

Monica Smith-Ashford

From: Wayne Irvin <Wayne.Irvin@ag.tn.gov>
Sent: Thursday, September 12, 2019 10:00 AM
To: Monica Smith-Ashford
Cc: Freeman, Ryan
Subject: RE: 19-00028 -- RE: TPUC - TWS Late Filed Exhibits

Monica, further to our call yesterday afternoon, the Consumer Advocate would respectfully point out that we only saw Exhibit 6 when it was filed by the Company on Tuesday, there is no witness who has sponsored or explained it in any way, we believe that we have identified potential issues (though we are still evaluating them), and we are concerned that the scope of the hearing you described might preclude a fair cross examination of issues related to that Exhibit. We realize that this could broaden the scope of the hearing considerably, but believe that Exhibit 6 deserves the same scrutiny that must be done with respect to each of the late filed Exhibits.

Also, in view of the likely substantial cost and expense of the proceedings and hearing incurred on and after September 10, 2019, we believe that another issue that merits consideration is whether the Company should be denied recovery from ratepayers of any of its direct or indirect costs and expenses of the proceedings on and after September 10, 2019. This issue is particularly relevant since it was solely the Company's decision to file the Exhibits after the hearing had concluded.

With respect to your ruling yesterday to allow the Exhibits to be posted on the website, would you clarify if you will be filing a written order on your decision? We want to be sure we understand the scope and specific language of your ruling.

We reserve our right to raise additional issues and concerns, but wanted to advise you of these at the earliest.

Best regards,

Wayne

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MAKING THE CASE
FOR TENNESSEE

From: Wayne Irvin
Sent: Tuesday, September 10, 2019 3:53 PM
To: Monica Smith-Ashford <Monica.Smith-Ashford@tn.gov>
Cc: Freeman, Ryan <rffreeman@bakerdonelson.com>
Subject: RE: 19-00028 -- RE: TPUC - TWS Late Filed Exhibits

I am available between 10:00 – 12:00 tomorrow, September 11. If that is convenient, please let me know the start time and call-in number. Thank you.

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From: Freeman, Ryan <rfreeman@bakerdonelson.com>
Sent: Tuesday, September 10, 2019 3:44 PM
To: Monica Smith-Ashford <Monica.Smith-Ashford@tn.gov>; Wayne Irvin <Wayne.Irvin@ag.tn.gov>
Subject: RE: 19-00028 -- RE: TPUC - TWS Late Filed Exhibits

I believe a status conference would be helpful. I have availability all day tomorrow for a call.

Sincerely,

Ryan A. Freeman
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From: Monica Smith-Ashford [<mailto:Monica.Smith-Ashford@tn.gov>]
Sent: Tuesday, September 10, 2019 4:43 PM
To: Wayne Irvin; Freeman, Ryan
Subject: RE: 19-00028 -- RE: TPUC - TWS Late Filed Exhibits

Counsel,

I have removed the filing from the docket file and the internet. I know there was a discussion at the hearing about late-filed exhibits and the Consumer Advocate seemed to be amenable to this if they had an opportunity for additional discovery.

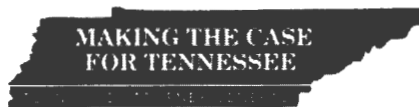
If the parties would like, we can have a status conference to discuss whether you all would like to engage in such a process and whether there is time to do so. If both parties do not agree regarding the need for and the process, I'm not inclined to allow the filing at this point.

From: Wayne Irvin [<mailto:Wayne.Irvin@ag.tn.gov>]
Sent: Tuesday, September 10, 2019 3:25 PM
To: Monica Smith-Ashford
Cc: Freeman, Ryan
Subject: 19-00028 -- RE: TPUC - TWS Late Filed Exhibits

Monica, the Consumer Advocate objects to the filing of these Exhibits, which are certainly not late-filed Exhibits in any traditional sense. Among other problems with the Exhibits, they were not incorporated into any testimony that would presumably provide a basis or foundation for them. There are serious questions as to whether the data in the Exhibits has any relevance to the current Docket. We have had no opportunity to do discovery or analysis on them, no opportunity to cross examine any witness about the Exhibits, and no opportunity to present counter documentation or witnesses. Also, the filing fails to respect that the hearing has already occurred on this Docket – the Company had the opportunity to file these with appropriate testimony before the hearing but failed to do so. The filing fails to respect the procedural schedule and fails to take into account the time constraints of the Commission and Consumer Advocate. As you can see, there are obviously serious due process and other issues raised by this filing. There also are serious procedural and timing issues associated with the filing of the Exhibits. The Consumer Advocate strongly requests the immediate withdrawal of these Exhibits by the Company, removal of the Exhibits from the TPUC website, and a conference before the hearing officer on this matter as soon as possible.

With best regards,

Wayne M. Irvin | Senior Assistant Attorney General
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From: Freeman, Ryan <rfreeman@bakerdonelson.com>
Sent: Tuesday, September 10, 2019 1:37 PM
To: Monica Smith-Ashford <Monica.Smith-Ashford@tn.gov>; Wayne Irvin <Wayne.Irvin@ag.tn.gov>
Subject: FW: TPUC - TWS Late Filed Exhibits

Wayne and Monica,

Please see attached the late-filed exhibits filed today by TWS following yesterday's hearing. I understand that this will likely raise some questions regarding timing and giving the Consumer Advocate a chance to review, respond, etc. Please review and let me know about how or when we need to discuss this.

Sincerely,

Ryan A. Freeman
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From: Johnson, Kelsey
Sent: Tuesday, September 10, 2019 2:32 PM
To: tpuc.docketroom@tn.gov
Cc: Freeman, Ryan
Subject: TPUC - TWS Late Filed Exhibits

Tory,

Please see the attached letter with supporting exhibits for filing in Docket No. 19-00028. An original and four copies of this will be hand delivered to TPUC today.

Thanks very much,

Kelsey Johnson

Legal Secretary to Russell W. Gray, J. Wayne Cropp, J. Lane Crowder,
Ryan A. Freeman, & Cameron A. Kapperman

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Baker, Donelson, Bearman, Caldwell, & Berkowitz, PC represents clients across the U.S. and abroad from offices in Alabama, Florida, Georgia, Louisiana, Mississippi, South Carolina, Tennessee, Texas, Virginia, and Washington, D.C.

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