

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

January 8, 2019

IN RE:

PETITION OF TENNESSEE-AMERICAN WATER  
COMPANY REGARDING THE 2019 INVESTMENT  
AND RELATED EXPENSES UNDER THE  
QUALIFIED INFRASTRUCTURE INVESTMENT  
PROGRAM RIDER, THE ECONOMIC  
DEVELOPMENT INVESTMENT RIDER AND THE  
SAFETY AND ENVIRONMENTAL COMPLIANCE  
RIDER

DOCKET NO.  
18-00120

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ORDER GRANTING THE PETITION TO INTERVENE FILED BY THE  
CONSUMER ADVOCATE

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This matter is before the Hearing Officer of the Tennessee Public Utility Commission (“Commission” or “TPUC”) to consider the *Petition to Intervene* filed by the Consumer Advocate Unit of the Office of the Attorney General (“Consumer Advocate”) on December 21, 2018.

**RELEVANT BACKGROUND**

Tennessee-American Water Company (“TAWC”) is a public utility providing residential, commercial, industrial and municipal water service to approximately 78,000 customers in Tennessee. Pursuant to the Stipulation and Capital Riders approved in TPUC Docket No. 13-00130, TAWC filed a *Petition* on November 16, 2018, regarding its qualifiable 2019 investment and related expenses.

**CONSUMER ADVOCATE’S *PETITION TO INTERVENE***

On December 21, 2018, the Consumer Advocate filed a *Petition to Intervene* seeking to

intervene in the docket pursuant to Tenn. Code Ann. § 65-4-118, which qualifies the Consumer Advocate to represent the interests of Tennessee consumers of public utility services in proceedings before the Commission. The Consumer Advocate maintains that the “interests of consumers, including without limitation the proposed increase in rates to be paid by TAWC’s consumers under the *Petition*, may be affected by determinations and orders made by the Commission . . . .”<sup>1</sup> Further, the Consumer Advocate asserts that only by participating in this docket can it adequately represent the interests of Tennessee consumers.<sup>2</sup> TAWC does not oppose the Consumer Advocate’s *Petition to Intervene*.

## **FINDINGS & CONCLUSIONS**

Tenn. Code Ann. § 4-5-310 establishes the following criteria for granting petitions to intervene:

(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 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 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.

(b) The agency may grant one (1) or more petitions for intervention at any time, upon determining that the intervention sought is in the

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<sup>1</sup> *Petition to Intervene*, p. 3 (December 21, 2018).

<sup>2</sup> *Id.*

interests of justice and shall not impair the orderly and prompt conduct of the proceedings.<sup>3</sup>

Although it is not an automatic or absolute right to participate in proceedings before the Commission, Tenn. Code Ann. § 65-4-118(b)(1) provides a general basis for the qualification of the Consumer Advocate to be permitted to intervene as a party to represent the interests of Tennessee public utility consumers. It provides as follows:

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 commission 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 commission.<sup>4</sup>

Because the tariffs included with TAWC's *Petition* will result in a rate increase for its customers, the Hearing Officer finds that there is a sufficient factual basis to find that the legal rights or interests held by those consumers may be determined in this proceeding.

THEREFORE, upon due consideration, the Hearing Officer concludes that the legal rights, duties, privileges, immunities or other legal interest of Tennessee consumers may be determined in this proceeding. Further, the Hearing Officer finds that the Consumer Advocate qualifies under law as an intervenor for the purpose of representing those consumer interests, there is no opposition to its intervention, and its *Petition to Intervene* was timely-filed and should not impair the interests of justice or the orderly and prompt conduct of the proceedings. For these reasons, the Hearing Officer concludes that the Consumer Advocate's *Petition to Intervene* should be granted.

**IT IS THEREFORE ORDERED THAT:**

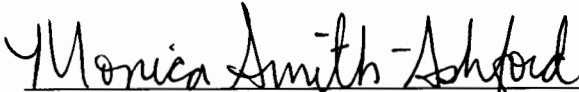
The *Petition to Intervene* filed by the Consumer Advocate Unit of the Office of the

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<sup>3</sup> Tenn. Code Ann. § 4-5-310.

<sup>4</sup> Tenn. Code Ann. § 65-4-118(b)(1).

Attorney General is granted. The Consumer Advocate Unit of the Office of the Attorney General may intervene and participate as a party in this proceeding and, as such, shall receive copies of any notices, orders, or other documents filed herein.

  
Monica Smith-Ashford, Hearing Officer