

**IN THE TENNESSEE REGULATORY AUTHORITY
AT NASHVILLE, TENNESSEE**

IN RE:

**PETITION OF TENNESSEE
WASTEWATER SYSTEMS, INC. TO
AMEND ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY**

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DOCKET NO. 15-00025

REQUEST FOR OFFICIAL NOTICE

Pursuant to Tenn. Code Ann. §§ 4-5-313(6)(A)(ii) and 4-5-314(d), the Consumer Advocate and Protection Division of the Office of the Attorney General (“Consumer Advocate”) respectfully moves for the Tennessee Regulatory Authority (“TRA” or “Authority”) to take official notice of the record in TRA Docket 14-00006, the Transcript of Proceedings at the Authority Conference on August 11, 2014, and the record in TRA Docket 14-00136. Docket 14-00006 is Tennessee Wastewater Systems, Inc.’s (“TWSI”), petition to amend its Certificate of Convenience and Necessity (“CCN”) to serve The Scales Project. The panel’s deliberation on the petition in Docket 14-00006 is included in the Transcript of Proceedings from August 11, 2014. Docket 14-00136 is TWSI’s petition for capital improvement surcharges and financing arrangements to make repairs at various facilities. These records and transcript may be relevant to resolve one or more issues that may be presented by the Consumer Advocate or other parties in this matter.

The Administrative Procedures Act (“APA”) § 4-5-313(6)(A)(ii) explicitly provides that official notice may be taken of “[t]he record of other proceedings before the agency.” Likewise, APA § 4-5-313(1) provides that agencies “shall admit and give probative effect to evidence admissible in a court.” Under the rules of evidence, court records are properly subject to judicial notice. *State v. Lawson*, 291 S.W.3d 864, 869-70 (Tenn. 2009).

Wherefore, the Consumer Advocate respectfully moves that the Authority take official notice of the record in TRA Docket 14-00006, the Transcript of Proceedings at the Authority Conference on August 11, 2014, and the record in TRA Docket 14-00136. TWSI has indicated that it does not oppose this motion.

RESPECTFULLY SUBMITTED,



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via U.S. Mail or electronic mail upon:

Henry Walker, Esq.
Bradley Arant Boult Cummings, LLP
1600 Division Street, Suite 700
Nashville, TN 37203
615-252-2363

This the 8th day of July, 2015.

Erin Merrick
Erin Merrick