

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

October 23, 2019

IN RE:	)	
	)	
RULEMAKING TO PROMULGATE	)	DOCKET NO.
PUBLIC COMMENT RULES	)	19-00086

---

ORDER TO OPEN A RULEMAKING PROCEEDING  
TO PROMULGATE RULES FOR PUBLIC COMMENT

---

This matter came before Chair Robin L. Morrison, Vice Chair Kenneth C. Hill, Commissioner Herbert H. Hilliard, Commissioner John Hie, and Commissioner David F. Jones of the Tennessee Public Utility Commission (the “Commission”), the voting panel assigned to this docket, during a regularly scheduled Commission Conference held on September 9, 2019. In a letter dated August 7, 2019, Chairman Martin Daniel of the State of Tennessee House of Representatives Government Operations Committee expressed concerns that certain state “administrative entities have ‘policies’ or rules in place that make it cumbersome or difficult for members of the public to address the agencies during meetings.”<sup>1</sup> Chairman Daniel further urged all state administrative entities to move to “adopt regulations that enable members of the public to simply and easily address your board at its regular or special meetings.”<sup>2</sup>

During the Commission Conference, the Commissioners voted unanimously to initiate a rulemaking proceeding for the purpose of promulgating rules for the orderly process of receiving public comments during public meetings and hearings.

**IT IS SO ORDERED.**

**Chair Robin L. Morrison, Vice Chair Kenneth C. Hill, Commissioner Herbert H. Hilliard, Commissioner John Hie, and Commissioner David F. Jones concur.**

**ATTEST:**



---

**Earl R. Taylor, Executive Director**

---

<sup>1</sup> Letter of Martin Daniel, Chairman, State of Tennessee House of Representatives Government Operations Committee, p. 1 (dated August 7, 2019) (attached as *Exhibit A*).

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

# **EXHIBIT A**

**Martin Daniel**  
Tennessee State House Representative  
18<sup>th</sup> District



**Chairman**  
Government Operations Committee

**Member of Committees**  
Judiciary  
Transportation  
Calendar & Rules

**Subcommittees**  
House Civil Justice  
Transportation & Infrastructure

## House of Representatives State of Tennessee

**LEGISLATIVE ADDRESS**

Cordell Hull Building  
425 5<sup>th</sup> Ave North, Ste 526  
Nashville, TN 37243

Office: (615) 741-2287  
1(800) 449-8366, ext. 44733

August 7, 2019

Robin Morrison,  
Chair of Tennessee Public Utility Commission

Re: Transparency

via electronic mail

Dear Chairman Morrison,

I serve as Chairman of the House Government Operations Committee for the 111<sup>th</sup> General Assembly.

Two of the areas of emphasis for the Committee are accountability and transparency in and surrounding our state agencies, including councils, boards, and commissions. In that regard, I have noticed that many of these administrative entities have "policies" or rules in place that make it cumbersome or difficult for members of the public to address the agencies at their meetings. Examples of these include unreasonable advance "sign up" requirements, limitations as to the content of the subject matter, and unreasonably short time periods for one to speak. Reasonable limitations on speech at these meetings are expected and necessary, but some of these existing rules actually obstruct accountability and transparency of the governing boards. We, as representatives, are accountable to our constituents, and we want our governing boards to be accountable and responsive to Tennesseans. Listening to Tennesseans is a big part of that.

This issue will be an area of inquiry in connection with your next comptroller audit and sunset hearings of administrative entities. If you have not already done so, I encourage you to move to adopt regulations that enable members of the public to simply and easily address your board at its regular or special meetings. Certainly, your receptiveness to public comment will be a factor in recommending, or not, the continuation of your agency.

We are proud of our Tennessee agencies, and we, the legislature, appreciate your service. Please do not hesitate to contact me or your respective legislator if you have any questions regarding this, or if we can otherwise be of service.

Very Truly Yours,

A handwritten signature in cursive script that reads "Martin Daniel". The signature is written in dark ink and is positioned above the printed name.

Martin B. Daniel

MD/hw

cc: Speaker Pro Tem Bill Dunn;

All members of the Senate and House Government Operations Committees