

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION**

**NASHVILLE, TENNESSEE**

**December 6, 2017**

**IN RE:**

**PETITION OF TENNESSEE WATER SERVICE, INC.  
FOR APPROVAL OF AN INTERIM EMERGENCY  
WILDFIRE RESTORATION SURCHARGE, INTERIM  
EMERGENCY WATER SERVICE AVAILABILITY  
SURCHARGE, INTERIM EMERGENCY MAKE-  
WHOLE SURCHARGE, AND AN INTERIM  
EMERGENCY OPERATION COST PASS-THROUGH  
MECHANISM**

**DOCKET NO.  
17-00108**

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**PRE-HEARING ORDER**

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Pursuant to Tenn. Code Ann. § 4-5-306(d) and TPUC Rule 1220-1-2-.12, this matter came before the Hearing Officer of the Tennessee Public Utility Commission (“Commission” or “TPUC”) at a Pre-Hearing Conference held via teleconference on November 28, 2017. The Pre-Hearing Conference was held to establish the orderly conduct of the hearing scheduled to begin at 9:00 a.m. (CST) on Tuesday, December 12, 2017. Tennessee Water Service, Inc. (“TWS”) and the Consumer Protection and Advocate Division of the Office of the Attorney General (“Consumer Advocate”), the parties in this matter, participated in the Pre-Hearing Conference.

**I. PROCEDURAL MATTERS**

The following order of the hearing has been established and agreed upon:

**A. NOTICE OF HEARING & PUBLIC COMMENT**

On December 1, 2017, a *Notice of Hearing* was issued notifying the public that a hearing will be held at 9:00 a.m. (CST) on **Tuesday, December 12, 2017**. Members of the public are encouraged to participate by filing written comments in the docket file and/or presenting verbal

comments during the hearing. Members of the public will be given an opportunity to make comments at the beginning of the hearing and at the end of the hearing.

#### **B. OPENING STATEMENTS**

After any preliminary matters are considered, each party is permitted a maximum of ten (10) minutes to present an opening statement. TWS will present its opening statement first, followed by the Consumer Advocate.

#### **C. EXHIBITS & DOCUMENTS**

The parties should exchange any demonstrative exhibits related to a witness' pre-filed testimony before that witness appears on the stand. Each party should have its own copy of all exhibits, including those appended to pre-filed testimony, available for reference during the hearing and is responsible for supplying a sufficient number of copies of any exhibits that it intends to reference or discuss with a witness. A party should use its own judgment and discretion in determining the total number of copies to have on hand, but at a minimum, copies of an exhibit should be provided to the court reporter, each Commissioner on the panel, Legal Staff, and the Utilities Division Chief.

#### **D. TECHNOLOGICAL AND OTHER SPECIAL REQUESTS**

The parties informed the Hearing Officer that they may need a computer and projector set up for PowerPoint presentations.

#### **E. WITNESSES**

During direct examination, witnesses will generally have up to ten (10) minutes to summarize their pre-filed testimony. However, the Consumer Advocate's witness, Alex Bradley, will take only five (5) minutes to give his summary, and the remaining five (5) minutes will be used by the Consumer Advocate's other witness, David Dittmore, which will give Mr. Dittmore a total of fifteen (15) minutes to present his summary. In addition, a witness remains subject to recall for

rebuttal purposes and should remain available throughout the length of the proceedings.

TWS will present its witnesses first and will have two witnesses. In addition, as was discussed at the Pre-Hearing Conference, Matthew Klein, President of TWS, may be called upon during cross-examination as the best witness to respond to certain questions. Since Mr. Klein has not filed pre-filed testimony, he will not be subject to direct examination by TWS or allowed to give a summary at the hearing. During the Consumer Advocate's cross-examination of TWS's witnesses, if a witness is asked a question that Mr. Klein needs to answer, Mr. Klein may be called to answer that question. Mr. Klein will be subject to re-direct examination only pertaining to questions asked of him by the Consumer Advocate at the hearing. To the extent possible, the Consumer Advocate should group together questions that Mr. Klein would likely need to answer. Also, if possible, TWS should group together questions for Mr. Klein on re-direct.

- TWS will present two (2) witnesses:
  - 1) Bryce Mendenhall- Vice President of Operations for North Carolina and Tennessee at Utilities, Inc.;
  - 2) Richard Linneman- Manager of Financial Planning and Analysis for North Carolina and Tennessee at Utilities, Inc.
- Consumer Advocate will present two (2) witnesses:
  - 1) Alex Bradley- Accounting and Tariff Specialist for the Consumer Advocate;
  - 2) David N. Dittmore- Financial Analyst for the Consumer Advocate.

#### **F. EXAMINATION OF WITNESSES AND QUESTIONS BY THE COMMISSION**

While re-direct examination of a witness is allowed, the parties are reminded to limit questions on re-direct to matters elicited during cross-examination that require clarification. It is not appropriate to raise new issues during re-direct examination. Re-cross examination is not permitted except in the event that a new issue is raised during the immediately preceding re-direct

examination. The Commission's Advisory Staff has the opportunity to ask questions following cross-examination, before re-direct examination. The parties should be aware that the Commissioners might ask questions at any time during a witness's testimony, as well as following cross-examination.

#### **G. CLOSING ARGUMENTS**

The parties will present closing arguments and forgo filing post-hearing briefs. Closing arguments will be presented first by the Consumer Advocate, then TWS. Each party will be given a maximum of fifteen (15) minutes to present closing arguments.

#### **H. PRELIMINARY MATTERS/MOTIONS**

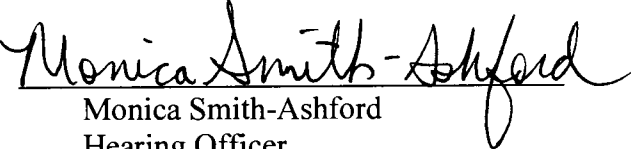
The parties should make the Hearing Officer aware of any preliminary matters as soon as possible in advance of the hearing.

#### **I. 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:**

The hearing scheduled during the Authority Conference scheduled to begin at **9:00 a.m. (CST) on Tuesday, December 12, 2017**, shall be conducted in accordance with this Pre-Hearing Order unless otherwise ordered by the Chairman/Presiding Commissioner.

  
Monica Smith-Ashford  
Hearing Officer

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION**

**NASHVILLE, TENNESSEE**

<b>IN RE:</b>	)	
	)	
<b>PETITION OF TENNESSEE WATER SERVICE,</b>	)	<b>DOCKET NO.</b>
<b>INC. FOR APPROVAL OF AN INTERIM</b>	)	<b>17-00108</b>
<b>EMERGENCY WILDFIRE RESTORATION</b>	)	
<b>SURCHARGE, INTERIM EMERGENCY WATER</b>	)	
<b>SERVICE AVAILABILITY SURCHARGE,</b>	)	
<b>INTERIM EMERGENCY MAKE-WHOLE</b>	)	
<b>SURCHARGE, AND AN INTERIM EMERGENCY</b>	)	
<b>OPERATION COST PASS-THROUGH</b>	)	
<b>MECHANISM</b>	)	

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**PROCEDURAL OUTLINE OF HEARING**

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**HEARING ON THE MERITS**

- Scheduled for 9:00 a.m. (Central) on December 12, 2017

A. Hearing Convened by Chairman/Presiding Commissioner & Introductions

B. Miscellaneous or Pre-Hearing matters

C. Public comments, if any

D. Opening Statements- Limited to 10 minutes

1. TWS
2. Consumer Advocate

E. Witness Testimony

1) **TWS witness**- Bryce Mendenhall

- Oath Administered/Witness Sworn -

Witness Summary of Direct

Limited to 10 minutes

Cross-examination

Consumer Advocate

Questions	TPUC Advisory Staff <sup>1</sup>
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Re-direct examination	TWS
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2) **TWS witness**- Richard Linneman

- Oath Administered/Witness Sworn -

Witness Summary of Direct	Limited to 10 minutes
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Cross-examination	Consumer Advocate
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Questions	TPUC Advisory Staff
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Re-direct examination	TWS
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3) **Consumer Advocate witness**- Alex Bradley

- Oath Administered/Witness Sworn -

Witness Summary of Direct	Limited to 5 minutes
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Cross-examination	TWS
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Questions	TPUC Advisory Staff <sup>2</sup>
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Re-direct examination	Consumer Advocate
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4) **Consumer Advocate witness**- David Dittmore

- Oath Administered/Witness Sworn -

Witness Summary of Direct	Limited to 15 minutes
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Cross-examination	TWS
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Questions	TPUC Advisory Staff
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Re-direct examination	Consumer Advocate
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F. Final public comments, if any

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

<sup>2</sup> While the Commissioners may ask questions at any time, the TPUC Advisory Staff may directly question a witness between cross and re-direct examination.

G. Closing Arguments – Limited to 15 minutes

1. Consumer Advocate
2. TWS

H. Hearing Adjourned