

other documents filed into his docket.”¹ According to the Joint Applicants, the Consumer Advocate attempts to raise additional issues such as customer rate adjustments, including a rate cap. The Joint Applicants argue that such issues are outside the scope of this docket and should not be considered.²

CONSUMER ADVOCATE’S ISSUES LIST

The Consumer Advocate submitted an issues list containing eleven issues, many containing subparts that it maintains should be considered by the Commission to determine whether the proposed transaction is in the public interest.³ According to the Consumer Advocate, “[i]f the Commission determines that the transaction is not in the public interest as proposed by the Applicant, then the question becomes whether there are conditions which could be imposed which would allow the transaction to meet the public interest test.”⁴ In addition to the technical, managerial, and financial ability of the purchaser to operate the system, the *Consumer Advocate’s Issues List* also includes issues concerning the acquisition premium, purchase price, potential rate impacts, regulatory methodology, rate base, and operating expenses, etc.

FINDINGS AND CONCLUSIONS

Transfers of control of public utilities are evaluated pursuant to Tenn. Code ann. § 65-4-113 which provides in pertinent part:

(b) Upon petition for approval of the transfer of authority to provide utility services, the commission shall take into consideration all relevant factors, including, but not limited to, the suitability, the financial responsibility, and capability of the proposed transferee to perform efficiently the utility services to be transferred and the benefit to the consuming public to be gained from the

¹ *Joint Applicants’ Issues List*, p. 1 (May 19, 2020).

² *Id.*

³ *Consumer Advocate’s Issues List*, p. 1 (May 20, 2020).

⁴ *Id.*

transfer. The commission shall approve the transfer after consideration of all relevant factors and upon finding that such transfer furthers the public interest.

The Hearing Officer concludes that consistent with Tenn. Code Ann. § 65-4-113, when evaluating the transfer of a certificate of convenience and necessity (“CCN”), the Commission considers the technical, financial and managerial ability of the acquiring entity to provide the applied for utility services. In addition, Tenn. Code Ann. § 65-4-113 allows the Commission to consider all relevant factors and approve the transaction if it finds it is in the public interest. However, this ruling is not a determination on the relevance of the proposed issues raised by the Consumer Advocate to this transaction, nor does it strike, limit, or exclude any matters from the record that may be raised at the hearing. This ruling establishes that consistent with Tenn. Code Ann. § 65-4-113, the primary issues for consideration are whether Limestone has the technical, managerial, and financial ability to provide the utility services and whether the transaction is in the public interest. Of course, the Commission is within its authority provided under the statute to consider other issues, as it deems appropriate.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Monica Smith-Ashford". The script is cursive and fluid, with the first letters of each name being capitalized and prominent.

Monica Smith-Ashford, Hearing Officer