

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

July 10, 2025

IN RE:	)	
	)	
TENNESSEE WATER SERVICE, INC. PETITION	)	DOCKET NO.
TO ESTABLISH A DOCKET AND EXTEND THE	)	25-00031
DUE DATE FOR FILING ITS PETITION FOR	)	
APPROVAL OF 2025 ANNUAL RATE REVIEW	)	
FILING	)	

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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 July 3, 2025.

**RELEVANT BACKGROUND**

On May 30, 2025, Tennessee Water Service, Inc. (“TWS”) filed its *Petition for Approval of 2025 Rate Review Filing* (“*Petition*”) pursuant to the Annual Rate Review Mechanism (“ARRM”) established as part of the *Stipulation and Settlement Agreement* (“Settlement Agreement”) with the Consumer Advocate that was approved by the Commission in Docket No. 23-00046.

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

On July 3, 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. According to the Consumer Advocate, “[a]lthough the Settlement Agreement in TPUC Docket No. 23-00046 does not allow for the Company to raise tariff rates in its first two ARM filings, the Consumer Advocate seeks to ensure that the Company is properly utilizing the approved ARM Methodologies and seeks to review the Company's new Cost Allocation Manual (“CAM”) for its possible impact on customers.”<sup>1</sup> The Consumer Advocate maintains that:

[t]he interests of consumers, including without limitation the analysis and confirmation that the approved ARM methodologies are being utilized appropriately, which may be affected by determinations and orders made by the Commission with respect to: (1) the interpretation, application, and implementation of Tenn. Code Ann. § 65-5-103(d)(6) and other relevant statutory and regulatory provisions; and (2) the review and analysis of the supporting schedules and other documentation, financial spreadsheets, and materials provided by TWS.<sup>2</sup>

Further, the Consumer Advocate asserts that only by participating in this docket can it adequately represent the interests of Tennessee consumers.<sup>3</sup>

## **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

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<sup>1</sup> *Petition to Intervene*, p. 2 (July 3, 2025).

<sup>2</sup> *Id.* at 2-3.

<sup>3</sup> *Id.* at 3.

(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>4</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 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 authority 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>5</sup>

The Administrative Judge finds there is a sufficient factual basis to find that the legal rights or interests held by TWS consumers may be determined in this proceeding because it is a review of the annual rate calculations and methodologies over the past year, and the Commission will determine whether the approved methodologies have been appropriately implemented. In an email to the Administrative Judge dated July 8, 2025, TWS indicated it did not oppose the Consumer Advocate's *Petition to Intervene*.

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

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<sup>4</sup> Tenn. Code Ann. § 4-5-310 (2021).

<sup>5</sup> Tenn. Code Ann. § 65-4-118(b)(1) (2022).

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 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