

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)	
OPERAITNG 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)	

**LIMESTONE WATER UTILITY OPERATING COMPANY, LLC RESPONSE TO THE
CONSUMER ADVOCATE'S MOTION FOR LEAVE TO ISSUE MORE THAN FORTY
DISCOVERY REQUESTS**

Comes now the Petitioners Aqua Utilities Company, LLC (herein after "Aqua") and Limestone Water Utility Operating Company (herein after "Limestone"), by and through counsel and submit this Response to the Consumer Advocate's Motion for Leave to Issue More Than Forty Discovery Requests pursuant to Tennessee Public Utility Commission (herein after "TPUC" or "Commission") Rule 1220-01-02-.11(7) and Tennessee Rule of Civil Procedure Rule 26.02.

FACTS

The Petitioners originally filed their joint Petition with the Commission on July 26, 2019. On August 28, 2019 the Consumer Advocate sent a letter notifying the Petitioners of the need to comply with the recently updated Minimum Filing Requirements. In an effort to comply with the Minimum Filing Requirements, the Petitioners spent many hours over several months preparing the information required for the extensive list.

The Petitioners then filed an Amended and Restated Petition, well in excess of one hundred pages, on December 13, 2019. The Amended and Restated Petition included an Appendix that

specifically addressed each of the Minimum Filing Requirements set forth in TPUC Rule 1220-04-13-.17, individually. It is obvious the Consumer Advocate has not made a serious review of the Amended and Restated Petition. Further, Aqua Utilities has been providing water and wastewater services under the regulation of this Agency for approximately 25 years.

ARGUMENT

Commission Rule 1220-01-02-.11(5)(a) specifically limits discovery requests, including sub-parts, to forty (40) questions. In the current matter, the Consumer Advocate propounded a total of eighty-nine (89) questions, including lengthy sub-parts, upon Limestone and forty-four (44) questions, including sub-parts, upon Aqua. Obviously, both sets of Data Requests are over the limit set forth in Commission Rule. In total, the Consumer Advocate propounded one hundred and thirty-three (133) questions.

Both sets of the Consumer Advocate's Data Requests are objectionable, unreasonably cumulative, oppressive, overly burdensome, and broad. Several questions are not relevant and repetitive, especially considering the fact the Petitioners have submitted the required information in the Amended and Restated Petition's Appendix A.

In their Memorandum in Support filed contemporaneously with the Motion for Leave, the Consumer Advocate states that good cause exists to issue more than forty (40) Discovery Requests in this matter. The Petitioners disagree considering the length and depth of their Amended and Restated Petition. The Consumer Advocate states "Aqua Utilities and Limestone Water have not provided any detailed analysis and explanation as to how the purchase price was determined, including all relevant studies and analysis and any materials relied upon. Nor has Limestone Water provided cost estimates for identified upgrades and repairs to the water/wastewater systems." *Id.* at 5. This information is not relevant to the financial, managerial, and technical capabilities of the

Applicant. The Memorandum also states “Limestone Water is part of a corporate structure that involves CSWR, LLC and Central States Water Resources, Inc. it is unclear if US Water Systems, LLC is still part of the organization structure since it is not identified in the organization structure in the *Amended Joint Application*.” Id. at 6.

Yet, the Consumer Advocate only asked four questions in the Data Requests sent to Limestone, 1-3, 1-25, 1-26, 1-48, regarding these specific concerns. Further, the remaining eighty-five (85) questions are entirely overbroad, burdensome, and oppressive. For no apparent reason, the Consumer Advocate is using discovery requests to frustrate the orderly progression of this docket.

It is important and relevant to note, several of the Minimum Filing Requirements pertain to information for the construction of a new system. As discussed in the Amended and Restated Petition, this Docket involves a transaction of an already existing system and not the construction of a new system. Several of the Minimum Filing Requirements are not applicable to the Petitioners or the transaction in this Docket. Accordingly, the Petitioners took an extensive amount of time and effort to address each of the minimum requirements and answered “Not Applicable” to each of the requirements that did not apply to this transaction.

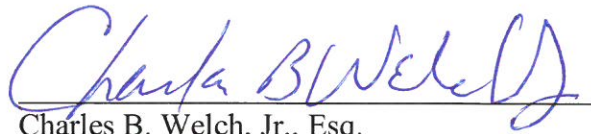
The two sets of Data Requests propounded upon the Petitioners are overly burdensome and unnecessary in this Docket. The Petitioners will respond accordingly to reasonable Data Requests and believe the Consumer Advocate should be able to address any concerns while abiding by Commission Rule 1220-01-02-.11(5)(a).

Conclusion

Based on the forgoing reasons, the Hearing Officer should deny the Consumer Advocate's Motion and order that Consumer Advocate propound new Discovery Requests in accordance with the Commission Rules.

Dated: February 5, 2020

Respectfully Submitted,

A handwritten signature in blue ink, reading "Charles B. Welch, Jr.", written over a horizontal line.

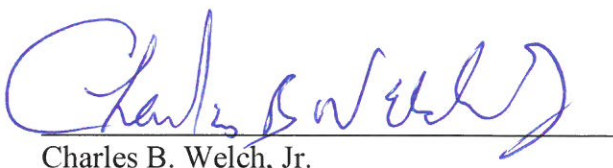
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CERTIFICATE OF SERVICE

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 5th day of February, 2020.

Vance Bromel
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Charles B. Welch, Jr.