

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

October 7, 2025

IN RE:)
)
PETITION OF LIMESTONE WATER UTILITY)
OPERATING COMPANY, LLC FOR APPROVAL OF)
AN AUTHORITY TO BORROW UP TO \$4,000,000 TO) **DOCKET NO. 25-00066**
FINANCE ADDITIONS AND IMPROVEMENTS TO)
FACILITIES AND ACQUISITIONS PURSUANT TO)
TENN. CODE ANN. § 65-4-109)

**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 September 29, 2025.

RELEVANT BACKGROUND

On August 27, 2025, Limestone Water Utility Operating Company, LLC (“Limestone”) filed a *Petition of Limestone Waer Utility Operating Company, LLC for Approval of and Authority to Borrow Up to \$4,000,000 to Finance Additions and Improvements to Facilities and Acquisitions Pursuant to Tenn. Code Ann. § 65-4-109* (“*Petition*”).

CONSUMER ADVOCATE’S *PETITION TO INTERVENE*

On September 29, 2025, the Consumer Advocate filed a *Petition to Intervene* seeking to intervene in the docket in accordance with 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 that:

The interests of consumers may be affected by determinations and orders made by the Commission with respect to: (1) the interpretation, application, and implementation of Tenn. Code Ann. § 65-4-109 and as 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. 24-00044.¹

As such, the Consumer Advocate seeks to intervene in these proceedings to represent the interests of Tennessee consumers. Limestone did not file opposition to the Consumer Advocate's intervention in these proceedings.

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 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.²

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

¹ *Petition to Intervene*, p. 3 (September 29, 2025).

² Tenn. Code Ann. § 4-5-310.

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.³

In this docket, Limestone seeks authority to borrow funds, in an aggregate amount of up to \$4,000,000 with a maturity date of up to 20 years from the date of issuance. Limestone intends to use the proceeds of the debt issuance for facility improvements and for the acquisition of additional systems in the State of Tennessee.⁴ The approval of the requested debt issuance would move the Company's capital structure from entirely equity-based to a capital structure consisting of 49% equity and 51% debt.⁵ In addition, the Consumer Advocate asserts that compliance issues with the Company's existing systems raises the question of whether debt issuance for the purpose of additional system acquisition is prudent.⁶ For the foregoing reasons, the Administrative Judge finds that there is a sufficient factual basis to find that 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 Limestone's Tennessee customers 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 objection to its intervention, and its *Petition to Intervene* was timely filed. Further, the Consumer

³ Tenn. Code Ann. § 65-4-118(b)(1).

⁴ *Petition*, pp. 4-5 (August 27, 2025).

⁵ *Id.* at 5.

⁶ *Petition to Intervene*, p. 3 (September 29, 2025).

Advocate's participation 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.


Aaron J. Conklin, Administrative Judge