BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

August 28, 2026

IN RE:	)	
	)	
PETITION OF LIMESTONE WATER UTILITY	)	
OPERATING COMPANY, LLC TO ELECT AND OPT	)	**DOCKET NO.**
INTO AN ANNUAL RATE REVIEW MECHANISM	)	**26-00070**
AND ARRM TARIFF PRUSANT TO TENN. CODE	)	
ANN §65-5-103(d)(6)	)	

INITIAL ORDER GRANTING THE CONSUMER ADVOCATE'S MOTION TO DISMISS LIMESTONE'S PETITION FOR AN ARRM AS PREMATURE

This matter is before the Administrative Judge, delegated authority on all preliminary matters by the Tennessee Public Utility Commission ("Commission" or "TPUC") in this docket, to consider the *Consumer Advocate's Motion to Dismiss Limestone's Petition for an ARRM as Premature* ("*Motion to Dismiss*") filed by the Consumer Advocate Division of the Office of the Tennessee Attorney General ("Consumer Advocate") on August 11, 2026.

RELEVANT BACKGROUND

On August 4, 2026, Limestone Water Utility Operating Company, LLC ("Limestone" or "Company") filed its *Petition of Limestone Water Utility Operating Company, LLC to Elect and Opt Into Annual Rate Review Mechanism and ARRM Tariff Pursuant to Tenn. Code Ann. § 65-5-103(d)(6)* ("*Petition*").[1] Limestone is a public utility regulated by the Commission that providing water and wastewater utility service to residential and non-residential customers in Tennessee. The *Petition* requests Commission approval to implement an Annual Rate Review Mechanism ("ARRM") and ARRM Tariff based upon the ratemaking methodology approved in its most recent general rate case.[2]

On August 11, 2026, the Consumer Advocate filed a *Petition to Intervene* in accordance with

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[1] *Petition* (August 4, 2026).
[2] *Id*. at 2.

Tenn. Code Ann. § 65-4-118.[3] The Administrative Judge granted the intervention by an order entered August 20, 2026.[4]

The Consumer Advocate also filed its *Motion to Dismiss* on August 11, 2026.[5] Subsequently, the Parties filed a series of related preliminary motions and responses. Limestone filed a *Motion for Extension of Time to Respond to the Consumer Advocate's Motion to Dismiss* ("*Motion for Time Extension*") on August 17, 2026.[6] In its *Motion for Time Extension*, Limestone requested to extend the deadline to file its response to the *Motion to Dismiss* to August 25, 2026.[7] The Consumer Advocate indicated it did not oppose the *Motion for Time Extension* in a filing on August 18, 2026.[8] Limestone subsequently filed its *Limestone Water Utility Operating Company, LLC's Response to Consumer Advocate's Motion to Dismiss* ("*Response to Motion to Dismiss*") on August 19, 2026.[9] Finding that Limestone filed its *Response to Motion to Dismiss* within the timeframe established by Commission Rules, the Administrative Judge dismissed the *Motion for Time Extension* as moot.[10] The Parties presented oral argument during a noticed hearing, held via WebEx on August 25, 2026.[11]

<u>POSITION OF THE PARTIES</u>

A. CONSUMER ADVOCATE'S *MOTION TO DISMISS*

The Consumer Advocate attached to its *Motion to Dismiss*, the *Consumer Advocate's Memorandum in Support of its Motion to Dismiss Limestone's Petition for an ARRM as Premature* ("*Memorandum of Law Supporting Motion to Dismiss*").[12] The Consumer Advocate argued that the

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[3] *Petition to Intervene* (August 11, 2026).
[4] *Order Granting the Petition to Intervene Filed By the Consumer Advocate* (August 20, 2026).
[5] *Motion to Dismiss* (August 11, 2026).
[6] *Motion for Time Extension* (August 17, 2026).
[7] *Id.* at 2.
[8] *Consumer Advocate's Response to Limestone Water Utility Operating Company, LLC's Motion for Extension of Time to Respond to Consumer Advocate's Motion to Dismiss* (August 18, 2026).
[9] *Response to Motion to Dismiss* (August 19, 2026).
[10] *Order Dismissing as Moot the Motion for Extension of Time to Respond to the Consumer Advocate's Motion to Dismiss* (August 20, 2026).
[11] *See Notice of Oral Argument* (August 20, 2026).
[12] *Memorandum of Law in Support of Motion to Dismiss* (August 11, 2026).

Commission's *Order Setting Utility Rates* in Docket 24-00044 ("*2025 Rate Case Order*"), issued on July 10, 2025, did not establish the methodology that could be used to establish an alternative regulatory method for Limestone. The *2025 Rate Case Order* stated that a final rate design was not adopted and directed Limestone to file a proposed rate design, along with and supporting testimony and documentation, on March 2, 2026. It also permitted the Consumer Advocate to file a proposed alternative rate design and supporting testimony.[13] The Consumer Advocate contended that because the *2025 Rate Case Order* did not contain a final rate design, the methodology required under Tenn. Code Ann. § 65-5-103(d)(6)(A) has not been adopted.[14] The Consumer Advocate further argued that although the Commission has approved an oral motion related to phase two of the rate case, no final order memorializing the supporting findings of fact and conclusions of law has been issued.[15]

The Consumer Advocate also asserted that rate design is a necessary component of the methodology required to adopt an ARRM and cannot be extracted or pieced together from portions of the *2025 Rate Case Order* and the Commission's oral ruling on phase two. In support, the Consumer Advocate cited the Commission's rejection of a proposed alternative regulatory method in Docket No. 14-00081.[16] In that proceeding, the Commission rejected Atmos's proposed ARRM because the negotiated settlement in its prior rate case lacked the methodologies needed to set rates within an ARRM framework.[17] The Consumer Advocate argued that the present matter is analogous to Docket No. 14-00081 because, without a final order on phase two of Limestone's rate case, the Commission has not issued the required methodology necessary for applying an ARRM to Limestone.

B. LIMESTONE'S ***RESPONSE TO MOTION TO DISMISS***

Limestone argued that the Consumer Advocate's grounds for dismissal were insufficient.

[13] *Memorandum or Law in Support of Motion to Dismiss*, pp. 1-2 (August 11, 2026).
[14] *Id.* at 2.
[15] *Id.*
[16] *Id*. at 3.
[17] *Id.*

First, Limestone stated that the Commission adopted Limestone's ratemaking methodology in the *2025 Rate Case Order*.[18] That order established the ratemaking methodologies governing revenues, expenses, depreciation, and rate of return, thereby directing how future ratemaking calculations must be performed.[19] Limestone maintained that the Commission's direction to file updated billing determinants concerns the implementation of approved rates, and that the Consumer Advocate incorrectly equates these implementation details with ratemaking methodology.[20] According to Limestone, the phase two proceedings do not undermine the methodologies the Commission already adopted, and the statute requires only an adopted methodology, not resolution of future implementation matters.[21]

Limestone also referenced the Commission's order in Docket No. 14-00081, cited by the Consumer Advocate, to show that the Commission rejected Atmos's proposed ARRM because the underlying rate case settlement expressly that disclaimed agreement on methodologies and stated it was not intended to set precedent.[22] Limestone contrasted that docket with the present case, noting that Limestone's rates were established through litigation that resulted in "specific ratemaking methodologies governing the calculation of revenues, expenses, taxes, debt costs, annual reconciliation balances, and rate base."[23] Limestone argued that these adopted methodologies provide sufficient basis for its *Petition*.

In addition, Limestone contended that the Consumer Advocate's position regarding the absence of a written order in phase two of the rate case is misplaced and contrary to Tennessee law. Limestone cited two Tennessee Court of Appeals decisions for the principle that specific findings of fact and conclusions of law in the record satisfy the requirement for a written decision, and that the

[18] *Id.*
[19] *Id.* at 3-4.
[20] *Id.* at 3, 5.
[21] *Id.* at 5.
[22] *Id.*
[23] *Id.*

transcript of proceedings provides an adequate record of the Commission's decision.[24] Limestone further argued that the phase two proceeding did not create any new ratemaking methodology; the rate design remained unchanged, and the approved framework simply applied using updated customer and billing information without reopening the underlying ratemaking methodology.[25]

In concluding its response, Limestone voluntarily requested that the Commission suspend the ARRM Petition until September 21, 2026. Limestone agreed that, following this suspension, a decision on the merits of the *Petition* would be issued within 120 days of recommencement, on or before January 19, 2027.[26]

<u>FINDINGS & CONCLUSIONS</u>

A. APPLICABLE STATUTES, LAW, AND STANDARD OF REVIEW

Tenn. Code Ann. § 65-5-103(d)(1)(A) authorizes the Commission "to implement alternative regulatory methods to allow for public utility rate reviews and cost recovery in lieu of a general case proceeding before the commission." The ARRM for which Limestone requested approval in its *Petition* is established in Tenn. Code Ann., § 65-5-103(d)(6), which states:

> (6)(A) A public utility may opt to file for an annual review of its rates based upon the methodology adopted in its most recent rate case pursuant to § 65-5-101 and subsection (a), if applicable.
>
> (B) In order for a public utility to be eligible to make an election to opt into an annual rate review, the public utility must have engaged in a general rate case pursuant to § 65-5-101 and subsection (a) within the last five (5) years; provided, however, that the commission may waive such requirement or increase the eligibility period upon a finding that doing such would be in the public interest.
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> (C) Pursuant to the procedures set forth in subdivision (d)(1), the commission shall review the annual filing by the public utility within one hundred twenty (120) days of receipt and order the public utility to make the adjustments to its tariff rates to provide that the public utility earns the authorized return on equity established in the public utility's

[24] *Id.* at 6.
[25] *Id.*
[26] *Id.* 7.

> most recent general rate case pursuant to § 65-5-101 and subsection (a).
>
> (D)(i) A public utility may terminate an approved annual review plan only by filing a general rate case pursuant to § 65-5-101 and subsection (a).
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> (ii) The commission may terminate an approved annual review plan only after citing the public utility to appear and show cause why the commission should not take such action pursuant to the procedures in § 65-2-106.
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> (iii) The commission or the public utility may propose a modification to the approved annual review plan for consideration by the commission. The commission shall determine whether any proposed modification is in the public interest and should be approved within the time frame set forth in subdivision (d)(6)(C). If the commission denies a modification to the approved annual review plan, the commission shall set forth with specificity the reasons for its denial.

Further, the General Assembly has granted the Commission "general supervisory and regulatory power, jurisdiction and control over all public utilities." Under Tenn. Code Ann. § 65-4-117(a)(3), the Commission has the power to "fix just and reasonable standards, classifications, regulations, practices or services to be furnished, imposed, observed and followed thereafter by any public utility." Tenn. Code Ann. § 65-5-l0l(a) authorizes the Commission "to fix just and reasonable individual rates, joint rates, tolls, fares, charges or schedules thereof, as well as commutation, mileage, and other special rates which shall be imposed, observed, and followed thereafter by any public utility as defined in § 65-4-101…." The Commission's jurisdiction over public utilities is to be liberally construed with "any doubt as to the existence or extent of a power conferred on the commission resolved in favor of the existence of the power, to the end that the commission may effectively govern and control the public utilities placed under its jurisdiction by this chapter."[27] the Commission's power resolved in favor of the Commission. The Commission has a broad grant of authority under

[27] Tenn. Code Ann. § 65-4-106 (2022).

Tennessee law over the utilities within its jurisdiction.[28]

The Consumer Advocate's *Motion to Dismiss* is heard and considered by the Commission in accordance with the Uniform Administrative Procedures Act ("UAPA") and Commission Rules. The UAPA requires that the parties shall have full opportunity to file pleadings, motions, objections and offers of settlement at appropriate stages of the proceedings.[29] Commission Rule 1220-01-02-.03 permits the following defenses to be made by a respondent by motion in writing: lack of subject matter jurisdiction; lack of personal jurisdiction; insufficient notice; insufficient service of an order, notice, or petition; failure to state a claim upon which relief can be granted; or failure to join and indispensable party.[30]

The Consumer Advocate's *Motion to Dismiss* asserts that Limestone's ARRM *Petition* was filed prematurely, which is an argument that the *Petition* fails to state a claim upon which relief can be granted. The standard of review for a motion to dismiss is well established. The Tennessee Supreme Court has instructed:

> A motion to dismiss a complaint for failure to state a claim for which relief may be granted tests the legal sufficiency of the plaintiff's complaint. *Lind v. Beaman Dodge, Inc.*, 356 S.W.3d 889, 894 (Tenn. 2011); *cf. Givens v. Mullikin ex rel. Estate of McElwaney*, 75 S.W.3d 383, 406 (Tenn. 2002). The motion requires the court to review the complaint alone. *Highwoods Props., Inc. v. City of Memphis*, 297 S.W.3d 695, 700 (Tenn. 2009). Dismissal under Tenn. R. Civ. P. 12.02(6) is warranted only when the alleged facts will not entitle the plaintiff to relief, *Webb v. Nashville Area Habitat for Humanity, Inc.*, 346 S.W.3d 422, 426 (Tenn. 2011), or when the complaint is totally lacking in clarity and specificity, *Dobbs v. Guenther,* 846 S.W.2d 270, 273 (Tenn. Ct. App. 1992) (citing *Smith v. Lincoln Brass Works, Inc.*, 712 S.W.2d 470, 471 (Tenn. 1986)).
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> A Tenn. R. Civ. P. 12.02(6) motion admits the truth of all the relevant and material factual allegations in the complaint but asserts that no cause of action arises from these facts. *Brown v. Tennessee Title Loans, Inc.*,

[28] *See, e.g., CF Industries v. Tennessee Pub. Svc. Comm.*, 599 S.W.2d 536, 542 (Tenn. 1980); *Tennessee Cable Television Ass'n v. Tennessee Pub. Svc. Comm.*, 844 S.W.2d 151, 159 (Tenn. Ct. App. 1992); *Laurel Hills Condominiums Property Owners' Ass'n v. Tennessee Regulatory Authority*, 2014 WL 1494126, *4, *8 (Tenn. Ct. App. 2014).
[29] Tenn. Code Ann. § 4-5-308(a) (2022).
[30] Tenn. R. & Regs. 1220-01-02-.03(2).

> 328 S.W.3d 850, 854 (Tenn. 2010); *Highwoods Props., Inc. v. City of Memphis*, 297 S.W.3d at 700. Accordingly, in reviewing a trial court's dismissal of a complaint under Tenn. R. Civ. P. 12.02(6), we must construe the complaint liberally in favor of the plaintiff by taking all factual allegations in the complaint as true, *Lind v. Beaman Dodge, Inc.,* 356 S.W.3d at 894; *Webb v. Nashville Area Habitat for Humanity, Inc.*, 346 S. W.3d at 426; Robert Banks, Jr. & June F. Entman, *Tennessee Civil Procedure* § 5-6(g), at 5-111 (3d ***169** ed. 2009). We review the trial court's legal conclusions regarding the adequacy of the complaint de novo without a presumption of correctness. *Lind v. Beaman Dodge, Inc.*, 356 S.W.3d at 895; *Highwoods Props., Inc. v. City of Memphis*, 297 S.W.3d at 700.[31]

Asserting that the *Petition* was filed prematurely implicates the doctrine of ripeness. The ripeness doctrine concerns whether a dispute has matured to the point that it warrants a judicial decision.[32] Courts apply a two-pronged analysis to determine ripeness: whether the issues are fit for adjudication and whether withholding adjudication will impose meaningful hardship on the parties.[33] Claims that are not ripe are subject to dismissal.[34]

B. LIMESTONE'S REQUEST TO SUSPEND *PETITION*

Tenn. Code Ann. § 65-5-103(a) requires the Commission to adjudicate a request for an alternative regulatory method "no later than one hundred twenty (120) days from the initial filing by the public utility." The Commission has previously examined the limits of the 120-day deadline. In Docket No. 14-00146, the Administrative Judge explained that the Commission, then the Tennessee Regulatory Authority, interpreted the 120-day deadline applicable to the determination on proposed alternative regulatory methods as strict and not subject to waiver.[35] The Commission has also held that when a petition is amended or materially altered, such a filing is treated as a new petition, thereby

[31] *SNPO, Inc. v. City of Jefferson City*, 363 S.W.3d 467, 472 (Tenn. 2012).
[32] *B & B Enterprises of Wilson County, LLC v. City of Lebanon*, 318 S.W.3d 839 (Tenn. 2010).
[33] *State v. Price*, 579 S.W.3d 332 (Tenn. 2019).
[34] *West v Schofield*, 468 S.W.3d 482 (Tenn. 2015)
[35] *In Re: Petition of Atmos Energy Corporation for a General Rate Increase Under T.C.A. § 65-5-103(a) and Adoption of an Annual Rate Review Mechanism Under T.C.A. 65-5-103(d)(6)*, Docket No. 14-00146, *Order Establishing Procedural Schedule*, pp. 2-3 (January 12, 2015).

restarting the 120-period.[36]

In this case, only Limestone's initial *Petition* is before the Commission. The Administrative Judge finds no statutory authority permitting the Commission to suspend consideration of the *Petition*, for Limestone to waive or modify the 120-day deadline, or for the Parties to do so. Accordingly, the Commission lacks statutory authorization to suspend the *Petition* beyond the 120-day deadline triggered by Limestone's initial filing on August 4, 2026.

C. MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED

The *Motion to Dismiss* requires evaluating whether the allegations in the *Petition*, when considered alone and taken as true, are insufficient to state a claim as a matter of law. The Consumer Advocate's argument focuses on whether Limestone's *Petition* is ripe for review given that the Commission has not yet issues a written order resolving phase two of Limestone's rate case, and thus, ratemaking methodologies on which an ARRM must be based have not been established.

The Consumer Advocate argued that because the *2025 Rate Case Order* did not contain a final rate design, the Order does not provide the statutorily required methodology on which an ARRM must rest. Limestone responded that the necessary ratemaking methodology was adopted in the *2025 Rate Case Order* issued on July 10, 2025, and that the phase two proceedings addressed only matters related to rate implementation rather than changes to those methodologies. Although the *2025 Rate Case Order* did establish substantial components of the methodology required to set rates, rate design remains a critical component of ratemaking methodology. Methodology includes both the calculations used to determine a utility's revenue deficiency or sufficiency and the allocation of that deficiency or sufficiency among customers and customer classes.

Limestone's rate case was unusual in that the Commission ordered a two-phase process to

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[36] *In Re: Petition of Piedmont Natural Gas Company, Inc. to Adopt an Annual Review of Rates Mechanism Pursuant to Tenn. Code Ann. § 65-5-103(d)(6)*, Docket No. 21-00135, *Order Acknowledging Filing as a New Petition and Setting New Statutory Deadline* (February 24, 2022).

mitigate customer impact. Complicating the procedure further, the Commission determined that the evidentiary record lacked sufficient data for commercial sewer customers and therefore reopened the rate design for hearing and consideration during phase two. The Commission explicitly instructed Limestone to file a proposed rate design and supporting testimony, and likewise permitted the Consumer Advocate could file an alternative proposal.[37] The Commission heard and considered the testimony and entire evidentiary record concerning the Parties' respective positions on whether the methodology applicable to commercial sewer customers should be maintained or replaced.[38] Given this record, the Administrative Judge finds that rate design is an essential component of ratemaking methodology, and the Commission's order on phase two of the rate case is necessary to establish a complete methodology that could serve as the basis for a petition seeking approval of an alternative regulatory method.

The Consumer Advocate argued that a written order is necessary to establish the ratemaking methodology, while Limestone contended that the Commission's oral decision is sufficient. Under the UAPA, specifically Tenn. Code Ann. § 4-5-314, a final decision or order rendered must be in writing and contain a statement of the findings of fact and conclusions of law. Tenn. Code Ann. § 65-2-112 similarly requires every Commission order in a contested case be in writing, or stated in the record, and contain findings of fact and conclusions of law. Limestone argued that the transcript of the Commission's oral motion and vote on phase two of the Limestone rate case sufficiently meet these requirements. Limestone relied on *B&W Pipeline, LLC v. Tennessee Regulatory Authority* and *Consumer Advocate Division v. Tennessee Regulatory Authority*, asserting that specific findings of fact and conclusions of law present in the record satisfy the written-order requirement.[39] In *B&W*

[37] *2025 Rate Case Order*, pp. 106-107 (July 10, 2025).
[38] *In Re: Petition of Limestone Water Utility Operating Company, LLC to Increase Charges, Fees and Rates and for Approval of a General Rate Increase and Consolidated Rates*, Docket No. 24-00044, Transcript of Hearing, pp. 64-207 (April 28, 2026).
[39] *See B&W Pipeline, LLC v. Tenn. Reg. Auth.*, 2017 WL 5135977 (Tenn. Ct. App. 2017); *Consumer Adv. Div. v. Tenn. Reg. Auth.*, 1998 WL 684536 (Tenn. Ct. App. 1998).

Pipeline, the Court Appeals held that, "the findings based on the evidence need only be specific and definite enough so that a reviewing court may determine the pertinent questions of law and whether the agency's general findings should stand, particularly when the findings are material facts at issue."[40] In *Consumer Advocate Division*, Court authorized a utility to place certain rates into effect based on the Authority's announced decision even though the written order had not yet been filed based upon the circumstances of the case; however, the Court expressly declined to determine whether the oral decision contained the required findings of fact and conclusions of law.[41]

In the Limestone rate case, the Commission's approved oral motion on phase two announced the decision provided limited findings. Although the motion and vote appear in the transcript of proceedings, the Administrative Judge finds that the oral ruling does not contain sufficient findings of fact and conclusions of law to satisfy the requirements of the UAPA or Tenn. Code Ann. § 65-2-112.

Additionally, deadlines for seeking judicial review run from the date an order is filed. It is therefore reasonable that the ability to file a petition for an alternative regulatory method petition depends on the filing of the written order in the underlying rate case. In this matter, the written order memorializing the Commission's phase two decision, deliberated and approved on June 1, 2026, had not been filed at the time the *Motion to Dismiss* was filed or at the time of oral argument.[42]

Under the first prong of the ripeness analysis, the issue must be fit for judicial decision. A condition precedent to consideration of a petition for an ARRM is the existence of ratemaking methodologies adopted in the utility's most recent rate case.[43] Because the Commission had not filed its phase two order before Limestone filed its *Petition*, this condition precedent was not satisfied.

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[40] *B&W Pipeline, LLC v. Tenn. Reg. Auth.*, 2017 WL 5135977, *9 (Tenn. Ct. App. 2017).
[41] *Consumer Adv. Div. v. Tenn. Reg. Auth.*, 1998 WL 684536. *3 (Tenn. Ct. App. 1998).
[42] The *Order Implementing Phase Two of the General Rate Increase Approved in the 2025 Rate Case Order Setting Utility Rates* was filed in TPUC Docket No. 24-00044 on August 27, 2026.
[43] Tenn. Code Ann. § 65-5-103(d)(6)(A) (2022).

Accordingly, the Administrative Judge finds that the question of Limestone eligibility for an ARRM is not yet fit for adjudication.

The second prong concerns whether withholding adjudication will impose meaningful hardship on the parties. Limestone can file a new ARRM petition after the Commission's phase two order issued. The Consumer Advocate seeks dismissal of the *Petition* and will not be harmed by granting such dismissal. The Administrative Judge therefore finds that neither Party will experience meaningful hardship if the *Petition* is not adjudicated at this time.

For these reasons, the Administrative Judge concludes that Limestone's *Petition* in this matter is not justiciable under the doctrine of ripeness. Therefore, the Consumer Advocate's *Motion to Dismiss* is granted. This dismissal is without prejudice, and Limestone may file a new petition for an alternative regulatory method upon the filing of the Commission's final rate case order in Docket No. 24-00044.

D. NOTICE OF INTENT REQUIREMENT FOR FUTURE ARRM PETITION

The Commission received no advance notice of Limestone's intent to file an ARRM petition. Because these petitions must be adjudicated within a short, strict statutory timeframe, and because the Commission has finite resources for reviewing ARRM petitions alongside other pending matters, advance notice is necessary to ensure orderly processing. Accordingly, consistent with the notice requirements for rate cases established in the Commission's *2025 Rate Case Order* and Commission Rule 1220-01-02-.23(2), Limestone is directed to give not less than 30 days' written notice of its intention to file a petition to elect and opt into an ARRM. This notice must be filed with the docket clerk and will initiate a proceeding that requires payment of the applicable filing fee. However, the notice will not begin the 120-day period under Tenn. Code Ann. § 65-4-103(d), which commences only upon the filing of the petition itself.

IT IS THEREFORE ORDERED THAT:

1. The *Consumer Advocate's Motion to Dismiss Limestone's Petition for an ARRM as Premature* filed by the Consumer Advocate Division of the Office of the Tennessee Attorney General is granted. The *Petition of Limestone Water Utility Operating Company, LLC to Elect and Opt Into Annual Rate Review Mechanism and ARRM Tariff Pursuant to Tenn. Code Ann. § 65-5-103(d)(6)* filed by Limestone Water Utility Operating Company, LLC is dismissed without prejudice.

2. Limestone Water Utility Operating Company, LLC shall file a notice with the Commission of its intention to file a petition to opt into an alternative regulatory method at least 30 days before such filing. The notice is intended to alert the Commission and the interested parties intervening in this docket that a alternative regulatory method petition filing is anticipated. The notice may be withdrawn, modified, altered, or amended, and may be waived for good cause.

3. Any party aggrieved by the decision of the Administrative Judge in this Initial Order may file a Petition for Appeal with the Tennessee Public Utility Commission within 15 days from the date of this Initial Order.

4. This Initial Order shall become a Final Order of the Tennessee Public Utility Commission, if no petition for reconsideration or appeal of this Order is filed prior to the expiration of the 15 day appeal period.

IT IS SO ORDERED.

Aaron J. Conklin
Administrative Judge
By Commission Delegated Authority