

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

February 23, 2023

IN RE:

**JOINT PETITION OF SUPERIOR WASTEWATER
SYSTEMS, LLC AND COMMISSION STAFF AS A
PARTY TO INCREASE RATES AND CHARGES**

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**DOCKET NO.
22-00087**

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 February 17, 2023. The Pre-Hearing Conference was held to establish the orderly conduct of the Hearing on the *Joint Petition* scheduled to be held during the Commission Conference beginning at 10:00 a.m. (CST) on Monday, February 27, 2023. Superior Wastewater Systems, LLC (“Superior”), TPUC Staff (as a Party) (“Party Staff”), and the Consumer Advocate Unit in the Financial Division 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 February 17, 2023, a *Notice of Hearing* was issued notifying the public that a Hearing on the *Joint Petition* filed on September 9, 2022, will be held during the Commission Conference beginning at **10:00 a.m. CST on Monday, February 27, 2023**. As was included in the notice, members of the public are encouraged to participate by filing written comments in the docket file and/or presenting verbal comments during the Hearing.

B. OPENING STATEMENTS

Each party is permitted a maximum of five (5) to ten (10) minutes to present an opening statement. Party Staff will present its opening statement first, followed by Superior, and then the Consumer Advocate.

C. EXHIBITS & DOCUMENTS

The parties will provide any demonstrative exhibits related to a witness's pre-filed testimony by February 23, 2023. Each party should have its own copy of all exhibits, including those appended to pre-filed testimony, available for reference during the Hearing.

D. WITNESSES

During direct examination, a time limit has been established for each witness to summarize the pre-filed testimony. In addition, witnesses should be advised that they should not discuss their testimony with other witnesses, and they remain 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:

- **Party Staff will present:**
 - **Joe Shirley** (10 minutes)
- **Superior will present:**
 - **John Powell** (10 minutes)
- **The Consumer Advocate will present:**
 - **David Dittmore** (10 minutes)

E. 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 parties should be aware that the Commissioners might ask questions at any time during a witness's testimony and after cross-examination. The Commission's Advisory Staff will have an opportunity to ask questions as well.

F. Closing Arguments

The parties have decided to present closing arguments in lieu of filing post-hearing briefs. The parties will have a maximum of ten (10) to fifteen (15) minutes to present closing arguments. The Consumer Advocate will present its closing first, followed by Party Staff, then Superior.

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 during the Commission Conference beginning at **10:00 a.m. CST on February 27, 2023**, 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

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION
NASHVILLE, TENNESSEE

IN RE:)	
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JOINT PETITION OF SUPERIOR WASTEWATER)	DOCKET NO.
SYSTEMS, LLC AND COMMISSION STAFF AS A)	22-00087
PARTY TO INCREASE RATES AND CHARGES)	

PROCEDURAL OUTLINE OF HEARING

Time/Date: **During Commission Conference held on February 27, 2023, at 10:00 a.m. (CST),**

Location: **Nashville Room, 3rd Floor, Tennessee Tower Office Building**

312 Rosa Parks Ave. Nashville, TN 37243

Hearing on the Merits

Hearing Convened by Presiding Commissioner and Introductions

A. Opening Statements (5-10 Minutes each):

- 1) Party Staff
- 2) Superior
- 3) Consumer Advocate

ATTACHMENT A

B. Witness Summaries:

PARTY STAFF

Joe Shirley Dir. Utility Audit & Compliance

- Oath Administered/Witness Sworn –

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

SUPERIOR

John Powell – President of Superior

- Oath Administered/Witness Sworn –

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

CONSUMER ADVOCATE

David Dittmore, Consultant

- Oath Administered/Witness Sworn –

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

C. Closing Arguments (10-15 Minutes each):

- 1) Consumer Advocate
- 2) Party Staff
- 3) Superior

D. Public Comment

E. Hearing Adjourned