

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

October 5, 2020

IN RE:

**JOINT PETITION OF TENNESSEE-AMERICAN WATER
COMPANY AND THUNDER AIR, INC. D/B/A JASPER
HIGHLANDS DEVELOPMENT, INC. FOR THE
APPROVAL OF AN ASSET PURCHASE AGREEMENT
AND FOR THE ISSUANCE OF A CERTIFICATE OF
CONVENIENCE AND NECESSITY**

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**DOCKET NO.
20-00011**

PRE-HEARING ORDER

Pursuant to Tenn. Code Ann. § 4-5-306(d) and Commission Rule 1220-1-2-.12, this matter came before the Hearing Officer of the Tennessee Public Utility Commission (“Commission” or “TPUC”) at a Pre-Hearing Conference held via teleconference on September 30, 2020. The Pre-Hearing Conference was held to establish the orderly conduct of the Hearing on the *Expedited Joint Petition of Tennessee-American Water Company and Thunder Air, Inc. d/b/a Jasper Highlands Development Inc. for Approval of an Asset Purchase Agreement and for the Issuance of a Certificate of Convenience and Necessity* (“*Joint Petition*”) scheduled during the Commission Conference to be held via WebEx at 9:00 a.m. (CDT) on Monday, October 12, 2020. Tennessee-American Water Company (“TAWC” or the “Company”) and Thunder Air Inc. d/b/a Jasper Highlands Development, Inc. (“Thunder Air”) (together, the “Joint Petitioners”) and the Consumer Advocate Division in the Financial Unit of the Office of the Tennessee Attorney General (“Consumer Advocate”), the parties in this matter, participated in the Pre-Hearing Conference.

PROCEDURAL MATTERS

The following order of the Hearing has been established and agreed upon:

A. NOTICE OF HEARING & PUBLIC COMMENT

On October 2, 2020, a *Notice of Hearing* was issued notifying the public that a Hearing on the *Joint Petition* filed on February 3, 2020, will be held electronically via WebEx during the Commission Conference scheduled to begin at **9:00 a.m. CDT on Monday, October 12, 2020**. As was included in the notice, members of the public are encouraged to participate by filing written comments in the docket file by 4:00 p.m. (CDT) Thursday, October 8, 2020, and/or presenting verbal comments during the Hearing.

B. OPENING STATEMENTS

After an initial public comment period is offered, each party is permitted ten (10) minutes to present an opening statement. The Joint Petitioners will present opening statements first, followed by the Consumer Advocate.

C. EXHIBITS & DOCUMENTS

The parties should exchange any demonstrative exhibits related to a witness's pre-filed testimony by Wednesday, October 7, 2020. Each party should have its own copy of all exhibits, including those appended to pre-filed testimony, available for reference during the Hearing. The parties will upload any documents used as exhibits onto the cloud share established for the Hearing.

D. TECHNOLOGICAL ISSUES

Since the Hearing is being conducted completely via WebEx video, there are special considerations the parties should observe to make sure the Hearing flows smoothly:

- Parties should log into the Conference at **8:30 a.m.** (CDT) on October 12, 2020, to make sure everyone is connected to the Conference;
- Everyone should place their microphones on mute when not speaking; and
- Identify yourself prior to speaking.

E. WITNESSES

During direct examination, a time limit has been established for each witness to summarize the pre-filed testimony. In addition, each witness should be advised that he or she remains subject to recall for rebuttal purposes and should remain available throughout the length of the proceedings. The witnesses and time limits are set forth below.

- Joint Petitioners will present the following witness:
 1. John Thornton, CEO Thunder Air (10 minutes or less)
 2. Grady Stout, Interim VP/Operations Tennessee-American (10 minutes or less)
 3. Brian Queen, Southeast Division Chief Financial Officer American Water (10 minutes or less)
 4. Dane Bradshaw, President Thunder Air (10 minutes or less)
 5. Elaine Chambers, Director Rates/Regulatory, TN & KY, American Water Works Services Co. (10 minutes or less)
- The Consumer Advocate will present the following witnesses:
 1. William H. Novak, WHN Consulting (10-15 minutes)

F. Examination of Witnesses and Questions by the Commission

While re-direct examination of a witness is allowed, the parties are reminded that it is to be limited to matters elicited during cross-examination that require clarification. It is not appropriate to raise new issues during re-direct examination. Re-cross examination is not permitted except in the event that a new issue is raised during the immediately preceding re-direct examination. The

Commission's Advisory Staff has the opportunity to ask questions following cross-examination, before re-direct examination. The parties should be aware that the Commissioners might ask questions at any time during a witness's testimony and after cross-examination.

G. Closing Statements

Each party is permitted ten (10) to fifteen (15) minutes to present a closing statement. The Consumer Advocate will present its closing statement first, followed by the Joint Petitioners.

Summary Outline of Hearing

For the convenience of the presiding panel and the parties, a *Procedural Outline of Hearing* has been provided as Attachment A to this Order.

IT IS SO ORDERED THAT:

The Hearing scheduled to be held on **October 12, 2020, during the Commission Conference scheduled to begin at 9:00 a.m. CDT** shall be conducted in accordance with the requirements and deadlines set forth in this Pre-Hearing Order unless otherwise ordered by the Chairman or presiding Commissioner.

A handwritten signature in black ink that reads "Monica Smith-Ashford". The signature is written in a cursive, flowing style.

Monica Smith-Ashford, Hearing Officer

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**DOCKET NO.
20-00011**

PROCEDURAL OUTLINE OF HEARING

Time/Date: **October 12, 2020, at 9:00 a.m. (CDT)**

Electronically via WebEx

Hearing on the Merits

Hearing Convened by Vice Chairman /Presiding Commissioner and Introductions

A. Public Comment

B. Opening Statements (5-10 Minutes):

- 1) Joint Petitioners
- 2) Consumer Advocate

ATTACHMENT A

C. Witness Summaries:

Joint Petitioner Witness

John Thornton, CEO – Thunder Air

- Oath Administered/Witness Sworn –

Summary of pre-filed testimony	Ten (10) minutes or less
Cross-examination	Consumer Advocate
Questions	TPUC Commissioners and/or Advisory Staff
Re-direct examination	Joint Petitioners
Re-cross examination	(if requested & determined appropriate)

Joint Petitioner Witness

Grady Stout, VP Operations – TAWC

- Oath Administered/Witness Sworn –

Summary of pre-filed testimony	Ten (10) minutes or less
Cross-examination	Consumer Advocate
Questions	TPUC Commissioners and/or Advisory Staff
Re-direct examination	Joint Petitioners
Re-cross examination	(if requested & determined appropriate)

Joint Petitioner Witness

Brian Queen, CFO – Am. Water Southeast Div.

- Oath Administered/Witness Sworn –

Summary of pre-filed testimony	Ten (10) minutes or less
Cross-examination	Consumer Advocate
Questions	TPUC Commissioners and/or Advisory Staff
Re-direct examination	Joint Petitioners
Re-cross examination	(if requested & determined appropriate)

ATTACHMENT A

Joint Petitioner Witness**Dane Bradshaw, President – Thunder Air**

- Oath Administered/Witness Sworn –

Summary of pre-filed testimony	Ten (10) minutes or less
Cross-examination	Consumer Advocate
Questions	TPUC Commissioners and/or Advisory Staff
Re-direct examination	Joint Petitioners
Re-cross examination	(if requested & determined appropriate)

Joint Petitioner Witness**Elaine Chambers, Dir. Rates TN/KY – AWWSC**

- Oath Administered/Witness Sworn –

Summary of pre-filed testimony	Ten (10) minutes or less
Cross-examination	Consumer Advocate
Questions	TPUC Commissioners and/or Advisory Staff
Re-direct examination	Joint Petitioners
Re-cross examination	(if requested & determined appropriate)

Consumer Advocate Witness**William H. Novak, WHN Consulting**

- Oath Administered/Witness Sworn -

Summary of pre-filed testimony	Ten(10) - Fifteen(15) minutes
Cross-examination	Joint Petitioners
Questions	TPUC Commissioners and/or Advisory Staff
Re-direct examination	Consumer Advocate
Re-cross examination	(if requested & determined appropriate)

ATTACHMENT A

D. Closing Statements:

1) Consumer Advocate

2) Joint Petitioners

E. Public Comment

F. Hearing Adjourned

ATTACHMENT A