

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

September 1, 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

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**ORDER DENYING *MOTION IN LIMINE***

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This matter came before the Hearing Officer on the *Consumer Advocate's Motion in Limine re: Case Studies 1,2,3 and Videos of Elm Hills Utility Operating Company-CSWR and Indian Hills Utility Operating Company-Transformation ("Motion")*. On August 7, 2020, the Consumer Advocate Unit in the Financial Division of the Office of the Tennessee Attorney General ("Consumer Advocate") filed the *Motion* and Aqua Utilities Company, Inc., and Limestone Water Utility Operating Company, LLC (together "Joint Applicants") filed the *Joint Applicants' Response to Consumer Advocate's Motion in Limine ("Joint Applicants' Response")* on August 7<sup>th</sup>, as well.

***MOTION***

The Consumer Advocate's *Motion* asks the Commission to "exclude any reference to or

use by any witnesses of the Joint Applicants of the following items/documents: Case Study 1; Case Study 2; Case Study 3; and videos of Elm Hills Utility Operating Company-CSWR and Indian Hills Utility Operating Company Transformation.”<sup>1</sup> The Consumer Advocate objects to any reference to or use of the items/documents by any of the Joint Applicants’ witnesses. According to the Consumer Advocate, the items/documents were not referred to in Josiah Cox’s testimony and it would be inappropriate for him to refer to them in his summary.<sup>2</sup>

#### ***JOINT APPLICANTS’ RESPONSE***

The Joint Applicants ask that the Hearing Officer deny the Consumer Advocate’s *Motion*. The Joint Applicants state the items/ documents were not a part of the docket file but were shared with the Consumer Advocate as a possible exhibit the Joint Applicants may use at the Hearing.<sup>3</sup> According to the Joint Applicants, the Consumer Advocate does not suggest that the items/ documents are irrelevant or prejudicial, only that there was no prior reference by a witness.<sup>4</sup> The Joint Applicants maintain “[t]hat certainly is not a ground to grant the Motion.”<sup>5</sup>

#### **FINDINGS AND CONCLUSIONS**

The Hearing Officer reviewed the items/documents the Joint Applicants seek to use at Hearing, and the Hearing Officer finds the items/documents do not contain anything that would be prejudicial to the Consumer Advocate. The Hearing Officer asked the parties to exchange any demonstrative exhibits, not related to a witness’s pre-filed testimony by August 5, 2020, and the Joint Applicants complied. The Hearing Officer finds that while the items/documents submitted may not have been directly related to the witness’s pre-filed testimony, the Consumer Advocate

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<sup>1</sup> *Motion*, p. 1 (August 7, 2020).

<sup>2</sup> *Id.* at 1-2.

<sup>3</sup> *Joint Applicants’ Response*, p. 1 (August 7, 2020).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

had an opportunity to see the information contained in the items/documents and to prepare. Further, the Hearing Officer finds the items/documents the Joint Applicants seek to admit are not highly technical nor do they go to the particular facts of this docket such that they would be prejudicial to the Consumer Advocate or its case. For the foregoing reasons, the Hearing Officer concludes the Consumer Advocate's *Motion* should be denied.<sup>6</sup>

**BE IT THEREFORE ORDERED THAT:**

The *Consumer Advocate's Motion in Limine re: Case Studies 1,2,3 and Videos of Elm Hills Utility Operating Company-CSWR and Indian Hills Utility Operating Company-Transformation* is **DENIED**.

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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<sup>6</sup> Since the Hearing was being held on August 10, 2020, the Hearing Officer made a verbal ruling on August 7, 2020, and this Order is a memorialization of that ruling.