follows:

**For Party Staff:**

**Shiva K. Bozarth, Esq.**, Tennessee Regulatory Authority, 502 Deaderick Street, 4<sup>th</sup> Floor, Nashville, Tennessee 37243; and

No appearance was made on behalf of TWSI. The Pre-Hearing Conference was held in accordance with Tenn. Code Ann. § 4-5-306 and TRA Rule 1220-1-2-.12, for the purpose of resolving any outstanding procedural matters and to establish the orderly conduct of the hearing on June 10, 2014.

**PROCEDURAL HEARING MATTERS**

**A. Hearing Date & Notices**

On May 2, 2014 the Hearing Officer issued a *Notice to Appear* requiring TWSI to appear for a Show Cause hearing at **9:00 a.m. CDT on June 10, 2014**, in Hearing Room G.201 located in the Andrew Jackson State Office Building, 500 Deaderick Street, Nashville, Tennessee. In addition, on June 2, 2014, a *Notice of Convening Panel for Hearing* was issued again noticing the date and time of the Show Cause hearing, and further includes notice that members of the public may participate by filing written comments in the docket file and/or presenting verbal comments during the Hearing.

#### **B. Opening Statements**

After all preliminary matters are considered, if any, each party shall be permitted a maximum of ten (10) minutes to present an opening statement. TWSI shall present its Opening Statement first, followed by Party Staff.

#### **C. Witnesses**

TWSI has identified one witness for presentation during the hearing – Charles Hyatt. Party Staff has stated that it does not intend to present any witnesses during the hearing. During direct examination, Mr. Hyatt will limit the summary of his pre-filed direct testimony to ten (10) minutes. In addition, the Parties are advised that all witnesses are subject to recall for rebuttal purposes and should remain available throughout the length of the proceedings.

#### **D. Redirect and Authority Questions**

Redirect examination of a witness is allowed. Nevertheless, the parties are cautioned that redirect examination is to be limited to matters elicited during cross-examination that require clarification. It is not appropriate to raise new issues during redirect examination. Re-cross examination is not permitted unless a new issue is raised during the immediately preceding redirect examination. Further, the Authority's Advisory Staff has an opportunity to ask

questions following the completion of cross-examination, before any redirect examination. The Directors have the opportunity to ask questions following cross-examination, but may also interject questions any time during a witness's testimony.

#### **E. Closing Arguments**

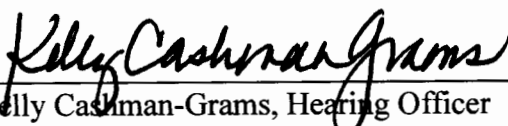
Each party is allowed a maximum of fifteen (15) minutes to present a closing argument. Closing arguments will be presented first by TWSI, then by Party Staff. TWSI may present rebuttal argument with any time reserved. No post-hearing briefs will be permitted unless ordered by the Directors.

#### **F. Summary Outline of Hearing**

For the convenience of the presiding panel and the parties, a *Procedural Outline of Hearing* has been provided as an attachment to this Order.

#### **IT IS THEREFORE ORDERED THAT:**

1. The Hearing, scheduled to begin at **9:00 a.m. CDT on June 10, 2014**, shall proceed in accordance with this Order and the *Procedural Outline of Hearing*, attached hereto, unless otherwise ordered by the Panel or the Presiding Director.
2. Requests for visual aids or technology and/or other information concerning the technical requirements of the parties shall be provided via email to the Hearing Officer at [kelly.grams@tn.gov](mailto:kelly.grams@tn.gov) **no later than 2:00 p.m. on June 6, 2014.**

  
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Kelly Cashman-Grams, Hearing Officer

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**PROCEDURAL OUTLINE OF HEARING**

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**HEARING ON THE MERITS**

- Scheduled to begin at 9:00 a.m. CDT on June 10, 2014 in HR G.201
  
- A. Hearing Convened by Chairman/Presiding Director & Introductions
  
- B. Miscellaneous or Preliminary matters
  
- C. Public comments, if any
  
- D. Opening Statements (10 minutes each)
  - 1. TWSI
  - 2. Party Staff
  
- E. Witness Testimony

**1) TWSI witness**

**Charles Hyatt, TWSI**

- Oath Administered/Witness Sworn -

\*Witness Summary of Direct

Limited to 10 minutes

Cross-examination

Party Staff

Questions

TRA Advisory Staff<sup>1</sup>

Re-direct examination

TWSI

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<sup>1</sup> While the Directors may ask questions at any time, the TRA Advisory Staff may directly question a witness between cross and re-direct examination.

**2) Party Staff witness**

**None to be presented**

F. Final public comments, if any

G. Final Comments by Consumer Advocate as *Amicus Curiae*, if any

H. Closing Arguments (15 minutes each)

1. TWSI
2. Party Staff
3. TWSI Rebuttal, if any (with time reserved)

I. Hearing Adjourned