

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

October 1, 2020

IN RE:

**DOCKET TO INVESTIGATE AND CONSIDER
POTENTIAL ISSUES AND MODIFICATIONS TO
THE COLLECTIVE CAPITAL RIDERS OF
TENNESSEE-AMERICAN WATER COMPANY**

)
)
)
)
)
)

**DOCKET NO.
19-00103**

**ORDER GRANTING THE PETITION TO INTERVENE FILED BY THE
CITY OF CHATTANOOGA**

This matter is before the Hearing Officer of the Tennessee Public Utility Commission (“Commission” or “TPUC”) to consider the *Petition to Intervene* filed by the City of Chattanooga (“City”) on September 28, 2020.

RELEVANT BACKGROUND

In Docket No. 18-00120, the Commission ordered that a new docket be opened “to address potential issues and proposed modifications to improve, make more transparent, or streamline the collective Capital Riders,” including the contested proposals presented in that docket by the Consumer Advocate Unit in the Financial Division in the Office of the Tennessee Attorney General (“Consumer Advocate”).¹

PETITION TO INTERVENE

According to the *Petition to Intervene*, the City seeks to intervene in this docket because

¹ *In re: Petition of Tennessee-American Water Company Regarding the 2019 Investment and Related Expenses Under the Qualified Infrastructure Investment Program Rider, the Economic Development Investment rider and the Safety and Environmental Compliance Rider*, Docket No. 18-00120, *Order Approving Petition as Amended*, pp. 21-22 (November 8, 2019).

the “legal rights, duties, privileges, immunities, or other legal interest of the City of Chattanooga and its citizens may be adversely affected by any revisions or modifications made to the collective capital riders (the “Capital Riders”) of the Tennessee-American Water Company (“TAWC”).”

The City states that TAWC is a “public utility engaged in providing residential, commercial, industrial, and municipal water service, including public and private fire protection service to the City of Chattanooga and surrounding areas.”² The City asserts it should be allowed to intervene because it is a major customer of TAWC and only by intervening can it protect its interests and the interests of its citizens.³ On September 29, 2020, the City filed a *Notification by City of Chattanooga that Tennessee-American Water Company and the Consumer Advocate Division do not Oppose Petition to Intervene* stating that neither TAWC or the Consumer Advocate oppose the *Petition to Intervene*.

FINDINGS & CONCLUSIONS

Tenn. Code Ann. § 4-5-310 establishes the following criteria for granting petitions to intervene:

(a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if:

(1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing;

(2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and

(3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of

² *Petition to Intervene*, p. 1 (September 28, 2020).

³ *Id.* at 2.

the proceedings shall not be impaired by allowing the intervention.

(b) The agency may grant one (1) or more petitions for intervention at any time, upon determining that the intervention sought is in the interests of justice and shall not impair the orderly and prompt conduct of the proceedings.⁴

Because changes may be made to TAWC's Capital Riders tariff that may impact customers, the Hearing Officer finds that there is a sufficient factual basis to find that the legal rights or interests held by the City and its citizens may be determined in this proceeding.

THEREFORE, upon due consideration, the Hearing Officer concludes that the legal rights, duties, privileges, immunities or other legal interest of the City may be determined in this proceeding. According to the City, TAWC and the Consumer Advocate do not oppose the intervention. In addition, TPUC Staff acting as a Party in this docket confirmed that it did not oppose the *Petition to Intervene*. The Hearing Officer finds that the City's *Petition to Intervene* was timely-filed and should not impair the interests of justice or the orderly and prompt conduct of the proceedings. For these reasons, the Hearing Officer concludes that the City's *Petition to Intervene* should be granted.

IT IS THEREFORE ORDERED THAT:

The *Petition to Intervene* filed by the City of Chattanooga is granted. The City of Chattanooga may intervene and participate as a party in this proceeding and, as such, shall receive copies of any notices, orders, or other documents filed herein.



Monica Smith-Ashford, Hearing Officer

⁴ Tenn. Code Ann. § 4-5-310.