BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

September 14, 2026

IN RE:	)	
	)	
PETITION OF SPIRE TENNESSEE INC. FOR APPROVAL OF ITS 2026 ANNUAL REVIEW OF RATES MECHANISM ("ARM") PURSUANT TO TENN. CODE ANN. § 65-5-103(d)(6)	))))	**DOCKET NO. 26-00042**

ORDER GRANTING MOTION FOR LEAVE FOR SUBSTITUTION OF WITNESS AND ADOPTION OF TESTIMONY

This matter is before the Administrative Judge upon the *Motion for Leave for Substitution of Witness and Adoption of Testimony* ("*Motion*") filed by the Consumer Advocate Division of the Office of the Attorney General ("Consumer Advocate") on September 11, 2026. In its *Motion,* the Consumer Advocate seeks permission to allow David Dittemore, who is already scheduled to appear and testify at the hearing of this matter, to substitute for and adopt the pre-filed testimony of its witness, Bradley Dixon, in the event that Mr. Dixon is unable to testify.

On September 9, 2026, the Consumer Advocate filed a *Motion for Leave for Witness to Appear Remotely* ("*Motion for Remote Testimony*") to permit Mr. Dixon to testify by remote means in the hearing of this matter due to medical circumstances that prevent Mr. Dixon from attending in person. Having no objection from Spire Tennessee Inc. ("Spire TN"), the Administrative Judge granted the *Motion for Remote Testimony* on September 10, 2026.

Subsequently, the Consumer Advocate learned that Mr. Dixon may not be available to appear to testify in this matter due to an unforeseen change in medical circumstances. As a result, the Consumer Advocate filed the present *Motion*, that would permit Mr. Dixon to testify remotely if he is able to do so, or if necessary, permit Mr. Dittemore to substitute for and adopt the testimony of Mr.

Dixon in the event that Mr. Dixon is unable to appear. Spire TN has represented that it has no objection to this arrangement.

Evidence and testimony for Commission dockets are governed by Tenn. Code Ann. §§ 65-2-109 and 4-5-313, and Commission Rule 1220-01-02-.16. Commission rules require pre-filed testimony to be filed no later than ten days before the hearing unless otherwise directed by the Commission.[1] In addition, Commission Rule 1220-01-01-.05 states that "the Commission may waive the requirements or provisions of any of these rules in a particular proceeding on its initiative or the motion of a party, except when a rule embodies a statutory requirement."[2]

The Administrative Judge finds that the Mr. Dixon's medical circumstances require a waiver of rules concerning the presentation of his timely filed Pre-Filed Direct Testimony to permit some flexibility with the presentation of his testimony during the hearing in this matter. If Mr. Dixon is available and able to appear and testify in accordance with the *Order Granting Motion for Leave for Witness to Appear Remotely*.[3] In the event that Mr. Dixon is not available or able to appear and present testimony, then the Administrative Judge finds that it is reasonable for Mr. Dittemore to adopt and the testimony of and substitute for Mr. Dixon at the hearing of this docket. Further, there is no objection to this contingent adoption and substitution of testimony. Therefore, the Administrative Judge finds that the Applicants' *Motion* is well taken and should be granted.

IT IS THEREFORE ORDERED THAT:

1. The *Motion for Leave for Substitution of Witness and Adoption of Testimony*, filed by the Consumer Advocate Division of the Office of the Attorney General is granted.

2. Bradley Dixon may appear and testify remotely in accordance with the *Order Granting Motion for Leave for Witness to Appear Remotely* entered on September 10, 2026, if he is available

[1] Tenn. Comp. R. & Regs. 1220-01-02-.16(b).
[2] Tenn. Comp. R. & Regs. 1220-01-01-.05(a).
[3] *Order Granting Motion for Leave for Witness to Appear Remotely* (September 10, 2026).

and able to appear and testify.

3. If Bradley Dixon is unavailable or unable to appear and testify, David Dittemore shall adopt the pre-filed testimony of and substitute for Bradley Dixon.



Aaron J. Conklin
Administrative Judge
By Commission Delegated Authority