

January 13, 2025

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Room on January 13, 2025 at 3:04 p.m.

VIA ELECTRONIC FILING

Hon. David Jones, Chairman
c/o Ectory Lawless, Docket Room Manager
Tennessee Public Utility Commission
502 Deaderick Street, 4th Floor
Nashville, TN 37243
TPUC.DocketRoom@tn.gov

RE: *Petition of Limestone Water Utility Operating Company, LLC to Increase Charges, Fees and Rates and for Approval of a General Rate Increase and Consolidated Rates, TPUC Docket No. 24-00044*

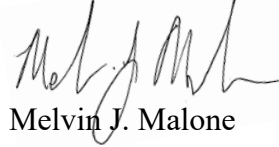
Dear Chairman Jones:

Attached for filing please find *Limestone Water Utility Operating Company, LLC's Rebuttal Testimony for (1) Dylan D'Ascendis; (2) Clare Donovan; (3) Mike Duncan; (4) Aaron Silas; (5) Brent Thies; and (6) Todd Thomas* in the above-captioned matter.

Hard copies will follow. Should you have any questions concerning this filing, or require additional information, please do not hesitate to contact me.

Very truly yours,

BUTLER SNOW LLP



Melvin J. Malone

clw

Attachments

cc: Russ Mitten, Limestone Water Utility Operating Company, LLC
Karen H. Stachowski, Consumer Advocate Division
Victoria B. Glover, Consumer Advocate Division
Shilina B. Brown, Consumer Advocate Division

**STATE OF TENNESSEE
BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION**

IN RE:

LIMESTONE WATER UTILITY OPERATING COMPANY

DOCKET NO. 24-00044

REBUTTAL TESTIMONY

OF

TODD THOMAS

ON

VEGETATION MANAGEMENT

FILED: January 13, 2025

1 **REBUTTAL TESTIMONY**

2 **OF**

3 **TODD THOMAS**

4 **I. INTRODUCTION**

5 **Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

6 A. My name is Todd Thomas. My business address is 1630 Des Peres Road, Suite 140,
7 St. Louis, Missouri 63131.

8 **Q. DID YOU PREVIOUSLY SUBMIT PRE-FILED DIRECT TESTIMONY IN**
9 **SUPPORT OF THIS PETITION BEFORE THE TENNESSEE PUBLIC UTILITY**
10 **COMMISSION (“COMMISSION” OR “TPUC”)?**

11 A. Yes. I filed Direct Testimony on July 16, 2024, on behalf of Limestone Water Utility
12 Operating Company, LLC. (“Limestone Water” or “Company”).

13 **Q. ARE YOUR EDUCATIONAL BACKGROUND AND WORK EXPERIENCE**
14 **CONTAINED IN YOUR DIRECT TESTIMONY?**

15 A. Yes.

16 **II. REBUTTAL**

17 **Q. WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY?**

18 A. The purpose of my Rebuttal Testimony is to address and respond to the Pre-filed
19 Testimony of Mr. Clark Kaml regarding the issue of Vegetation Management filed on
20 behalf of the Consumer Advocate Division of the Tennessee Attorney General’s Office
21 (“Consumer Advocate” or “CAD”). Other Limestone Water Rebuttal Witnesses will
22 address other issues raised by the Consumer Advocate Witness Mr. Kaml.

1 **Q. WOULD YOU DESCRIBE YOUR UNDERSTANDING OF MR. KAML'S**
2 **TESTIMONY REGARDING VEGETATION MANAGEMENT?**

3 A. Yes. At pages 44-47 of his Pre-filed Testimony, Mr. Kaml initially describes the
4 importance of vegetation management in utility operations.¹ In support of his conclusion,
5 Mr. Kaml references a presentation made before the Commission on wastewater drip
6 dispersal by the Tennessee Department of Environment and Conservation ("TDEC").
7 According to the presentation attached to Mr. Kaml's Pre-filed Testimony, "The land
8 application area should be accessible, well-defined, and not overgrown with vegetation in
9 support of maintainability, operability, and inspections by both the permittee and
10 [TDEC]."² During the presentation, TDEC described some of its permitted wastewater
11 systems as "so overgrown we couldn't do anything with it. That's not okay. They're
12 supposed to be managed in such a way as to facilitate inspections [by TDEC personnel and
13 system operators]; that sort of thing."³

14 **Q. DO YOU AGREE WITH TDEC'S CONCERNS WITH VEGETATION**
15 **MANAGEMENT?**

16 A. Yes. The need to be able to access all aspects of the wastewater treatment facility is critical
17 to not only the inspection of the facility, but also to the operation of the facility. In fact,
18 throughout the Company's Pre-filed Direct Testimony, its witnesses discussed the need for
19 vegetation management and operational access. For representative purposes, a few such
20 instances are highlighted below:

¹ See, *Pre-filed Testimony of Consumer Advocate Witness Mr. Clark Kaml*, p. 44, TPUC Docket No. 24-00044 (Dec. 19, 2024) (hereinafter "*Kaml*") ("Vegetation management is a common issue in utility operations due to the impact that unwanted plants can have on the provision of utility service.").

² *Id.* at 45.

³ *Id.*

1 • “Controlling vegetation growth on the site is important to maintain
2 proper operational access to all equipment and to prevent damage to
3 fencing and equipment. Currently, some portions of the Genesis
4 Village site are inaccessible due to uncontrolled vegetation. Limestone
5 Water will clear the site and implement a vegetation control process
6 on the site.”⁴

7 • “Currently, the Riverstone Estates treatment site is severely overgrown
8 with vegetation, has trash and debris spread throughout the site, and
9 has areas with damaged fencing. The vegetation overgrowth and trash
10 hinder access to the facility for general operations and maintenance
11 activities and prevents proper operation of the facility.”⁵

12 **Q. WHAT IS YOUR CONCERN WITH MR. KAML’S TESTIMONY?**

13 A. In his testimony, Mr. Kaml implies that Limestone Water is not taking vegetation
14 management seriously because it is not included in the basic work functions in the
15 Limestone Water third-party O&M contract.⁶

16 **Q. PLEASE DESCRIBE THE STRUCTURE OF LIMESTONE WATER’S THIRD-**
17 **PARTY O&M CONTRACT.**

18 A. As indicated in my Pre-filed Direct Testimony, Limestone Water executed a three-year
19 O&M contract with Clearwater Solutions, LLC (“Clearwater”) on March 8, 2024.⁷ That
20 contract provides an extensive list of “basic” services that are conducted by Clearwater in
21 exchange for a flat monthly fee.⁸ Beyond these basic services, however, Clearwater is
22 compensated on an hourly basis for “additional” services. Included in these “additional”

⁴ *Pre-filed Direct Testimony of Limestone Water Witness Mr. Jake Freeman*, p. 13, TPUC Docket No. 24-00044 (July 16, 2024) (hereinafter “*Freeman*”).

⁵ *Id.* at 27-28.

⁶ *Kaml* at 46-47. Interestingly, Mr. Kaml acknowledges that he did not visit any of the Limestone Water systems. See, response to DR 1-20.

⁷ *Pre-filed Direct Testimony of Limestone Water Witness Mr. Todd Thomas*, p. 11, TPUC Docket No. 24-00044 (July 16, 2024) (hereinafter “*Thomas*”).

⁸ *Limestone Water Responses to First Set of Discovery Requests of the Consumer Advocate*, DR-36 Response and CONFIDENTIAL attachment “DR-36 – Tennessee O&M Contract,” Exhibit A, TPUC Docket No. 24-00044 (Oct. 31, 2024).

1 services is vegetation management.⁹ Therefore, contrary to Mr. Kaml’s statements in his
2 Pre-filed Direct Testimony, vegetation management is within Clearwater’s “scope of
3 work.”

4 **Q. WHY IS VEGETATION MANAGEMENT TREATED AS AN “ADDITIONAL”**
5 **SERVICE?**

6 A. Vegetation management is not included as a basic service because the timing and need for
7 such services are somewhat unpredictable. In months and years in which precipitation is
8 plentiful, mowing and other vegetation management activities may be more frequent. On
9 the other hand, in months and years in which drought conditions exist, mowing and other
10 vegetation management activities may occur infrequently. It is difficult, at the beginning
11 of a three-year contract, to attempt to predict accurately the exact number of times each
12 month in which vegetation management activities will be necessary. Therefore, much like
13 residential lawncare, the Company decided that it was more equitable to the ratepayers and
14 the O&M provider to simply schedule vegetation management as needed and pay for those
15 services as an “additional” service.

16 **Q. DESPITE THE FACT THAT VEGETATION MANAGEMENT IS AN**
17 **ADDITIONAL SERVICE IN THE O&M CONTRACT, DOES THE COMPANY**
18 **TAKE VEGETATION MANAGEMENT SERIOUSLY?**

19 A. Yes. As previously mentioned, vegetation management and assuring operational access to
20 all portions of a water / wastewater facility is critical to proper system operations. Both
21 Mr. Freeman and I, as Limestone Water’s qualifying witnesses on this specific issue,
22 extensively discuss the importance of vegetation management in our Pre-Filed Directory

⁹ *Id.*

Testimonies. Attached are pictures from several Tennessee systems taken this past summer that, while taken for other reasons, demonstrate that vegetation is controlled, and operational access is ensured.



Vegetation Management at Grasslands



Vegetation Management at Candlewood Lakes



Vegetation Management at DSH



Vegetation Management at Chapel Woods

1
2

3 **Q. DOES THIS CONCLUDE YOUR REBUTTAL TESTIMONY?**

4 **A. Yes.**

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION
NASHVILLE, TENNESSEE**

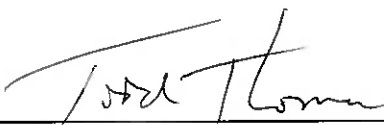
**PETITION OF LIMESTONE WATER)
UTILITY OPERATING COMPANY,)
LLC, TO INCREASE CHARGES, FEES)
AND RATES AND FOR APPROVAL)
OF A GENERAL RATE INCREASE)
AND CONSOLIDATED RATES)**

DOCKET NO. 24-00044

VERIFICATION

**STATE OF MISSOURI)
)
COUNTY OF ST. LOUIS)**

I, TODD THOMAS, being duly sworn, state that I am authorized to testify on behalf of Limestone Water Utility Operating Company, LLC in the above-referenced docket, that if present before the Commission and duly sworn, my testimony would be as set forth in my pre-filed testimony in this matter, and that my testimony herein is true and correct to the best of my knowledge, information, and belief.

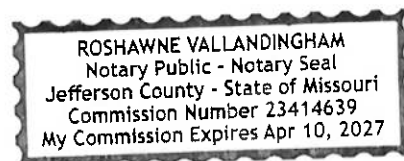


TODD THOMAS

Sworn to and subscribed before me
this 7th day of January, 2025.



Notary Public



My Commission Expires: 04-10-2027

CERTIFICATE OF SERVICE

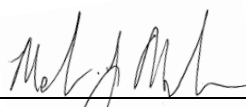
I hereby certify that a true and correct copy of the foregoing was served via U.S. Mail or electronic mail upon:

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This the 13th day of January 2025.



Melvin J. Malone