

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

November 4, 2024

IN RE:)	
)	
PETITION OF LIMESTONE WATER UTILITY)	DOCKET NO.
OPERATING COMPANY, LLC TO INCREASE CHARGES,)	24-00044
FEES AND RATES, AND FOR APPROVAL OF GENERAL)	
RATE INCREASE AND CONSOLIDATED RATES)	

ORDER GRANTING THE CONSUMER ADVOCATE’S MOTION FOR LEAVE TO ISSUE
MORE THAN FORTY DISCOVERY REQUESTS

This matter is before the Administrative Judge upon the *Consumer Advocate’s Motion for Leave to Issue More than Forty Discovery Requests* (“*Motion*”) filed by the Consumer Advocate Division of the Office of the Tennessee Attorney General (“Consumer Advocate”) on October 10, 2024, requesting to serve more than forty (40) discovery requests on Limestone Water Utility Operating Company, LLC (“Limestone” or the “Company”) pursuant to Tennessee Public Utility Commission (“Commission” or “TPUC”) Rule 1220-1-2-.11(5)(a). The Consumer Advocate also filed a *Memorandum in Support of the Consumer Advocate’s Motion for Leave to Issue More than Forty Discovery Requests* (“*Memo*”) on October 10, 2024. On October 21, 2024, the Company filed a letter stating it did not object to the Consumer Advocate’s *Motion*.¹

The Consumer Advocate seeks to issue additional discovery in its effort “to present a complete case to the Commission ... that not merely opposes selected parts of a company’s petition, but one that presents a virtually parallel case that sets forth an alternative number for every number presented by the company.”² The Consumer Advocate asserts that substantial discovery is justified because the

¹ *Limestone Water Utility Operating Company, LLC Has No Objections to the Consumer Advocate’s Motion for Leave to Issue More Than Forty Discovery Requests Filed October 10, 2024* in Docket No. 24-00044 (October 10, 2024).

² *Memo*, p. 4.

Company's petition seeks approval for increased rates in its first ever general rate case and revised tariff implementing the proposed rates to be effective thirty (30) days after the date of their filed Petition.³ Lastly, the Consumer Advocate asserts that its requests "are reasonable and meet the 'good cause' standard alone" considering the nine-month maximum within which the Company's rate increase request must be heard.⁴

TPUC Rule 1220-1-2-.11(5)(a) provides:

No party shall serve on any other party no more than forty (40) discovery requests including sub-parts without first having obtained leave of the Commission or a Hearing Officer. Any motion seeking permission to serve more than forty (40) discovery requests shall set forth the additional requests. The motion shall be accompanied by a memorandum establishing good cause for the service of additional interrogatories or requests for production. If a party is served with more than forty (40) discovery requests without an order authorizing the same, such party need only respond to the first forty (40) requests.

TPUC Rules allow a minimum of forty (40) discovery requests to be served upon a party. Nevertheless, upon compliance with TPUC Rule 1220-1-2-.11(5)(a) and a showing of good cause, the Commission has been flexible in permitting supplemental discovery. Based on the foregoing, the Administrative Judge finds the Consumer Advocate has met the requirements of the Rule by showing good cause to issue additional discovery requests. Further, as stated above, the Company did not object the *Motion*. Therefore, based on these findings, the Administrative Judge concludes the *Motion* should be granted.

IT IS THEREFORE ORDER THAT:

The *Consumer Advocate's Motion for Leave to Issue More than Forty Discovery Requests* is **GRANTED.**


Monica Smith-Ashford, Administrative Judge

³ *Id.* at 5.

⁴ *Id.*