

STATE OF TENNESSEE

## Office of the Attorney General



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June 4, 2020

Hon. Robin L. Morrison, Chairperson  
c/o Sharla Dillon  
Tennessee Public Utility Commission  
502 Deaderick Street, 4<sup>th</sup> Floor  
Nashville, TN 37243

RE: *Petition of Cartwright Creek, LLC to Extend Capital Improvements Surcharge*, TPUC  
Docket No. 19-00097.

Dear Chairperson Morrison:

Cartwright Creek, LLC's (Cartwright Creek) and the Consumer Advocate Unit in the Financial Division of the Office of the Attorney General (Consumer Advocate) are filing this letter to supplement the letter filed by the Consumer Advocate, on November 20, 2019, regarding the joint position of the parties.

In this previous filing, the parties agreed that there were no outstanding procedural matters requiring resolution by the Hearing Officer, and that Cartwright Creek accepted the Consumer Advocate's recommendations. Therefore, Cartwright Creek did not file rebuttal testimony in this Docket. It continues to be the position of the Parties that this matter should be resolved in favor of the positions set forth in Cartwright Creek's Petition, consistent with the pre-filed testimony of the Parties, including recommendations set forth in Mr. Dittmore's testimony. Consistent with agency practice, the Parties request that the entire official record in this Docket, including discovery, be made a part of the evidentiary record. In the previous filing, the parties waived both opening statements and cross-examination of witnesses by the Parties. Subsequently, the Parties agreed to waive summaries of their experts' pre-filed testimony. Cartwright Creek is aware that its pre-filed testimony was not sworn, and it provided a copy of the sworn statement for its expert's pre-filed testimony (a copy is attached).

Recently, the parties were made aware that Cartwright Creek's expert witness, Bruce Meyer, will not be available for the June 15, 2020 hearing due to a medical procedure which cannot be rescheduled. In TPUC Docket No. 19-00049, Cartwright Creek filed a motion regarding Mr. Meyer's unavailability for the upcoming hearing (a copy is attached). The Consumer Advocate's expert witness, David Dittmore, will be available for questions by the Commissioners and

Commission Staff. In addition, counsel for both the Consumer Advocate and Cartwright Creek will also be participating in the scheduled electronic hearing.

As required, an original of this filing, along with one hard copy will follow. Should you have any questions concerning this filing, or additional information, please do not hesitate to contact me.

Respectfully,



Karen H. Stachowski  
Assistant Attorney General

cc: Henry Walker, Esq.

**Affidavit of Bruce Meyer direct testimony 10 21 19.pdf**

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**E-Signature Summary****E-Signature 1: Bruce Edward Meyer (BEM)**

June 03, 2020 12:05:46 -8:00 [491D7E20DD71] [71.80.104.204]  
bmeyer@sheafferwws.com (Principal) (ID Verified)

**E-Signature Notary: Stephanie Covington (Sgc)**

June 03, 2020 12:05:46 -8:00 [0E12A6EE19CC] [68.53.126.95]  
sgcovington@bradley.com  
I, Stephanie Covington, did witness the participants named above electronically sign this document.



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

**IN RE:**

**PETITION OF CARTWRIGHT  
CREEK, LLC TO EXTEND CAPITAL  
IMPROVEMENTS SURCHARGE**

**DOCKET NO. 19-00097**

**AFFIDAVIT**

STATE OF TENNESSEE    )  
  ) ss.  
COUNTY OF DAVIDSON    )

I, Bruce E. Meyer, on behalf of Cartwright Creek, LLC hereby swear and affirm that the attached Direct Testimony dated October 21, 2019, represents my opinion and the information contained therein is true and correct to best of my knowledge.

**Bruce Edward Meyer**

Signed on 2/20/2020 12:05:46 -8:00

\_\_\_\_\_  
Bruce E. Meyer

Sworn to and subscribe before me  
This 3<sup>rd</sup> day of June, 2020.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: January 8, 2024

**STEPHANIE G. COVINGTON**

Tennessee Notary Public

Online Notary Public

Davidson County, State Of Tennessee

My Commission Expires Jan 08, 2024

Notary Stamp: 2020/06/03 12:05:46 PST

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111398-301004  
4835-6091-7183.1

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

**IN RE:**

**PETITION OF CARTWRIGHT  
CREEK, LLC REQUESTING  
APPROVAL OF PROPOSED  
CAPITAL IMPROVEMENTS**

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**DOCKET NO. 19-00049**

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**MOTION**

A hearing in the above-captioned docket is scheduled for June 15, 2020. At this time, there are no other parties in the case. The Petitioner's witness, Mr. Bruce Meyer, has submitted sworn testimony (see attached affidavit) but will not be available at the time of the hearing because of a medical procedure that cannot be re-scheduled.

Petitioner respectfully requests that the Hearing Officer enter a pre-hearing order that Mr. Meyer's sworn testimony may be introduced as evidence at the hearing and that Mr. Meyer will not be called to testify orally, subject to the right of any intervenor to file a request to cross-examine Mr. Meyer within seven days after the entry of the order. *See*, T.C.A. § 4-5-313 (2) (3) and (4).

Respectfully submitted,

By: 

Henry Walker (B.P.R. No. 000272)  
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Nashville, TN 37203  
Phone: 615-252-2363  
Email: [hwalker@babco.com](mailto:hwalker@babco.com)

Attorneys for Cartwright Creek, LLC



## Affidavit of Bruce Meyer - direct testimony 5 19 20.pdf

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### E-Signature Summary

#### E-Signature 1: Bruce Edward Meyer (BEM)

June 03, 2020 12:05:45 -8:00 [75838D84345A] [71.80.104.204]  
bmeyer@sheafferwws.com (Principal) (ID Verified)

#### E-Signature Notary: Stephanie Covington (Sgc)

June 03, 2020 12:05:45 -8:00 [EE4A2CC3B624] [68.53.126.95]  
sgcovington@bradley.com  
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**IN THE TENNESSEE PUBLIC UTILITY COMMISSION  
AT NASHVILLE, TENNESSEE**

IN RE: )  
)  
PETITION OF CARTWRIGHT )  
CREEK, LLC REQUESTING ) **DOCKET NO. 19-00049**  
APPROVAL OF PROPOSED )  
CAPITAL IMPROVEMENTS )

STATE OF TENNESSEE )  
) ss.  
COUNTY OF DAVIDSON )

**AFFIDAVIT**

I, Bruce E. Meyer, on behalf of Cartwright Creek, LLC hereby swear and affirm that the attached Direct Testimony dated May 19, 2020, represents my opinion and the information contained therein is true and correct to best of my knowledge.

Bruce Edward Meyer

Bruce E. Meyer

Sworn to and subscribe before me  
This 3<sup>rd</sup> day of June, 2020.

  
NOTARY PUBLIC

My Commission Expires: January 8, 2024

