

Office of the Attorney General



Electronically Filed in TPUC
Docket Room on December
14, 2021 at 12:40 p.m.

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December 14, 2021

Charles B. Welch, Jr., Esq.
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Re: Tennessee Public Utility Commission, Docket No. 21-00060, *Application of Limestone Water Utility Operating Company, LLC for Authority to Purchase Title to the Assets, Property, and Real Estate of a Wastewater System, Chapel Woods, and for a Certificate of Public Convenience and Necessity.*

Dear Mr. Welch:

The Consumer Advocate has reviewed Limestone Water Utility Operating Company, LLC's ("Limestone") Response Letter filed on October 20, 2021, in the above-referenced Docket. The Consumer Advocate has reviewed Limestone's compliance with the Minimum Filing Requirements (MFR) for an amendment to a Certificate of Convenience and Necessity (CCN), which are set out in TPUC Rule 1220-04-13-.17 and the MFRs for an acquisition, which are set out in TPUC Rule 1220-04-14-.08.

The Consumer Advocate appreciates Limestone's time and effort in reviewing and responding to the Consumer Advocate's MFR Review Letter dated August 16, 2021. After reviewing Limestone's October 20th Letter, the Consumer Advocate revised its original Attachment A identifying concerns that have been addressed or not addressed. Attachment A relates to compliance with the MFRs set out in TPUC Rule 1220-04-13-.17. Please review the **Revised Attachment A** and respond as requested.

In reviewing Limestone's October 30th Letter, the Consumer Advocate noted that the Joint Petitioners have not yet specifically addressed the MFRs set out in TPUC Rule 1220-04-13-.08. The Consumer Advocate requests that the Joint Petitioners respond to **Attachment B** to the Consumer Advocate's previous correspondence dated October 20, 2021. A copy of this correspondence is attached for your convenience. Please be aware that it appears there may be some overlap with the Acquisition MFRs and CCN MFRs in the following instances:

- Description of service area, including maps if available. Acquisition MFR TPUC Rule 1220-04-14-.08(2)(e) and CCN MFR TPUC Rule 1220-04-13-.17(2)(a)7.
- Written testimony supporting application for acquisition. Acquisition MFR TPUC Rule 1220-04-14-.08(2)(u) and CCN MFR TPUC Rule 1220-04-13-.17(2)(f).
- Acquiring utility's proposed tariff. Acquisition MFR TPUC Rule 1220-04-14-.08(4) and CCN MFR TPUC Rule 1220-04-13-.17(2)(e)8.

The Consumer Advocate would like to thank, in advance, Limestone's attention to the Consumer Advocate's request. If you have questions regarding this request, please contact me at (615) 741-2370.

Respectfully,

A handwritten signature in blue ink that reads "Karen H. Stachowski".

Karen H. Stachowski
Senior Assistant Attorney General

cc: TPUC Docket Manager
Monica Smith-Ashford, Hearing Officer

Rule 1220-04-13-.17(2)(a) General Information

1. *Rule 1220-04-13-.17(2)(a)7.* Limestone submitted a public records request to the Tennessee Department of Environment and Conservation (TDEC) for maps and engineering plans. Limestone filed these documents as Exhibit B on October 20, 2021. [This filing addresses the Consumer Advocate's concern.](#)

Rule 1220-04-13-.17(2)(c) Sufficient Managerial Ability

1. *Rule 1220-04-13-.17(2)(c)3.* Limestone provided a copy of Articles of Merger Constituent Entities as Exhibit 1 in its filing on October 20, 2021. [This filing addresses the Consumer Advocate's concern.](#)

Rule 1220-04-13-.17(2)(d) Sufficient Technical Ability

1. *Rule 1220-04-13-.17(2)(d)1.* Limestone submitted a public records request to the Tennessee Department of Environment and Conservation for maps and engineering plans. Limestone filed these documents as Exhibit B on October 20, 2021. [This filing addresses the Consumer Advocate's concern.](#)
2. *Rule 1220-04-13-.17(2)(d)4.* Limestone submitted a public records request to the Tennessee Department of Environment and Conservation for maps and engineering plans. Limestone filed these documents as Exhibit B on October 20, 2021. The current utility owner confirmed the only correspondence that it has regarding the CEI was Exhibit D. **The Consumer Advocate requests confirmation that the Joint Petitioners also submitted a records request for TDEC's inspection files for Chapel Woods, which may contain copies of the correspondence requested by the Consumer Advocate.**

Rule 1220-04-13-.17(2)(e) Sufficient Financial Ability

1. *Rule 1220-04-13-.17(2)(e)2.* Limestone provided three years of Pro Forma Financials in its Confidential filing on October 20, 2021. [This filing addresses the Consumer Advocate's concern.](#)
2. *Rule 1220-04-13-.17(2)(e)5.* Limestone provided proposed depreciation rates in Appendix G in its filing on October 20, 2021. [This filing addresses the Consumer Advocate's concern.](#)
3. *Rule 1220-04-13-.17(2)(e)7.* Limestone provided a copy of deed of ownership as Appendix H in its filing on October 20, 2021. [This filing addresses the Consumer Advocate's concern.](#)
4. *Rule 1220-04-13-.17(2)(e)8.* Limestone provided an amended Sheet No. 2 "Schedule of Rates" identifying the proposed rate to customers as Appendix I in its filings on October

20, 2021. Limestone explained to the Consumer Advocate, separately, that this amended Tariff Sheet No. 2 is intended to replace the existing Tariff Sheet No. 2 within its Exhibit 20 of the Petition. However, Tariff Sheet No. 4, first paragraph, identifies subdivisions that are not a part of this Docket. **The Consumer Advocate requests clarification on these identified subdivisions and/or an amended Tariff Sheet No. 4 identifying the subdivision at issue is Chapel Woods.**

5. *Rule 1220-04-13-.17(2)(e)13.* Limestone provided a copy of Chapel Woods Surety Bond as Appendix J in its filing on October 20, 2021. This filing addresses the Consumer Advocate's concern. Limestone provided a copy of its Surety Bond for its existing wastewater system as Appendix K in its filing on October 20, 2021. **These two filings address the Consumer Advocate's concern.**