

**Electronically Filed in TPUC Docket Room on August 22, 2019 at 11:01a.m.**

**IN THE TENNESSEE PUBLIC UTILITY COMMISSION  
AT NASHVILLE, TENNESSEE**

|                                   |   |                     |
|-----------------------------------|---|---------------------|
| IN RE:                            | ) |                     |
|                                   | ) |                     |
| EXPEDITED PETITION OF SONTARA OLD | ) |                     |
| HICKORY, INC. FOR APPROVAL OF AN  | ) | Docket No. 19-00071 |
| ASSET PURCHASE AGREEMENT AND FOR  | ) |                     |
| THE ISSUANCE OF A CERTIFICATE OF  | ) |                     |
| PUBLIC CONVENIENCE AND NECESSITY  | ) |                     |

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**PETITION TO INTERVENE**

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Herbert H. Slatery III, Attorney General and Reporter for the State of Tennessee, by and through the Consumer Advocate Unit in the Financial Division of the Office of the Tennessee Attorney General (Consumer Advocate), pursuant to Tenn. Code Ann. § 65-4-118, respectfully petitions the Tennessee Public Utility Commission (TPUC or Commission) to grant the Consumer Advocate's intervention into this proceeding because consumers' interests, rights, duties, or privileges may be determined or affected by the *Expedited Petition of Sontara Old Hickory, Inc. for Approval of an Asset Purchase Agreement and for the Issuance of a Certificate of Public Convenience and Necessity (Petition)*. For cause, the Consumer Advocate would show as follows:

1. The Consumer Advocate is authorized by Tenn. Code Ann. § 65-4-118 to represent the interests of Tennessee consumers of public utility services by initiating and intervening as a party in any matter or proceeding before TPUC in accordance with the Uniform Administrative Procedures Act, Tenn. Code Ann. § 4-5-101 *et seq.*, and TPUC rules.

2. Sontara Old Hickory, Inc. (Sontara) is a Delaware corporation with its principal place of business in Old Hickory, Tennessee. It currently operates a leased premises, including a water and wastewater system (utility system), owned by E.I. du Pont de Nemours and Company

(DuPont).<sup>1</sup> Sontara seeks the Commission’s approval to acquire the utility system and the Commission’s grant of a Certificate of Public Convenience and Necessity “to own and operate the water and wastewater system and to serve DuPont’s current water and wastewater customers and the DuPont Campus.”<sup>2</sup>

3. The utility system is currently owned and operated by DuPont, and DuPont provides services to its own facilities and three other industrial customers.<sup>3</sup> Sontara avers that “the water and wastewater infrastructure used to service the three (3) industrial customers was apparently initially deployed by DuPont for the sole purpose of servicing facilities then owned and operated by DuPont.” DuPont no longer intends to operate the system.<sup>4</sup>

4. Sontara avers that it has the requisite technical, managerial, and financial capability to run utility system<sup>5</sup>, and it seeks approval of its Petition on an expedited basis “on or before September 9, 2019.”<sup>6</sup>

5. Sontara states that pursuant to the Purchase Agreement, it will not institute rates that are in excess of the rates currently established until “such time as different rates may be submitted to and approved by the Commission.”<sup>7</sup> Because the utility system has never been regulated by the Commission, the Commission has never reviewed the rates currently in effect.

6. While it commits to holding rates not in excess of current levels, Sontara requests the Commission to “[a]pprove accounting and rate base treatments that reflect the full Purchase Price for the system, plus ensure future rate base determinations will be consistent with the value

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

<sup>2</sup> *Id.*

<sup>3</sup> *Id.* at 3.

<sup>4</sup> *Id.* at 3-4.

<sup>5</sup> *Id.* at 7-8.

<sup>6</sup> *Id.* at 2. There is no right under Tennessee law or within TPUC rules to an expedited hearing.

<sup>7</sup> *Id.* at 5, 9.

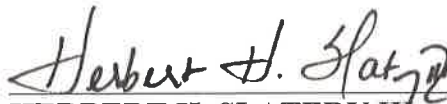
of the full Purchase Price.”<sup>8</sup> Sontara also seeks the ability to serve customers “in accordance with the rules, regulations, rates[,] and charges set forth in the proposed tariff.”<sup>9</sup>

7. The interests of consumers may be affected by determinations and orders made by TPUC with respect to (A) the interpretation, application, and implementation of Tenn. Code Ann. § 65-5-103(a) and other relevant statutory and regulatory provisions, and (B) the review and analysis of the Company’s documentation, financial spreadsheets, and materials.

8. Only by participating as a party to this proceeding can the Consumer Advocate adequately carry out its statutory duty to represent the interests of Tennessee consumers.

Wherefore, the Consumer Advocate requests TPUC grant this *Petition to Intervene*.

RESPECTFULLY SUBMITTED,



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<sup>8</sup> *Id.* at 11.

<sup>9</sup> *Id.*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via U.S. Mail or electronic mail upon:

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This the 22<sup>nd</sup> day of August, 2019.

  
**DANIEL P. WHITAKER III**  
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