

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

August 15, 2024

IN RE:

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

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DOCKET NO.  
24-00044

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ORDER GRANTING THE PETITION TO INTERVENE FILED BY THE CONSUMER  
ADVOCATE

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This matter is before the Administrative Judge 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 August 2, 2024.

**RELEVANT BACKGROUND**

Limestone Water Utility Company, LLC (“Limestone” or the “Company”) is a public utility providing wastewater service to approximately 1,914 sewer connection via eight wastewater systems and water service to approximately 573 water connections via two water systems. On July 16, 2024, Limestone filed a *Petition* seeking to increase its charges, fees and rates, and for approval of a general rate increase and consolidated rates.

**CONSUMER ADVOCATE’S *PETITION TO INTERVENE***

On August 2, 2024, the Consumer Advocate filed a *Petition to Intervene* seeking to intervene in the docket pursuant to Tenn. Code Ann § 65-4-118, which directs the Consumer Advocate to represent the interests of Tennessee Consumers of public utility services in proceedings before the Commission. The Consumer Advocate maintains that:

[t]he interests of consumers may be affected by determinations and orders made by TPUC in this rate case with respect to the following: (i) the interpretation, application, and implementation of Tenn. Code Ann. § 65-5-103(a) and other relevant statutory and regulatory provisions; (ii) the review and analysis of the Company's documentation, financial spreadsheets, and materials; and (iii) the interpretation, application, and/or implementation of the term and conditions of the Commission's Orders in prior TPUC dockets involving Limestone, as well as any related settlement agreements applicable to these dockets.<sup>1</sup>

Further, the Consumer Advocate asserts that only by participating in this docket can it adequately represent the interests of Tennessee Consumers.<sup>2</sup> Limestone did not oppose the Consumer Advocate's *Petition to Intervene*.

### **FINDINGS AND 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 interests 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.<sup>3</sup>

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

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<sup>1</sup> *Petition to Intervene*, p. 3.

<sup>2</sup> *Id.*

<sup>3</sup> Tenn Code Ann. § 4-5-310.

Consumer Advocate to be permitted to intervene as a party to represent the interest of Tennessee public utility consumers. It provides the following:

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.<sup>4</sup>

The rates for two water systems and eight wastewater systems operated by Limestone are unique and have remained in place since Limestone assumed operational control for previous operators. In its first rate case filed in Tennessee, Limestone seeks to consolidate rates across all its water and wastewater systems and significantly increase consumer rates. Accordingly, the Administrative Judge finds that there is sufficient factual basis to find that the legal rights or interests held by those consumers may be determined in this proceeding.

THEREFORE, upon consideration, the Administrative Judge concludes that the legal rights, duties, privileges, immunities, or other legal interests of Tennessee consumers may be determined in this proceeding. Further, the Administrative Judge 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 Administrative Judge 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

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<sup>4</sup> Tenn. Code Ann. § 65-4-118(b)(1).

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 here.

  
Monica Smith-Ashford, Administrative Judge