

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

July 10, 2025

IN RE:

**AQUA GREEN UTILITY INC. PETITION TO
AMEND ESCROW CHARGE**

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**DOCKET NO.
25-00029**

**ORDER GRANTING THE PETITION TO INTERVENE FILED BY THE
CONSUMER ADVOCATE**

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 May 14, 2025.

RELEVANT BACKGROUND

Aqua Green Utility, Inc. (“Aqua”) is a public utility regulated by the Commission, provides wastewater service to 15 residential customers and two commercial customers in its service territories in Jefferson, Greene, and McNairy counties in Tennessee. On April 21, 2025, Aqua filed a Petition seeking to increase the amount of its escrow charge. Aqua states that due to inflation it continues to earn less than the authorized return from its recent rate case. Instead of filing for another rate increase, Aqua proposes to alter the terms of its escrow account.

CONSUMER ADVOCATE’S *PETITION TO INTERVENE*

On May 14, 2025, the Consumer Advocate filed a *Petition to Intervene* seeking to intervene in the docket pursuant to Tenn. Code Ann. § 65-4-118, which qualifies the Consumer

Advocate to represent the interests of Tennessee consumers of public utility services in proceedings before the Commission. The Consumer Advocate asserts:

[t]he interests of consumers, including without limitation the modification of the monthly escrow fee and a concern of single-issue ratemaking, may be affected by the determinations and orders made by the Commission with respect to: (1) the interpretation, application, and implementation of Tenn. Code Ann. § 65-5-103(a), TPUC Rule 1220-04-13-.07(7), and other relevant statutory and regulatory provisions; (2) the review and analysis of the documentation, financial spreadsheets, and materials provided by the Company; and (3) the interpretation, application, and/or implementation of the terms and conditions of the Commission's Order in TPUC Docket No. 21-00128.¹

Further, the Consumer Advocate asserts that only by participating in this docket can it adequately represent the interests of Tennessee consumers.² Aqua did not oppose the Consumer Advocate's *Petition to Intervene*.

FINDINGS & 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 interest 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

¹ *Petition to Intervene*, pp. 4-5 (May 14, 2025).

² *Id.* at 5.

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.³

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

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.⁴

If granted, the request in Aqua's Petition would increase the escrow charge paid by customers and impact other terms of Aqua's escrow account. Based on these facts, Administrative Judge finds there is a sufficient factual basis to find that the legal rights or interests held by those consumers may be determined in this proceeding.

THEREFORE, upon due consideration, the Administrative Judge concludes that the legal rights, duties, privileges, immunities, or other legal interest 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.

³ Tenn. Code Ann. § 4-5-310(2021).

⁴ Tenn. Code Ann. § 65-4-118(b)(1) (2022).

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 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 herein.


Monica Smith-Ashford, Administrative Judge