

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

August 6, 2020

IN RE:

**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**

**DOCKET NO.
19-00062**

PRE-HEARING ORDER

Pursuant to Tenn. Code Ann. § 4-5-306(d) and Commission Rule 1220-1-2-.12, this matter came before the Hearing Officer of the Tennessee Public Utility Commission (“Commission” or “TPUC”) at a Pre-Hearing Conference held via teleconference on July 28, 2020. The Pre-Hearing Conference was held to establish the orderly conduct of the Hearing on the *Amended and Restated Joint Application of Aqua Utilities Company, LLC and Limestone Water Utility Operating Company, LLC, for Authority to Sell or Transfer Title to Asset Property and Real Estate of a Public Utility and for a Certificate of Public Convenience and Necessity* (“*Joint Application*”) scheduled during the Commission Conference to be held via WebEx at 9:00 a.m. (CDT) on Monday, August 10, 2020. Aqua Utilities Company, LLC and Limestone Water Utility Operating Company, LLC (together “Joint Applicants” or the “Company”) and the Consumer Advocate Division in the Financial Unit of the Office of the Tennessee Attorney

General (“Consumer Advocate”), the parties in this matter, participated in the Pre-Hearing Conference.

PROCEDURAL MATTERS

The following order of the Hearing has been established and agreed upon:

A. NOTICE OF HEARING & PUBLIC COMMENT

On July 31, 2020, a *Notice of Hearing* was issued notifying the public that a Hearing on the *Joint Application* filed on December 13, 2019, will be held electronically via WebEx during the Commission Conference scheduled to begin at **9:00 a.m. CDT on Monday, August 10, 2020**. As was included in the notice, members of the public are encouraged to participate by filing written comments in the docket file by 4:00 p.m. (CDT) Thursday, August 6, 2020, and/or presenting verbal comments during the Hearing.

B. OPENING STATEMENTS

After an initial public comment period is offered, each party is permitted ten (10) minutes to present an opening statement. The Joint Applicants will present opening statements first, followed by the Consumer Advocate.

C. EXHIBITS & DOCUMENTS

The parties should exchange any demonstrative exhibits related to a witness’s pre-filed testimony by Wednesday, August 5, 2020. Each party should have its own copy of all exhibits, including those appended to pre-filed testimony, available for reference during the Hearing. The parties will upload any documents used as exhibits onto the cloud share established for the Hearing.

D. TECHNOLOGICAL ISSUES

Since the Hearing is being conducted completely via WebEx video, there are special considerations the parties should observe to make sure that the Hearing flows smoothly:

- Parties should log into the Conference at **8:30 a.m.** (CDT) on August 10, 2020, to make sure everyone is connected to the Conference;
- Everyone should place their microphones on mute when not speaking; and
- Identify yourself prior to speaking.

E. WITNESSES

During direct examination, a time limit has been established for each witness to summarize his pre-filed testimony. In addition, each witness should be advised that he 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.

- Joint Applicants will present the following witness:
 1. Josiah Cox, President of Limestone (10 minutes)
- The Consumer Advocate will present the following witnesses:
 1. Alex Bradley, Accounting and Tariff Specialist, Consumer Advocate (5 minutes)
 2. David Dittmore, Financial Analyst, Consumer Advocate (15 minutes)

F. 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. The parties should be aware that the Commissioners might ask questions at any time during a witness's testimony and after cross-examination.

G. Closing Statements

Each party is permitted fifteen (15) minutes to present a closing statement. The Consumer Advocate will present its closing statement first, followed by the Joint Applicants. If issues arise at the Hearing that need greater clarification, the parties may ask permission to file post-hearing briefs.

H. 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 **August 10, 2020, during the Commission Conference scheduled to begin at 9:00 a.m. CDT** shall be conducted in accordance with the requirements and deadlines set forth in this Pre-Hearing Order unless otherwise ordered by the Chairman or presiding Commissioner.

A handwritten signature in black ink that reads "Monica Smith-Ashford". The signature is written in a cursive, flowing style.

Monica Smith-Ashford, Hearing Officer

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CONVENIENCE AND NECESSITY)	

PROCEDURAL OUTLINE OF HEARING

Time/Date: August 10, 2020, at 9:00 a.m. (CDT)

Electronically via WebEx

Hearing on the Merits

Hearing Convened by Chairman /Presiding Commissioner and Introductions

A. Public Comment

B. Opening Statements (10 Minutes):

- 1) Joint Applicants
- 2) Consumer Advocate

ATTACHMENT A

C. Witness Summary:

Joint Applicant Witness

Josiah Cox, President – Limestone

- Oath Administered/Witness Sworn –

Summary of pre-filed testimony	Ten (10) minutes
Cross-examination	Consumer Advocate
Questions	TPUC Commissioners and/or Advisory Staff
Re-direct examination	Joint Applicants
Re-cross examination	(if requested & determined appropriate)

Consumer Advocate Witness

Alex Bradley, Accounting & Tariff Specialist-

- Oath Administered/Witness Sworn -

Summary of pre-filed testimony	Five (5) minutes
Cross-examination	Joint Applicants
Questions	TPUC Commissioners and/or Advisory Staff
Re-direct examination	Consumer Advocate
Re-cross examination	(if requested & determined appropriate)

Consumer Advocate Witness

Dave Dittmore, Financial Analyst

- Oath Administered/Witness Sworn -

Summary of pre-filed testimony	Fifteen (15) minutes
Cross-examination	Joint Applicants
Questions	TPUC Commissioners and/or Advisory Staff
Re-direct examination	Consumer Advocate
Re-cross examination	(if requested & determined appropriate)

ATTACHMENT A

D. Closing Statements:

1) Consumer Advocate

2) Joint Applicants

E. Public Comment

F. Hearing Adjourned

ATTACHMENT A