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January 25, 2023

Charles B. Welch, Jr.
Tyler A. Cosby
Farris Bobango PLC
414 Union Street, Suite 1105
Nashville, TN 37219

Re: Tennessee Public Utility Commission, Docket No. 21-00053, *Application of Limestone Water Utility Operating Company, LLC for Authority to Sell or Transfer Title to the Assets, Property, and Real Estate of a Public Utility, Cartwright Creek, LLC, and for a Certificate of Public Convenience and Necessity.*

Dear Mr. Welch and Mr. Cosby:

The Commission issued its *Order Approving the Settlement Agreement and Transfer of Systems, and Granting Certificate of Convenience and Necessity* (the “Final Order”) in the above-referenced docket on January 24, 2022.¹ In the Final Order, the Commission required “Limestone Water Utility Operating Company, LLC [to] file a report in this docket demonstrating its compliance with the filing documentation required by Paragraphs 5, 9, 13, 16, 17, 18, 19, 20, 21, and 22 of the Stipulation and Settlement Agreement.”²

The Consumer Advocate contacted you by letter³ dated July 20, 2022, inquiring about Limestone’s compliance with the Final Order. The Consumer Advocate sent a follow-up letter⁴ dated September 6, 2022, and Limestone responded on September 8, 2022, with additional information. It has been a year

¹ *Order Approving the Settlement Agreement and Transfer of Systems, and Granting Certificate of Convenience and Necessity*, TPUC Docket No. 21-00053 (Jan. 24, 2022) (available at <http://share.tn.gov/tra/orders/2021/2100053ah.pdf>).

² *Id.* at p. 11, No. 3.

³ *Letter To Attorneys Charles B. Welch, Jr. And Tyler Cosby From Karen Stachowski, Consumer Advocate Re: Limestone Water Utility Operating Company, LLC Compliance With The Tennessee Public Utility Commission Order Approving Settlement Agreement And Transfer Of Systems, And Granting Certificate Of Convenience And Necessity Issued On January 24, 2022* (filed July 20, 2022) (available at <http://share.tn.gov/tra/orders/2021/2100053ap.pdf>).

⁴ *Letter To Attorneys Charles B. Welch, Jr. And Tyler Cosby From Karen Stachowski, Consumer Advocate Re: Limestone Water Utility Operating Company, LLC Response To Consumer Advocate Letter Filed July 20, 2022* (filed Sept. 6, 2022) (available at <http://share.tn.gov/tra/orders/2021/2100053aq.pdf>).

since the Commission issued its Order. The Consumer Advocate has identified the following compliance issue described below:

- Paragraph 13. The Parties agree that Limestone be required to adopt Cartwright Creek's presently tariffed rates, charges and terms of service and it shall file a new tariff substituting itself in place of Cartwright Creek as the service provider within 30 days after the date of acquisition. The tariff shall identify all residential subdivisions by each subdivision name, as well as any commercial customers being served within Limestone's CCN. On January 25, 2022, Limestone asked the Commission to substitute "Limestone Water Utility Operating Company, LLC" in each instance for "Cartwright Creek, LLC" in the current tariff. Limestone refers to this request again in its September 8, 2022, letter as "satisfying the condition of Paragraph 13 of the Settlement Agreement." A check of Limestone's website provides a link to a tariff for Cartwright Creek from a filing in 2017 which has not been updated to show the acquisition by Limestone.⁵

This would be confusing for a consumer, particularly as the contact information within the tariff is that of the previous owner, and refers to the Commission as the "Tennessee Regulatory Authority."⁶ The Consumer Advocate again requests a copy of Limestone's tariff for Cartwright Creek that is updated showing Limestone's ownership and including corrected contact information within the tariff.

This is required by TENN. COMP. R. & REGS. 1220-04-14-.08(4), which states that "[t]he acquiring utility shall file a proposed tariff incorporating the acquired customers into the acquiring utility's rates, charges and terms of provisioning public utilities services." Additionally, the Consumer Advocate would note that Commission Staff has also requested that Limestone file tariffs in related TPUC Docket Nos. 21-00055 and 21-00060.⁷

The Consumer Advocate would like to thank Limestone again for its attention to the Consumer Advocate's request and for its continued compliance updates. If you have questions regarding this request, please contact me at (615) 741-2370.

Respectfully,



Karen H. Stachowski
Senior Assistant Attorney General

cc: Patsy Fulton, TPUC
Kelly Cashman-Grams, TPUC

⁵ Cartwright Creek Sewer Tariff" at Original Sheet #2-4 (last visited Jan. 24, 2023) (available at www.centralstateswaterresources.com/wp-content/uploads/2022/01/Limestone-UOC-Cartwright-Creek-Sewer-Tariff.pdf).

⁶ *Id.* at Original Sheet #2-4.

⁷ *Commission Staff Data Request To Attorney Charles B. Welch* (filed in TPUC Docket No. 21-00055, Sept. 2, 2022) (available at <http://share.tn.gov/tra/orders/2021/2100055ao.pdf>); *Commission Staff Data Request To Attorney Charles B. Welch* (filed in TPUC Docket No. 21-00060, Sept. 2, 2022) (available at <http://share.tn.gov/tra/orders/2021/2100060ag.pdf>).