

**IN THE TENNESSEE PUBLIC UTILITY COMMISSION
AT NASHVILLE, TENNESSEE**

IN 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

**CONSUMER ADVOCATE'S STATEMENT REGARDING LIMESTONE'S
OPPOSITION TO PETITION TO INTEVENE FILED BY RHEA COUNTY AND
NORTH UTILITY DISTRICT OF RHEA COUNTY**

Comes the Consumer Advocate Division of the Office of the Tennessee Attorney General ("Consumer Advocate") and respectfully submits its *Statement Regarding Limestone's Opposition to Petition to Intervene Filed by Rhea County and North Utility District of Rhea County*.

On September 5, 2024, Limestone Water Utility Operating Company, L.L.C. ("Limestone") filed a *Response in Opposition to Petition to Intervene Filed by Rhea County, Tennessee, and North Utility District of Rhea County* ("*Response in Opposition*").

The Consumer Advocate takes no position with regard to any communications between Limestone and Rhea County as set forth by Limestone in its *Response in Opposition*. The Consumer Advocate, however, does dispute Limestone's assertion that Petitioners Rhea County and North Utility District of Rhea County have no "legal right or interest that would be determined by this proceeding." Limestone's *Response in Opposition* at 3.

As will be shown below, these Petitioners have a clear interest in this proceeding.

ARGUMENT

The Tennessee Public Utility Commission (“TPUC” or the “Commission”) has recognized the rights or interests of cities or counties and utility districts participating in cases before it numerous times.

First, TPUC regularly demands a letter of intent not to serve an area from government authorities when a utility requests a Certificate of Convenience and Necessity (“CCN”) *See e.g.*, TPUC Docket No. 24-00050, Exhibits 12a and 12b to the Petition, and Rule 1220-04-13-.17(b)1. Such a letter is clear evidence of a city or county’s interest in utility service within its boundaries.

Second, in a case involving a utility known as Laurel Hills, in TPUC Docket No. 12-00130, TPUC not only recognized the interest of Crab Orchard Utility District in a TPUC regulated utility, it also allowed and approved the sale of that utility for Crab Orchard Utility District.

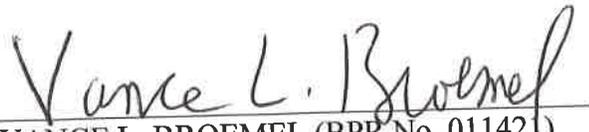
In addition, it should be obvious to all that Rhea County and North Utility District of Rhea County have a right and interest in representing or safeguarding their consumers of utility services. Similarly, TPUC has recognized the rights and interests of the City of Chattanooga to appear on behalf of its citizens as consumers in rate cases involving Tennessee American Water, most recently in TPUC Docket No. 24-00032. Rhea County is no less entitled to be heard than the City of Chattanooga.

Finally, it should be noted that Limestone’s threat of an action against Rhea County and North Utility District of Rhea County for tortious interference with a contract (*Limestone Response in Opposition*, at 3-4) is particularly troubling and could serve as a dangerous precedent for chilling participation by parties who are necessary to finding the best solution for all involved. This assertion, therefore, should be rejected.

CONCLUSION

For the foregoing reasons, TPUC should find that Rhea County and North Utility District of Rhea County have legal rights and interests in this matter.

RESPECTFULLY SUBMITTED,



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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 23rd day of September, 2024.

Vance L. Broemel

VANCE L. BROEMEL
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