

IN THE TENNESSEE PUBLIC UTILITY COMMISSION
AT NASHVILLE, TENNESSEE

IN RE:)	
)	
APPLICATION OF LIMESTONE WATER)	
UTILITY OPERATING COMPANY, LLC)	Docket No. 21-00060
FOR AUTHORITY TO PURCHASE)	
TITLE TO THE ASSETS, PROPERTY AND)	
REAL ESTATE OF A WASTEWATER)	
SYSTEM, AND FOR A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY)	

MOTION FOR JOINDER OF NECESSARY PARTY

The Consumer Advocate Unit in the Financial Division of the Office of the Attorney General (“Consumer Advocate”), by and through counsel, pursuant to Tenn. Code Ann. § 65-4-118 and Tenn. R. Civ. P. 19.01, respectfully moves the Tennessee Public Utility Commission (TPUC or the “Commission”) to enter an order directing Petitioner, Limestone Water Utility Operating Company, LLC (“Limestone”), to join Chapel Woods Homeowners Association (“Chapel Woods HOA”) as a necessary party in the above-captioned Docket, based upon the following grounds:

1. On May 21, 2021, Limestone filed a *Petition* seeking authorization for Chapel Woods HOA¹ to purchase title to all assets, property, and real estate currently used to provide wastewater services to customers in the Chapel Woods HOA service territory.² Additionally, in

¹ Chapel Woods HOA provides wastewater services to consumers in Marshall County, Tennessee. See *Application of Limestone Water Utility Operating Company, LLC, for Authority to Purchase Title to the Assets, Property and Real Estate of a Wastewater System and for a Certificate of Public Convenience and Necessity* (“*Petition*”), p. 3, TPUC Docket No. 21-00060 (May 21, 2021). Chapel Woods HOA is not a public utility regulated by TPUC.

² *Petition* at p. 1.

its *Petition*, Limestone seeks authorization for the Commission to grant Limestone a new Certificate of Public Convenience and Necessity (CCN).³

2. The *Petition* fails to join Chapel Woods HOA as a necessary party, despite the reality that Chapel Woods HOA property and wastewater system would be sold and transferred by a decision of this Commission favorable to Limestone. Likewise, Chapel Woods HOA has not moved to intervene as a party in this Docket, nor has it indicated its position relating to the *Petition*.

3. Tenn. R. Civ. P. 19.01 states, in pertinent part, that: “[a] person who is subject to service of process *shall* be joined as a party if . . . the person claims an interest relating to the subject of the action and is so situated that the disposition of the action in the person’s absence may (i) as a practical matter impair or impede the person’s ability to protect that interest If the person has not been so joined, the court *shall* order that the person be made a party. . . .” (emphasis added).

4. Chapel Woods HOA—the owner of the wastewater system sought to be purchased—would be directly affected by determinations made by the Commission in this Docket. There is currently no other party in this Docket who represents the interests of Chapel Woods HOA.

5. Furthermore, Chapel Woods HOA, by owning the wastewater system Limestone seeks to purchase and operate, possesses documents and information that are material to the resolution of this Docket.

6. Resolving this Docket without Chapel Woods HOA as a party would “impair or impede [Chapel Woods HOA] ability to protect” its interests in its wastewater system.⁴

³ *Id.*

⁴ Tenn. R. Civ. P. 19.01.

Accordingly, the presence of Chapel Woods HOA as a party in the above-captioned Docket is essential to permit the Commission to resolve Limestone's requests set forth in its *Petition*.⁵

For these reasons, the Consumer Advocate respectfully requests the Commission enters an order directing Limestone to join Chapel Woods HOA as a necessary party in the above-captioned Docket. In the event the Commission determines joinder of Chapel Woods HOA is not feasible under Tenn. R. Civ. P. 19.02, the Consumer Advocate reserves the right to file a motion to dismiss in accordance with Tenn. R. Civ. P. 12.02(7) and Tenn. Comp. R. & Regs. 1220-01-02-.03(2)(f).

RESPECTFULLY SUBMITTED,

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⁵ See e.g., *Brewer v. Lawson*, 569 S.W.2d 856,858 (Tenn. Ct. App. 1978) (“[A] party who will be directly affected by a decree and whose interest is not represented by any other party to the litigation is an indispensable or necessary party, that is, one without which no valid decree may be entered settling the rights between the parties that are before the Court.”).


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:

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This the 28th day of July, 2021.


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