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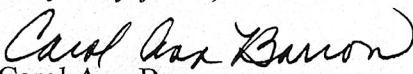
Tennessee Public Utility Commission
Andrew Jackson State Office Building, 4th Floor
Nashville, Tennessee 37243

RE: Joint Application of Limestone Water Utility Operating Company, LLC and Bridget J. Willhite as Administrator CTA of the Estate of Glenna Newport, for approval of the Acquisition of and to Operate the Newport Resort Water System, and to Transfer or issue a Certificate of Public Convenience and Necessity
Docket No. 24-00034

Dear Sir or Madam:

Enclosed please find the original and four (4) copies of the Joint Application of Rhea County, Tennessee and North Utility District of Rhea County's Petition to Intervene, for filing in the above-referenced matter. By copy of this correspondence, I am providing copies of the same by email to all parties in this matter. I am also enclosing the \$50.00 filing fee by check.

Very truly yours,


Carol Ann Barron

Enclosures

cc: TN Public Utilities Commission – Via Email: tpuc.docketroom@tn.gov
Ms. Katherine Barnes – Via Email: Katherine.Barnes@butlersnow.com
Mr. Melvin Malone – Via Email: Melvin.Malone@butlersnow.com
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IN THE TENNESSEE PUBLIC UTILITY COMMISSION
AT NASHVILLE, TENNESSEE

IN RE:

JOINT APPLICATION OF LIMESTONE
WATER UTILITY OPERATING COMPANY, LLC
AND BRIDGET J. WHILHITE, AS ADMINISTRATOR
CTA OF THE ESTATE OF GLENNA NEWPORT, FOR
APPROVAL OF THE ACQUISITION OF AND TO
OPERATE THE NEWPORT RESORT WATER SYSTEM,
AND TO TRANSFER OR ISSUE A CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY

DOCKET NO. 24-00034

JOINT APPLICATION OF RHEA COUNTY, TENNESSEE AND NORTH UTILITY
DISTRICT OF RHEA COUNTY'S PETITION TO INTERVENE

Rhea County, Tennessee, a political subdivision of the State of Tennessee, and North Utility District of Rhea County, a public utility company, organized under the laws of the State of Tennessee, by and through counsel, pursuant to Tenn. Code Ann. §§ 4-5-310 and 65-2-107 and Rule 1220-1-2-.08 of the *Rules of the Tennessee Public Utility Commission, Division of Practice and Procedure*, petition to intervene in this Docket, and respectfully petition the Tennessee Public Utility Commission ("TPUC" or the "Commission") to grant Rhea County, Tennessee and North Utility District of Rhea County's intervention into this proceeding because the legal rights, duties, privileges, immunities, or other legal interests of North Utility District of Rhea County ("NUDRC") and Rhea County, Tennessee, its citizens and residents that may be adversely affected by the acquisition of and operation of the Newport Resort Water System ("NRWS") and transfer or issuance of a Certificate of Public Convenience and Necessity.

For cause, Rhea County, Tennessee and NUDRC would show as follows:

1. This is a contested case within the meaning of Tenn. Code Ann. §65-2-101(2), as it will involve the determination of the legal rights, duties, or privileges of specific parties.

2. NRWS is a Tennessee Corporation regulated by the Tennessee Public Utility Commission (the "Commission"). NRWS is a privately owned utility and is engaged in providing residential water services to the water customers in its' geographic area.

3. For many years now the citizens and residents of NRWS have had many days without potable water or any water to their homes and the NRWS water system is antiquated and is constantly in need of maintenance or repairs and replacement.

4. In its Joint Application, filed with virtually no advance notice to the water customers, NRWS seeks an unreasonable acquisition of an out of area operator for NRWS' customers when NRWS's customers are located right in the NUDRC's district. Such a dramatic decision requires extensive inquiry and analysis to determine whether this is in the best interest of the citizens of Rhea County, Tennessee and whether rates will increase dramatically, which would not be just and reasonable.

5. Importantly for NRWS ratepayers, Rhea County, Tennessee and NUDRC propose that it consolidate and merge NRWS customers with the already existing NUDRC water system which, based upon their geographical location is already inside the NUDRC water district. Several reasons exist which would make this a seamless transition. First, NRWS has recently requested that NUDRC provide water to Tradewinds Investment Properties, a current customer of NRWS. In a letter dated March 22, 2024 and filed in this cause on August 21, 2024, NRWS confirmed that it had no objection to Tradewinds terminating their connection with NRWS and connecting with NUDRC, reasoning that "it would create an emergency back-up for the use of NRWS allowing NUDRC to provide water to NRWS through the connections on Tradewinds."

Second, NUDRC is ready, willing and able to acquire the NRWS customers who are already located in the NUDRC district. Third, NUDRC has the resources to provide immediate maintenance and or repairs and replacement of the antiquated system belonging to NRWS to provide potable water and consistent water delivery to the citizens and residents of Rhea County, Tennessee, without delay.

6. Rhea County Executive, Jim Vincent, filed a letter along with a Petition he received from NRWS customers with TPUC on August 12, 2024, in support of the NUDRC's acquisition of the Newport Resort Water System, advising that he has been working with the water district for over a year to resolve the NRWS customers' problems of being continuously without water in their homes. Some Nineteen (19) residents, serviced by NRWS, filed a Petition with the County Executive pleading for him to take the necessary steps to initiate the assumption of NRWS by NUDRC, citing the urgent necessity based upon frequent water outages, lack of response time toward customers and lack of maintenance of the system. Mr. Vincent further stated in his letter that NRWS customers are eager to be serviced by NUDRC, as they have confidence in them as a water system owner and operator currently functioning well in their geographic location.

7. NUDRC had extended an offer to purchase the NRWS system when they learned that the fate of NRWS is presently at issue before this Commission. Based upon the decisions to be made by this Commissions that will seriously impact the citizens and residents, Rhea County, Tennessee and NUDRC should be afforded the opportunity to provide specific reasons why NUDRC should be considered as the best partner to merge with NRWS, to fully explore any proposals and to offer comments and recommendations concerning them. Rhea County, Tennessee and NUDRC can only do so by intervention and participation in this Docket.

8. An out of area provider such as Limestone Water Utility Operating Company, LLC ("Limestone") can only increase rates to NRWS customers to be viable, which will create an economic hardship upon the citizens and residents of Rhea County and will adversely impact economic development in the County. Rhea County, Tennessee and NUDRC should be afforded the opportunity to offer testimony concerning the nature and scope of the economic hardship posed by Limestone's proposal.

9. Rhea County, Tennessee and NUDRC are proper parties to intervene in this case to protect the interests of its citizens and residents and to protect them from paying much higher rates for necessary water services. Rhea County, Tennessee and NUDRC can protect the legal rights of its citizens and residents only through permitted intervention.

WHEREFORE, Rhea County, Tennessee and NUDRC respectfully request that the Commission grant the Petition to Intervene.

Respectfully Submitted,

RHEA COUNTY, TENNESSEE and
NORTH UTILITY DISTRICT OF RHEA COUNTY

By: Carol Ann Barron
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing document has been served upon the following by delivering a true and exact copy of the same via email addressed as follows:

Melvin Malone
Katherine Barnes
Butler Snow LLP
The Pinnacle at Symphony Place
150 Third Avenue South, Suite 1600
Nashville, TN 37201
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Victoria B. Glover
Assistant Attorney General
Shilina B. Brown
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This 29th day of August 2024.

Law Office of Carol Ann Barron

By: Carol Ann Barron
Carol Ann Barron