

STATE OF TENNESSEE

Office of the Attorney General



HERBERT H. SLATTERY III

June 28, 2022

Electronically Filed in TPUC Docket
Room on June 28, 2022 at 9:22 a.m.

Chairman Kenneth Hill
c/o Ectory Lawless
Tennessee Public Utility Commission
502 Deaderick Street, 4th Fl.
Nashville, TN 37243

RE: Docket No. 21-00055, *Application of Limestone Water Utility Company, LLC, for Authority to Sell or Transfer Title to the Assets, Property, and Real Estate of a Public Utility and for a Certificate of Public Convenience and Necessity.*

Dear Chairman Hill:

Filed herewith are the Consumer Advocate's Second Set of Discovery Requests to each of the joint petitioners in the above-referenced docket.

On Wednesday, June 22, 2022, the parties convened for an informal discovery meeting, after which on June 23, 2022, the Consumer Advocate sent follow-up and clarifying requests by email to counsel for joint petitioners. The questions in the Consumer Advocate's Second Set of Discovery Requests are virtually identical to those sent by email to Joint Petitioners on June 23, 2022. In accordance with the procedural schedule, the Consumer Advocate believed it prudent to also file and serve these requests as formal discovery requests.

Please let me know if you have any questions. Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim P. Urban", is written over a faint, larger blue outline of the signature.

James P. Urban

Deputy Attorney General

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

IN RE:)	
)	
APPLICATION OF LIMESTONE)	
WATER UTILITY OPERATING)	
COMPANY, LLC FOR AUTHORITY TO)	
SELL OR TRANSFER TITLE TO THE)	DOCKET NO. 21-00055
ASSETS, PROPERTY AND REAL)	
ESTATE OF A PUBLIC UTILITY AND)	
FOR A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY)	
)	

**CONSUMER ADVOCATE’S SECOND SET OF DISCOVERY REQUESTS
TO SHILOH FALLS**

Pursuant to Rules 26, 33, 34, and 36 of the Tennessee Rules of Civil Procedure and Tenn. Comp. R. & Reg. 1220-01-02-.11, the Consumer Advocate Unit in the Financial Division of the Office of the Tennessee Attorney (the “Consumer Advocate”), by and through counsel, propounds the following discovery requests to Shiloh Falls Utilities, Inc. (“Shiloh Falls” or the “Company”).

The Company shall serve full and complete responses in accordance with the Tennessee Rules of Civil Procedure. The responses are to be produced at the Office of the Tennessee Attorney General and Reporter, Financial Division, Consumer Advocate Unit, John Sevier Building, 500 Dr. Martin L. King Jr. Blvd., Nashville, Tennessee 37243, c/o James P. Urban, on or before 2:00 p.m. (CDT), July 1, 2022. The Preliminary Matters and Definitions set forth in the Consumer Advocate’s First Set of Discovery Requests are hereby integrated as if fully restated herein.

SECOND DISCOVERY REQUESTS

2-1. In DR 1-4 to Shiloh Falls, we asked that any contributed assets be identified. In Docket No. 95-03948, the Public Service Commission issued an order on May 31, 1996, approving a settlement agreement between Shiloh Falls and the Consumer Advocate (share.tn.gov/tra/orders/1999/9503948.pdf). Paragraph 5 of the Settlement Agreement provides, "[Shiloh Falls] will book a credit of \$193,881 (half of the gross plant in service) to Other Paid in Capital in a specifically designated sub-account, Contributed Capital, in accordance with USOA. The offsetting debit will be made to owner's equity. The Contributed Capital account will be recognized as a reduction in rate base in any future proceedings." This Contributed Capital sub-account should be identified by Shiloh Falls as contributed assets in response to DR 1-4, but Shiloh Falls' original responses to that DR did not identify any contributed assets. Please supplement Shiloh Falls' response.

RESPONSE:

2-2. Shiloh Fall's response to DR 1-5 indicates that Shiloh Falls is collecting tap fees. What are these tap fees intended to cover?

RESPONSE:

2-3. Shiloh Falls' response to DR 1-9 indicates that there were no capital expenditures. However, the responses to DR 1-6 and DR 1-15 include items that would qualify as capital expenditures, including construction work in progress and remediations expenditures to comply with TDEC NOV's. Please supplement Shiloh Falls' response to DR 1-9 to explain this discrepancy.

RESPONSE:

In re: Limestone / Shiloh Falls

TPUC Docket No. 21-00055

Consumer Advocate's Second Discovery Requests to Shiloh Falls Utilities, Inc.

RESPECTFULLY SUBMITTED,

/s/ James P. Urban

JAMES P. URBAN (BPR No. 033599)

Deputy Attorney General

KAREN H. STACHOWSKI (BPR No. 019607)

Senior Assistant Attorney General

Office of the Tennessee Attorney General

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Email: karen.stachowski@ag.tn.gov

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via U.S. Mail, with
a courtesy copy by electronic mail, upon:

Limestone Water Utility Operating Company, LLC

C/O Charles B. Welch, JR., Esq.

C/O Tyler A. Cosby, Esq.

Farris Bobango PLC

414 Union Street, Suite 1105

Nashville, TN 37219

Email: cwelch@farris-law.com

Email: tcosby@farris-law.com

On this the 28th day of June 2022.

/s/ James P. Urban

JAMES P. URBAN

Deputy Attorney General