

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION**

**NASHVILLE, TENNESSEE**

**January 15, 2019**

<b>IN RE:</b>	)	
	)	
<b>JOINT PETITION OF TENNESSEE-AMERICAN WATER</b>	)	<b>DOCKET NO.</b>
<b>COMPANY, AND THUNDER AIR, INC. D/B/A JASPER</b>	)	<b>18-00099</b>
<b>HIGHLANDS DEVELOPMENT, INC. FOR APPROVAL</b>	)	
<b>OF A PURCHASE AGREEMENT AND FOR THE</b>	)	
<b>ISSUANCE OF A CERTIFICATE OF CONVENIENCE</b>	)	
<b>AND NECESSITY</b>	)	

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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 is before the Hearing Officer to establish the orderly conduct of the hearing in this matter. On January 9, 2019, the Hearing Officer held a telephone conference with the parties, Petitioner, Tennessee-American Water Company (“TAWC” or the “Company”) and the Consumer Advocate Unit of the Office of the Attorney General (“Consumer Advocate”), an intervening party, to discuss the procedural aspects of the hearing.

**PROCEDURAL MATTERS**

**A. Notice of Hearing & Public Comment**

The purpose of the hearing is to consider the *Expedited Joint Petition of Tennessee-American Water Company and Thunder Air, Inc. d/b/a Jasper Highlands Development Inc. for Approval of an Asset Purchase Agreement and for the Issuance of a Certificate of Convenience and Necessity* (“Joint Petition”) filed on September 7, 2018. On January 11, 2019, a *Notice of Hearing* was issued notifying the public that the hearing will be held at **9:00 a.m. CST on**

**Tuesday, January 22, 2019.** As was included in the notice, members of the public are encouraged to participate by filing written comments in the docket file and/or presenting verbal comments during the hearing.

### **B. Opening Statements**

Each party will be given ten (10) minutes to present an opening statement. TAWC will present its opening statement first, followed by the Consumer Advocate.

### **C. Witnesses**

A time limit has been established for each witness to summarize his/her pre-filed testimony. In addition, each witness remains subject to recall for rebuttal purposes and should remain available throughout the length of the proceedings. The witnesses and time limits are set forth below.

- TAWC will present the following four witnesses:
  1. Valoria Armstrong, President of TAWC (10 minutes)
  2. Dane Bradshaw, President of Thunder Air d/b/a Jasper Highlands Development (10 minutes)
  3. Kevin Krushinski, Director of Operations for TAWC (10 minutes)
  4. Melissa Schwarzell, Senior Director of Regulatory Services, also adopting testimony of Linda Bridwell (10-15 minutes)
- The Consumer Advocate will present one witness:
  1. William H. Novak, WHN Consulting (25 minutes)

### **D. Exhibits**

The parties should exchange any demonstrative exhibits related to a witness's pre-filed testimony by **Noon, January 16, 2019**. 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, Legal Staff, and each Commission Division Director. Delaying or interrupting the proceedings to make copies is disfavored and, in the discretion of the panel, may not be permitted.

Further, the parties should inform the Hearing Officer of any requests or requirements for visual display aids and technology that might be needed during the hearing. So that appropriate arrangements may be made, all such requests and information should be provided via email to the Hearing Officer at [monica.smith-ashford@tn.gov](mailto:monica.smith-ashford@tn.gov) no later than **January 16, 2019**.

#### **E. Examination of Witnesses and Questions by the Commission**

While re-direct examination of a witness is allowed, the parties are reminded that it is to be limited 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, however, Commission Staff is permitted to ask questions at other times during the hearing should the need arise. Also, the parties should be aware that the Commissioners might ask questions at any time during a witness's testimony and after cross-examination.

#### **F. Closing Statements**

Each party is permitted a maximum of ten (10) to fifteen (15) minutes to present a closing statement. The Consumer Advocate will present its closing statement first, followed by TAWC.

**G. Summary Outline of Hearing**

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

**IT IS SO ORDERED THAT:**

The hearing scheduled to be held **on January 22, 2019, at 9:00 a.m. CST** shall be conducted in accordance with the requirements and deadlines set forth in this Pre-Hearing Order unless otherwise ordered by the presiding Commissioner.

  
Monica Smith-Ashford, Hearing Officer

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION  
NASHVILLE, TENNESSEE**

**IN RE:**

**JOINT PETITION OF TENNESSEE-AMERICAN  
WATER COMPANY, AND THUNDER AIR, INC. D/B/A  
JASPER HIGHLANDS DEVELOPMENT, INC. FOR  
APPROVAL OF A PURCHASE AGREEMENT AND FOR  
THE ISSUANCE OF A CERTIFICATE OF  
CONVENIENCE AND NECESSITY**

**DOCKET NO.  
18-00099**

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**PROCEDURAL OUTLINE OF HEARING**

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**Time/Date: 9:00 a.m. CST on January 22, 2019**

- **Location:** Hearing Room G.201  
Andrew Jackson State Office Building  
500 Deaderick Street, Nashville, TN

**Hearing on the Merits**

Hearing Convened by Presiding Commissioner and Introductions

**A. Opening Statements (10 minutes)**

- 1) TAWC
- 2) Consumer Advocate

**B. Witness Testimony:**

**TAWC witness #1**

**Valoria Armstrong, President TAWC**

- Oath Administered/Witness Sworn -

Summary of pre-filed testimony

Limited to 10 minutes

Cross-examination

Consumer Advocate

Questions

TPUC Advisory Staff and/or Commissioners

Re-direct examination

TAWC

Re-cross examination

(if requested & determined appropriate)

**TAWC witness #2**

**Dane Bradshaw, President Thunder Air  
d/b/a Jasper Highlands Development**

- Oath Administered/Witness Sworn -

Summary of pre-filed testimony

Limited to 10 minutes

Cross-examination

Consumer Advocate

Questions

TPUC Advisory Staff and/or Commissioners

Re-direct examination

TAWC

Re-cross examination

(if requested & determined appropriate)

**TAWC witness #3**

**Kevin Krushinski, Director of Operations  
TAWC**

- Oath Administered/Witness Sworn -

Summary of pre-filed testimony

Limited to 10 minutes

Cross-examination

Consumer Advocate

Questions

TPUC Advisory Staff and/or Commissioners

Re-direct examination

TAWC

Re-cross examination

(if requested & determined appropriate)

**TAWC witness #4**

**Melissa Schwarzell, Senior Director  
Regulatory Services**

- Oath Administered/Witness Sworn -

Summary of pre-filed testimony

Limited to 10-15 minutes

Cross-examination

Consumer Advocate

Questions

TPUC Advisory Staff and/or Commissioners

Re-direct examination

TAWC

Re-cross examination

(if requested & determined appropriate)

**Consumer Advocate witness**

**Hal Novak, WHN Consulting**

- Oath Administered/Witness Sworn -

Summary of pre-filed testimony

Limited to 25 minutes

Cross-examination

TAWC

Questions

TPUC Advisory Staff and/or Commissioners

Re-direct examination

Consumer Advocate

Re-cross examination

(if requested & determined appropriate)

C. Closing Statements (10-15 minutes each):

1) Consumer Advocate

2) TAWC

D. Public Comment

E. Consideration of Final Matters/Issues (if any)

F. Hearing Adjourned