

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

July 10, 2023

IN RE:

JOINT APPLICATION OF LIMESTONE WATER
UTILITY OPERATING COMPANY, LLC AND
INTEGRATED RESOURCE MANAGEMENT, INC.
D/B/A IRM UTILITY, INC., FOR APPROVAL OF
THE ACQUISITION OF AND TO OPERATE THE
WASTEWATER SYSTEM OF INTEGRATED
RESOURCE MANAGEMENT, INC. D/B/A IRM
UTILITY, INC. AND TO TRANSFER OR ISSUE A
CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY

DOCKET NO.
23-00037

ORDER GRANTING PETITION TO INTERVENE FILED BY THE CONSUMER
ADVOCATE

This matter is before the Hearing Officer of the Tennessee Public Utility Commission (“Commission” or “TPUC”) to consider the *Petition to Intervene* filed by the Consumer Advocate Division of the Office of the Tennessee Attorney General (“Consumer Advocate”) on June 26, 2023.

CONSUMER ADVOCATE’S *PETITION TO INTERVENE*

On May 24, 2023, Limestone Water Utility Operating Company, Inc. (“Limestone”) and Integrated Resource Management, Inc. d/b/a IRM Utility, Inc. (“IRM”) filed the *Joint Application of Limestone Water Utility Operating Company, LLC, and Integrated Resource Management, Inc. d/b/a IRM Utility, Inc., for Approval of the Acquisition of and to Operate the Wastewater System of Integrated Resource Management, Inc. d/b/a IRM Utility, Inc., and to Transfer or Issue a*

Certificate of Public Convenience and Necessity (“*Joint Application*”). On June 26, 2023, the Consumer Advocate filed a *Petition to Intervene* seeking to intervene in the docket pursuant to Tenn. Code Ann. § 65-4-118, which qualifies the Consumer Advocate to represent the interests of Tennessee consumers of public utility services in proceedings before the Commission. The Consumer Advocate maintains that:

The interests of consumers in the transfer of authority to provide wastewater services from IRM to CWSR and Limestone may be affected by determinations and orders made by the Commission with respect to its interpretation, application, and implementation of Tenn. Code Ann. § 65-4-113 and other relevant statutory and regulatory provisions. Such interests include, but are not limited to, the clarification of the system or systems that are the subject of the *Agreement*; the affiliate relationship of Limestone and its parent company CWSR [sic]; the benefit to consumers which may be gained from the transfer; and the assessment of the suitability, the financial responsibility, and technical capability of both Limestone and CWSR to operate the IRM wastewater systems.¹

Further, the Consumer Advocate asserts that only by participating in this docket can it adequately represent the interests of Tennessee consumers.² Neither Limestone or IRM opposed the Consumer Advocate’s *Petition to Intervene*.

FINDINGS & CONCLUSIONS

Tenn. Code Ann. § 4-5-310 establishes the following criteria for granting petitions to intervene:

(a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if:

(1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing;

(2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal

¹ *Petition to Intervene*, p. 4 (June 26, 2023).

² *Id.*

interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and

(3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.

(b) The agency may grant one (1) or more petitions for intervention at any time, upon determining that the intervention sought is in the interests of justice and shall not impair the orderly and prompt conduct of the proceedings.³

Although it is not an automatic or absolute right to participate in proceedings before the Commission, Tenn. Code Ann. § 65-4-118(b)(1) provides a general basis for the qualification of the Consumer Advocate to be permitted to intervene as a party to represent the interests of Tennessee public utility consumers. It provides as follows:

The consumer advocate division has the duty and authority to represent the interests of Tennessee consumers of public utilities services. The division may, with the approval of the attorney general and reporter, participate or intervene as a party in any matter or proceeding before the commission or any other administrative, legislative or judicial body and initiate such proceeding, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and the rules of the commission.⁴

Granting Limestone's *Joint Application* will result in a change of service provider for IRM's customers. Also, while Limestone states the rates will initially remain the same, Limestone also states it may seek an increase or a change in operating regulations in the future. For the forgoing reasons, the Hearing Officer finds there is a sufficient factual basis to find that the legal rights or interests held by those consumers may be determined in this proceeding.

THEREFORE, upon due consideration, the Hearing Officer concludes that the legal rights, duties, privileges, immunities or other legal interest of Tennessee consumers may be determined

³ Tenn. Code Ann. § 4-5-310.

⁴ Tenn. Code Ann. § 65-4-118(b)(1).

in this proceeding. Further, the Hearing Officer finds that the Consumer Advocate qualifies under law as an intervenor for the purpose of representing those consumer interests, there is no opposition to its intervention, and its *Petition to Intervene* was timely-filed and should not impair the interests of justice or the orderly and prompt conduct of the proceedings. For these reasons, the Hearing Officer concludes that the Consumer Advocate's *Petition to Intervene* should be granted.

IT IS THEREFORE ORDERED THAT:

The *Petition to Intervene* filed by the Consumer Advocate Division of the Office of the Tennessee Attorney General is granted. The Consumer Advocate Division of the Office of the Tennessee Attorney General may intervene and participate as a party in this proceeding and, as such, shall receive copies of any notices, orders, or other documents filed herein.

A handwritten signature in black ink that reads "Monica Smith-Ashford". The script is cursive and fluid, with the first letters of each word being capitalized and prominent.

Monica Smith-Ashford, Hearing Officer