

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)	

JOINT APPLICANTS' MOTION TO ADMIT THE AFFIDAVIT OF JAMES CLAUSEL

The Joint Applicants, Aqua Utilities Company LLC ("Aqua") and Limestone Water Utility Operating Company ("Limestone") by and through their undersigned counsel, respectfully submit this Motion to Admit the Affidavit of James Clausel ("the Affidavit") to the record. The Affidavit was filed into the above captioned Docket on August 3, 2020. On August 4, 2020 the Consumer Advocate filed an objection to the filing of the Affidavit.

The Consumer Advocate cites Tenn. Code Ann. § 4-5-313, which requires an Affidavit to be submitted 10 days prior to the hearing and gives the opposing party the opportunity to request to cross examine the affiant. The Consumer Advocate fails to cite the remainder of the statute which states, "[t]he officer assigned to conduct the hearing may admit affidavits not submitted in accordance with this section where necessary to prevent injustice." Tenn. Code Ann. § 4-5-313(3). Thus, it is in the discretion of the Hearing Officer to decide if admitting the Affidavit is necessary to prevent injustice. Historically, this Regulatory Agency has been very liberal in admitting evidence. It has traditionally been the practice of this Regulatory Agency to accept almost all

evidence.

Further, the documents shared by the Consumer Advocate reflect their intent to rely on exactly what the Affiant is attempting to relay to the Commission. It appears the Consumer Advocate intends to rely on Aqua's financial reports. These reports will show that the Utility is currently not generating revenue and is no longer financially sustainable. Thus, the Affidavit should be admitted into the Docket.

In conclusion, the Joint Applicants respectfully request that this Motion be granted, and for such other and further relief as the Hearing Officer deems just and proper.

Dated: August 6, 2020

Respectfully Submitted,



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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 6th day of August, 2020.

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



Tyler A. Cosby