

FARRIS BOBANGO PLC

ATTORNEYS AT LAW

Nashville · Memphis

PHILIPS PLAZA
414 UNION STREET, SUITE 1105
NASHVILLE, TENNESSEE 37219

(615) 726-1200 telephone · (615) 726-1776 facsimile

Charles B. Welch, Jr.
cwelch@farris-law.com

Direct Dial:
(615) 687-4230

May 19, 2020

VIA ELECTRONIC FILING

Chairman Robin L. Morrison
c/o Ectory Lawless
Tennessee Public Utilities Commission
502 Deaderick Street, 4th Floor
Nashville, TN 37243

Re: *Docket 19-00062, In the Matter of the Joint Application of Aqua Utilities Company Inc., and Limestone Water Utility Operating Company, LLC, for Authority to Sell or Transfer Title to the Assets, Property, and Real Estate of a Public Utility and for a Certificate of Public Convenience and Necessity*

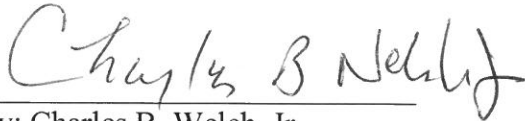
Dear Chairman Morrison:

Attached for filing, please find the Joint Applicants' List of Issues for Determination in the above referenced Docket.

As required, an original of this filing has been sent via the US Mail. Please contact me if you have any questions concerning this filing or require additional information.

Sincerely,

FARRIS BOBANGO PLC


By: Charles B. Welch, Jr.

Cc: Vance Broemel
Karen H. Stachowski

**IN THE TENNESSEE PUBLIC UTILITY COMMISSION
AT NASHVILLE, TENNESSEE**

IN RE:)	
)	
JOINT APPLICATION OF AQUA)	
UTILITIES COMPANY, LLC, AND)	DOCKET NO. 19-00062
LIMESTONE WATER UTILITY)	
OPERATING COMPANY FOR)	
AUTHORITY TO SELL OR TRANSFER)	
TITLE TO THE ASSETS, PROPERTY)	
AND REAL ESTATE OF A PUBLIC)	
UTILITY AND FOR A CERTIFICATE)	
OF CONVENIENCE AND NECESSITY)	

**APPLICANTS', AQUA UTILITIES COMPANY, LLC AND LIMESTONE WATER
UTILITY OPERATING COMPANY'S, LIST OF ISSUES FOR DETERMINATION**

The Joint Applicants, Aqua Utilities Company, LLC and Limestone Water Utility Operating Company, hereby submit this List of Issues for Determination in the above captioned Docket.

Applicants submit there exists only three issues for determination in this docket. The issues are clearly whether Limestone possesses sufficient managerial, financial and technical capability to provide the water and wastewater services described in the application and other documents filed in this docket.

By way of the pre-filed testimony of Mr. David Dittemore, the Consumer Advocate attempts to raise certain issues regarding customer rate adjustments, including an arbitrary rate cap for an extended period. The Applicants strongly contend that any question concerning customer rates is outside the scope of the instant docket and should not be considered.

In further support of their position regarding the exclusion of customer rate issues, the Applicants would show the following:

1. The issues related to a rate adjustment are not properly before the Commission, as there has been no request for same, there is no evidence on the record or currently available that would allow those issues to be reasonably considered and decided, and there has been no determination made by Limestone as to when a proposed change in rates would be appropriate for the systems it proposes to acquire from Aqua;

2. Limestone is not in a posture to offer any proof or participate in any discussion regarding rate adjustments and should not be required to do so in the midst of many acquisitional issues and without historical operating data;

3. When a subsequent rate case is filed by Limestone, the Consumer Advocate will have every opportunity to participate and advance any and all issues and arguments regarding requested rate adjustments with then current information and data;

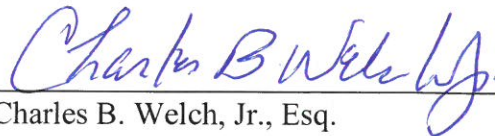
4. Arbitrarily capping customer rates at a level that denies Limestone the ability to fully recover its reasonable operating costs plus earn a reasonable return on the value of its investment devoted to serve the public would be an unlawful taking without adequate compensation and, therefore, would infringe on Limestone's constitutional right to just and reasonable rates; and

5. This docket should not be further delayed with unnecessary issues, because it is an opportunity to replace the developer owner, essentially finished with the development, with an experienced utility company.

For all of the foregoing reasons, the Joint Applicants respectfully requests the Hearing Officer accept their List of Issues for Determination in the above captioned Docket.

Dated: May 19, 2020

Respectfully Submitted,



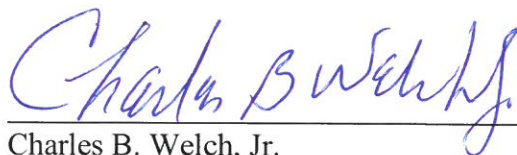
Charles B. Welch, Jr., Esq.
Tyler A. Cosby, Esq.
Farris Bobango PLC
414 Union Street, Suite 1105
Nashville, TN 37219
(615) 726-1200 (telephone)
cwelch@farris-law.com
tcosby@farris-law.com

*Attorneys for Joint Applicants Aqua Utilities
Company, Inc., and Limestone Water Utility
Operating Company, LLC*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the forgoing has been served via either U.S. Mail, postage prepaid, or electronically to the following this 19th day of May, 2020.

Vance Bromel
Karen H. Stachowski
Consumer Protection and Advocate Division
Office of the Attorney General
P.O. Box 20207
Nashville, TN 37202



Charles B. Welch, Jr.