

**RULES
OF
THE TENNESSEE PUBLIC UTILITY COMMISSION**

**CHAPTER 1220-01-02
CONTESTED CASES**

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1220-01-02-.01 DEFINITIONS.

- (1) Terms used in this chapter will have the meanings given to them in the Uniform Administrative Procedures Act, in the provisions governing the Commission as codified in Title 65 Tennessee Code Annotated, and in Rule 1220-01-01-.01 of these rules.
- (2) In addition, for this chapter, the following terms will have the following meanings:
 - (a) “Appearance” means any act during a contested case by which a person, either in person or by counsel, recognizes and submits to the jurisdiction of the Commission for all purposes except where it is expressly stated to be limited to a particular purpose, such as challenging the jurisdiction of the Commission.
 - (b) “Party” means any person having a right, under the provisions of the laws applicable to the Commission, to appear and be heard in a contested case and includes:
 1. Persons who initiate a contested case by the filing of an initial petition;
 2. Persons against whom relief is sought or against whom action by the Commission is directed; and
 3. Persons who are given leave by the Commission to intervene in a contested case under applicable law and these rules.
 - (c) “Initial Petition” means any filing with the Commission through which a person seeks to initiate action by the Commission and that requires a contested case hearing, however captioned, including applications and complaints.
 - (d) “Petitioner” means a person filing or joining with others in filing an initial petition.
 - (e) “Respondent” means a person against whom relief is sought or against whom action by the Commission is directed.

Authority: T.C.A. § 65-2-102. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Administrative changes made to this chapter on April 27, 2018 pursuant to Public

(Rule 1220-01-02-.01, continued)

Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director." Amendments filed August 11, 2025; effective November 9, 2025.

1220-01-02-.02 COMMENCEMENT OF CONTESTED CASES.

- (1) The Commission may commence a contested case at any time concerning any matter within its jurisdiction.
- (2) The Commission may commence a contested case upon the initial petition of any person, unless:
 - (a) The Commission lacks jurisdiction over the subject matter;
 - (b) As a matter of law, no hearing is required for the disposition of the matter;
 - (c) The relief which the petition seeks is on its face barred as a matter of law;
 - (d) The initial petition was not submitted in a form substantially complying with any applicable provisions of law; or
 - (e) The appropriate fees did not accompany the initial petition.
- (3) If an initial petition does not expressly request the commencement of a contested case, it shall be deemed to include such a request to the Commission to conduct an appropriate contested case, provided the proceeding is warranted by law and meets the statutory criteria.
- (4) Upon the filing of a contested case, the petitioner and each respondent are under a duty to hold and preserve all documents, records, books, tangible things, and materials, including electronically stored, in its possession on any matter relevant to the subject matter involved, whether it relates to a claim or a defense of any party.
- (5) A tariff filing does not constitute a contested case; however, any interested person may object to the tariff filing by filing a complaint before the proposed effective date of the tariff. Any complaint shall state the nature of the interest, the grounds for any such objection, and the relief sought. A copy of the complaint shall be served on the company filing the tariff. The company filing the tariff shall have the right to respond to such complaint. It shall be within the discretion of the Commission to convene a contested case.
- (6) If the Commission determines on its own initiative not to convene a contested case in response to a complaint or initial petition, the Commission shall enter an order dismissing the complaint or petition and state the basis of the Commission's action.
- (7) Upon filing an initial petition that gives rise to a contested case proceeding, as defined in T.C.A. §§ 65-2-101(2) or 4-5-102(3), including a motion or petition for a show cause order under T.C.A. § 65-2-106, the petition will be referred to the General Counsel or their designee as Hearing Officer on the merits, as appropriate, or to prepare the matter for a hearing before the assigned panel of Commissioners. When preparing the matter, the Hearing Officer is authorized to address preliminary matters, including, but not limited to, a determination of jurisdiction, issuance of a show cause order, dispositive motions, consideration of requests for protective orders, intervention, discovery matters, and to establish a procedural schedule.

Authority: T.C.A. §§ 4-5-102, 4-5-301, and 65-2-102. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Administrative changes made to this chapter on April 27, 2018

(Rule 1220-01-02-.02, continued)

pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director." Amendments filed August 11, 2025; effective November 9, 2025.

1220-01-02-.03 DEFENSES – ANSWERS – MOTIONS TO DISMISS.

- (1) A respondent shall serve on the petitioner and file with the Commission a responsive pleading within 30 days after the service of a complaint or initial petition, except where otherwise provided by statute, these rules, or an order of the Commission.
- (2) Every defense, in law or fact, to an order or notice commencing a contested case or to an initial petition, shall be asserted in an answer, except that the following defenses may, at the option of the respondent, be made by motion in writing:
 - (a) Lack of jurisdiction over the subject matter;
 - (b) Lack of jurisdiction over the person;
 - (c) Insufficiency of notice;
 - (d) Insufficiency of service of the order, notice or petition;
 - (e) Failure to state a claim upon which relief can be granted; or
 - (f) Failure to join an indispensable party.
- (3) A motion raising any defenses in (2) may be made before filing an answer, or combined with the answer. Such motions shall be disposed of before a hearing on the merits.
- (4) If the initial petition is so vague or ambiguous that the respondent cannot reasonably be required to frame a response, the respondent may move for a more definite statement before filing an answer. Such a motion shall identify the defects complained of and the details desired. If the motion is granted, a more definite statement shall be furnished by a date-certain fixed in the order granting the motion.
- (5) Upon motion made by any party within ten days after the service of a petition or answer upon that party, or on its own initiative, the Commission or Hearing Officer may order stricken from any petition, answer, or motion to dismiss, any insufficient defense or irrelevant, immaterial, impertinent or scandalous matter.
- (6) A respondent waives all defenses listed in (2) not presented either by motion, answer, or any amendment, except that lack of jurisdiction over the subject matter may be raised at any time. The defenses enumerated in subparagraphs (2)(b), (c), and (d) shall not be raised by amendment.

Authority: T.C.A. §§ 65-2-102, 65-4-101, and 65-4-104. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director." Amendments filed August 11, 2025; effective November 9, 2025.

1220-01-02-.04 REPRESENTATION BY COUNSEL.

- (1) Any party to a contested case may be represented, at the party's own expense, by an attorney or attorneys licensed in Tennessee or granted to appear *pro hac vice* upon satisfaction of the requirements in (2) of this rule below.
- (2) Out-of-state counsel shall comply with T.C.A. § 23-3-103(a) and Tennessee Supreme Court Rule 19, except that the affidavit referred to in the latter rule shall be filed with the Commission Docket Manager.
- (3) Any party to a contested case may represent itself. Under Tennessee law, however, a business entity must be represented by an attorney licensed in Tennessee or approved to appear *pro hac vice*.
- (4) Entry of an appearance by counsel shall be made by:
 - (a) The signing of any filing;
 - (b) The filing of a notice of appearance; or
 - (c) Appearance as counsel during a Commission Conference, pre-hearing conference, or a hearing.
- (5) After appearance of counsel has been made, all orders, notices, and filings shall be served only upon such counsel, unless otherwise requested.
- (6) Counsel wishing to withdraw shall give written notice to the Commission. Permission to withdraw shall not be unreasonably withheld.

Authority: T.C.A. §§ 4-5-305, 23-3-103(a), and 65-2-102 and Tenn. Sup. Ct. Rule 19. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Editorial changes made by the Secretary of State pursuant to Public Chapter 826 of 2002 by replacing "Executive Secretary" with "Chair of the Authority"; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director." Amendments filed August 11, 2025; effective November 9, 2025.

1220-01-02-.05 DECLARATORY ORDERS.

- (1) As provided in T.C.A. §§ 4-5-223 and 65-2-104, any affected person may petition the Commission for a declaratory order regarding the validity or applicability of a statute, rule, or order within the primary jurisdiction of the Commission.
- (2) The Commission does not have jurisdiction to determine the constitutionality of a statute on its face, and any petition seeking such a declaration shall be denied. The Commission may grant petitions to resolve questions about the constitutional application of a statute to specific circumstances, the constitutionality of a rule promulgated, or an order issued by the Commission.
- (3) Petitions for declaratory orders shall be filed in the same form and manner as other petitions, as specified in these rules. Any such petition shall state the factual circumstances warranting a declaration by the Commission; the specific statute, rule or order as to which a declaration is sought; how the application of that statute, rule or order, affects or threatens to affect the petitioner; and a statement of the declaration requested.

(Rule 1220-01-02-.05, continued)

- (4) The Commission may allow persons other than the petitioner to file statements as to whether the Commission should commence a contested case, or refuse to issue a declaratory order, as provided in T.C.A. § 4-5-223. Any such statements shall be served on all parties.
- (5) Notices of hearing required under T.C.A. § 4-5-224 shall be submitted electronically to the Secretary of State's administrative register website, with a copy to the Division of Publications, and in other forms or forums of publication, as may be required by statute.

Authority: T.C.A. §§ 4-5-223, 65-2-102, and 65-2-104. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director." Amendments filed August 11, 2025; effective November 9, 2025.

1220-01-02-.06 PRELIMINARY MOTIONS.

- (1) Any request for an action or ruling before a hearing on the merits in a contested case shall be made in writing, in the same form as other filings. The request shall state the factual and legal basis for the request, set forth the relief or order sought, and may be accompanied by a brief as to any issues of law, by affidavits, requests for official notice, or other appropriate proof as to any issue of fact.
- (2) Any party opposing a motion shall file and serve a response within seven days after service of the motion. The Commission or Hearing Officer may shorten or extend the time for responding to any motion.
- (3) No reply to a response shall be filed except upon order of the Commission or Hearing Officer.
- (4) Any party may, in a motion or response, request oral argument or the presentation of oral testimony, or the Commission or Hearing Officer may order oral argument or the presentation of oral testimony. If such a request is granted or an order is entered, the Commission or Hearing Officer shall set the date and time for the argument or presentation and may order that the argument be heard electronically.
- (5) Preliminary motions, responses, documents submitted in support, and any orders thereto, shall be filed with the Docket Manager and served on all parties.
- (6) Any party who wishes to seek interlocutory review by the Commission of a Hearing Officer's decision on a preliminary motion shall make an application by motion to the Hearing Officer within seven days after service of the order memorializing the Hearing Officer's decision. Permission for interlocutory review shall not be unreasonably withheld.
- (7) Any order dismissing a case or otherwise substantially disposing of the merits of the case is not an interlocutory order, and any such order issued by a Hearing Officer shall be considered as an initial order subject to review by the Commission as specified in T.C.A. § 4-5-315.
- (8) Nothing in this rule shall affect the right to seek interlocutory judicial review under T.C.A. § 4-5-322.

Authority: T.C.A. §§ 4-5-308 and 65-2-102. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Editorial changes made by the Secretary of State pursuant to Public Chapter 826 of 2002 by replacing "Executive Secretary" with "Chair of the Authority"; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility

(Rule 1220-01-02-.06, continued)

Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.” Amendments filed August 11, 2025; effective November 9, 2025.

1220-01-02-.07 CONTINUANCES AND OTHER RESCHEDULING.

- (1) Any party desiring a continuance or other resetting of any hearing or pre-hearing conference shall file with the Docket Manager and serve on all parties a motion setting forth the grounds for the relief sought. Before filing such a motion, the party shall attempt to contact all parties to the proceeding and shall state each party’s position in the motion.
- (2) Any party opposing the continuance or rescheduling may file a response setting forth the basis for such opposition, but the motion may be decided without waiting for responses.
- (3) In determining whether to grant such a motion, the Hearing Officer or the Commission may consider the relative convenience of the parties, the Commission’s calendar for hearings, and the necessity for the expeditious disposition of the case.

Authority: T.C.A. §§ 4-5-308 and 65-2-10. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Editorial changes made by the Secretary of State pursuant to Public Chapter 826 of 2002 by replacing “Executive Secretary” with “Chair of the Authority”; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.” Amendments filed August 11, 2025; effective November 9, 2025.

1220-01-02-.08 INTERVENTION.

- (1) Petitions for intervention shall be granted in accordance with T.C.A. § 4-5-310 and T.C.A. § 65-2-107.
- (2) A petition for intervention shall set forth with particularity those facts that demonstrate that the petitioner’s legal rights, duties, privileges, immunities or other legal interests may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of law. Intervention may be denied or delayed for failure to provide such specific facts.
- (3) A petition for intervention shall be filed at least seven days before the date of the contested case hearing.

Authority: T.C.A. §§ 4-5-310, 65-2-102, and 65-2-107. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.” Amendments filed August 11, 2025; effective November 9, 2025.

1220-01-02-.09 COMPLAINTS

- (1) To be considered a contested case, a complaint against a public utility must be filed with the Docket Manager and shall:
 - (a) Be in writing and signed by the petitioner or an authorized attorney for the petitioner;

(Rule 1220-01-02-.09, continued)

- (b) Contain the name and address of the petitioner and the name and address of the respondent;
 - (c) Set forth with specificity the factual basis and legal grounds upon which the complaint is based;
 - (d) Enumerate each statute allegedly violated by the respondent and state each fact demonstrating a violation of the statute so that the respondent can be duly apprised of each statutory violation charged; and
 - (e) Enumerate any Commission rule or regulation relied upon for a claim and set forth the manner of each alleged violation of that Commission rule or regulation.
- (2) For good cause shown, the Commission may waive the provisions of this section to prevent manifest injustice or hardship to the complaining party.

Authority: T.C.A. §§ 65-2-102 and 65-2-103. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.” Amendments filed August 11, 2025; effective November 9, 2025.

1220-01-02-.10 NOTICE TO ATTORNEY GENERAL.

When the validity of a statute, administrative rule, or regulation of this State is challenged in any case, the Commission shall give notice to the Office of the Attorney General of Tennessee, specifying the pertinent statute, rule, or regulation.

Authority: T.C.A §§ 65-2-102 and 29-14-107(b); T.R.C.P. Rule 24.04; and T.R.A.P, Rule 32. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.” Amendments filed August 11, 2025; effective November 9, 2025.

1220-01-02-.11 DISCOVERY.

- (1) Any party to a contested case proceeding may petition for discovery. In any case where discovery is sought, no discovery shall be undertaken until a discovery schedule is set in accordance with these rules. Parties are encouraged, where practicable, to attempt to informally obtain any necessary discovery and avoid undue expense and delay in resolving the matter. When such attempts have failed or the complexity of the case is such that informal discovery is not practicable, discovery shall be sought, effectuated, and enforced under the Tennessee Rules of Civil Procedure.
- (2) The party seeking discovery shall serve a copy of the discovery request on all parties to the proceeding and file it with the Commission. Such service shall be made even when the discovery sought may be directed to only specific parties. All discovery requests shall contain a certificate of service.
- (3) The party upon whom a discovery request has been served shall respond to each request in the following manner:
 - (a) The full text of the request shall precede each response;

(Rule 1220-01-02-.11, continued)

- (b) Any objection to a request shall specifically state the grounds and reasons for the objection. A party should refrain from making vague, generalized, or “boilerplate” objections;
 - (c) An objection must state whether any responsive materials are being withheld based on that objection;
 - (d) Each set of discovery responses shall be accompanied by a notarized verification signed by a corporate officer or individual who will be responsible for the veracity of the submitted discovery responses; and,
 - (e) Copies of the response shall be served on all parties to the proceeding and filed with the Commission. All responses shall contain a certificate of service.
- (4) Insofar as a discovery response contains a spreadsheet with hard-coded numbers, suppressed formulas, or linkages to files that have not been produced in discovery, the Hearing Officer and the producing party shall be immediately notified. To the fullest extent possible, the producing party shall promptly update its response to include a compliant spreadsheet.
 - (5) Each party producing a discovery request or response shall file copies of such discovery with the Commission within three days of service.
 - (6) Any party unable to respond to discovery within the time provided and who cannot obtain agreement of the parties for an agreed order extending the time for responding may file a motion for an extension of the time for responding with the Docket Manager. No change to the procedural schedule related to discovery is effective without approval of the Commission or Hearing Officer.
 - (7) Before seeking to compel compliance by motion to the Commission, each party and the party’s attorney shall meet and confer in good faith to reach an agreement on the discovery matters in conflict. Motions to compel discovery shall:
 - (a) Be accompanied by a copy of the discovery request that shows the question and the response or objection, as appropriate;
 - (b) State the reasons supporting the motion with reasonable specificity; and,
 - (c) Include a statement affirming that the attorney making the motion has made a reasonable effort to reach an agreement with opposing attorneys on the matters set forth in the motion.
 - (8) Motions for protective orders filed under Tennessee Rules of Civil Procedure 26.03, motions to quash subpoenas for discovery, or any motion asking that discovery be postponed or restricted shall:
 - (a) Be accompanied by a copy of the discovery request or subpoena;
 - (b) State with reasonable specificity the factual and legal grounds for the motion; and
 - (c) Include an affidavit or other evidence showing the need for the order.

Authority: T.C.A. §§ 4-5-311 and 65-2-102. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee

(Rule 1220-01-02-.11, continued)

Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.” Amendments filed August 11, 2025; effective November 9, 2025.

1220-01-02-.12 PRE-HEARING CONFERENCES.

- (1) In any contested case, the Commission or the Hearing Officer may, on their initiative or the motion of any party, enter an order under T.C.A. § 4-5-306 directing counsel for the parties and any unrepresented parties to appear for a conference or conferences before the hearing on the merits to consider:
 - (a) The simplification of issues for the hearing on the merits;
 - (b) The necessity or desirability of any amendments to the filings;
 - (c) The possibility of obtaining admissions of fact and documents that may avoid unnecessary proof;
 - (d) The limitation of the number of expert witnesses;
 - (e) The disposition of any pending motions;
 - (f) The adoption or amendment of a discovery schedule in accordance with these rules, including the adoption of a statement of the issues for discovery;
 - (g) The steps that may be taken to expedite the disposition of the case or to facilitate settlement of the case, or any aspect thereof;
 - (h) The adoption of a schedule for the filing of briefs and any pre-filed testimony; and
 - (i) Other matters that may facilitate the just, efficient, and economical disposition of the case, including alternative dispute resolution.
- (2) At least one of the counsel or other representatives for each party participating in a pre-hearing conference shall have authority to enter into stipulations, make admissions, or enter into agreements concerning any matters the parties may reasonably anticipate will be considered.
- (3) The Hearing Officer shall enter an order that recites the actions taken during the pre-hearing conference and embodies all decisions made. Such order shall control the subsequent course of the case unless modified by order of the Hearing Officer or the Commission.
- (4) Upon reasonable notice to all parties, the Hearing Officer may convene a hearing or convert a pre-hearing conference to a hearing, to be conducted by the Hearing Officer, to consider arguments and any relevant evidence on any question of law. The Hearing Officer may enter an initial order on any such question of law, as provided in the Uniform Administrative Procedures Act.
- (5) In the discretion of the Hearing Officer, all or part of the pre-hearing conference may be conducted by electronic means, provided each participant in the conference has an opportunity to participate in, hear, and, if technically and economically feasible, see the entire proceeding while it is taking place.
- (6) If a pre-hearing conference is not held, the Hearing Officer may issue a pre-hearing order based on the filings to regulate the conduct of the proceedings.

(Rule 1220-01-02-.12, continued)

Authority: T.C.A. §§ 4-5-306, 65-2-102, and 65-2-111. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.” Amendments filed August 11, 2025; effective November 9, 2025.

1220-01-02-.13 SUBPOENAS AND SUBPOENAS DUCES TECUM.

At the request of any party, the General Counsel or the Hearing Officer shall issue signed subpoenas, including subpoenas duces tecum, following the Tennessee Rules of Civil Procedure. However, in addition to the means of service provided in the Tennessee Rules of Civil Procedure, service in contested cases may be by certified return receipt mail. With approval of the issuing authority, the parties may complete and serve their subpoenas. This section may not be used to circumvent the provisions of Rule 1220-01-02-.11.

Authority: T.C.A. §§ 4-5-311, 65-2-102, and 65-3-112. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Editorial changes made by the Secretary of State pursuant to Public Chapter 826 of 2002 by replacing “Executive Secretary” with “Chair of the Authority”; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.” Amendments filed August 11, 2025; effective November 9, 2025.

1220-01-02-.14 NOTICE OF HEARING.

- (1) Except as otherwise provided by statute or these rules, the Commission or Hearing Officer shall give all parties reasonable notice of any pre-hearing conference or hearing held to address any preliminary motion.
- (2) The Commission or Hearing Officer shall notify all parties at least ten days before any hearing on the merits.

Authority: T.C.A. §§ 4-5-307, 65-2-102, and 65-2-108. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Editorial changes made by the Secretary of State pursuant to Public Chapter 826 of 2002 by replacing “Executive Secretary” with “Chair of the Authority”; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.” Amendments filed August 11, 2025; effective November 9, 2025.

1220-01-02-.15 STIPULATIONS AND SETTLEMENTS.

- (1) The Commission encourages the resolution of matters brought before it through stipulations and settlements. Settlements must be supported by substantial evidence.
- (2) Proponents of a proposed settlement carry the burden of showing that the settlement is reasonable, in the public interest, or otherwise in compliance with law or regulatory policy. Proponents of the settlement should be prepared to call witnesses, file pre-filed testimony, and provide copies of any documents, financial analysis, exhibits, and an explanation of the underlying rationale to support the settlement. The Commission may require further development of an appropriate record supporting a proposed settlement as a condition of accepting or rejecting the settlement.

(Rule 1220-01-02-.15, continued)

Authority: T.C.A. §§ 4-5-105 and 65-2-102. **Administrative History:** New rule filed August 11, 2025; effective November 9, 2025.

1220-01-02-.16 EVIDENCE – TESTIMONY AND BURDEN OF PROOF.

- (1) The admissibility of evidence is governed by T.C.A. §§ 65-2-109 and 4-5-313.
- (2) The burden of proof shall be on the party asserting the affirmative of an issue, provided that when the Commission has issued a show cause order under T.C.A. § 65-2-106, the burden of proof shall be on the party thus directed to show cause.
- (3) In place of the oral examination of a witness, the direct or redirect examination of such witness shall be presented in written, question-and-answer form (pre-filed testimony). Pre-filed testimony shall be filed no later than ten days before the hearing unless directed by the Commission or the Hearing Officer. The Commission may require the presentation of pre-filed testimony under this rule if it deems that doing so would be in the public interest and would be conducive to a fair and expeditious disposition of the proceeding. Any party may object to the pre-filed testimony of a witness, and the objecting party shall have the right to be heard by the Commission or the Hearing Officer at a hearing on the objection.
- (4) All pre-filed testimony shall be filed in electronic or written form consistent with these rules. The lines on each page shall be double-spaced and numbered consecutively down the left side of the page, and the left-hand margin of each page shall not be less than 1 1/4 inches wide. During the hearing, after any such pre-filed testimony has been appropriately identified and authenticated under oath or affirmation by the witness presenting the same, it may upon motion be incorporated into the record in the same way as if the questions had been asked of the witness and the answers had been presented verbally by the witness. Such pre-filed testimony shall be treated as if given verbally, and the witness presenting such pre-filed testimony shall be subject to cross-examination during the hearing on the merits.
- (5) Any party shall have the right to cross-examine witnesses who testify and shall have the right to submit rebuttal testimony, subject to the standards of admissibility and such limitations as the Hearing Officer or Commissioner, whomever is presiding during the hearing, may reasonably require.
- (6) At the discretion of the Commission or the Hearing Officer, or on the motion of any party, witnesses may be excluded from the hearing room before their testimony.

Authority: T.C.A. §§ 4-5-313, 65-2-102, and 65-2-109. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.” Amendments filed August 11, 2025; effective November 9, 2025.

1220-01-02-.17 DEFAULTS – UNOPPOSED CASES.

- (1) Failure of a party to attend or participate in a pre-hearing conference, hearing, or other stage of a contested case proceeding, after due notice thereof, shall be cause for finding such party in default, under T.C.A. § 4-5-309. Failure to comply with an order of the Commission or a Hearing Officer may be deemed a failure to participate in a contested case and, therefore, be cause for finding a party in default.
- (2) (a) Upon entry into the record of the petitioner’s default at a contested case proceeding, the petition shall be dismissed.

(Rule 1220-01-02-.17, continued)

- (b) Upon entry into the record of a respondent's default at a contested case proceeding, the matter shall be considered unopposed relative to such respondent.
- (3) Where the case is unopposed, the petitioner has the burden of making a prima facie case, which may be done based on written filings. The Commission or Hearing Officer may require additional proof to ensure compliance with statutory requirements.

Authority: T.C.A. §§ 4-5-309, 4-5-317, 65-2-102, and 65-2-108. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," and "Chief" references were changed to "Director." Amendments filed August 11, 2025; effective November 9, 2025.

1220-01-02-.18 INITIAL AND FINAL ORDERS.

- (1) The Uniform Administrative Procedures Act governs the review and effectiveness of initial and final orders.
- (2) The Commission may review all initial orders.
- (3) Any final order shall be signed by the Commissioners who make the decision and attested to by the Executive Director. If any Commissioner was absent during the proceeding when the decision was made, abstained from voting, or dissented from the decision, that fact shall be reflected in the final order.
- (4) Any Commissioner may file a statement explaining their position. The statement may be attached to the final order or filed separately in the record.
- (5) When requested by the Commission parties of record may submit proposed final orders for approval by the Commission. Any such final order shall conform to the statutory requirements for final orders.

Authority: T.C.A. §§ 4-5-314, 4-5-318, 65-2-102, and 65-2-112. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Editorial changes made by the Secretary of State pursuant to Public Chapter 826 of 2002 by replacing "Executive Secretary" with "Chair of the Authority"; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; "Tennessee Regulatory Authority" references were changed to "Tennessee Public Utility Commission," "Authority" references were changed to "Commission," "Authority Director" references were changed to "Commissioner," "Chair of the Commission" references were changed to "Executive Director," and "Chief" references were changed to "Director." Amendments filed August 11, 2025; effective November 9, 2025.

1220-01-02-.19 STAYS.

- (1) Any petition for stay filed under T.C.A. § 4-5-316 shall state the grounds upon which a stay is requested with reasonable specificity and be served on all parties of record. The petition may be supported by a brief, affidavit, or other supporting evidentiary materials.
- (2) Any party opposing a stay may file a brief in opposition within ten days after the service of the petition for stay.
- (3) In deciding whether to grant a stay, the Commission shall consider and give appropriate weight to:
 - (a) The likelihood of the success of the petitioner on appeal;

(Rule 1220-01-02-.19, continued)

- (b) The hardship or injury that may be imposed on the petitioner if a stay is not granted;
- (c) The hardship or injury which may be imposed on others if a stay is granted; and
- (d) The public interest.

Authority: T.C.A. §§ 4-5-316 and 65-2-102. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.” Amendments filed August 11, 2025; effective November 9, 2025.

1220-01-02-.20 PETITIONS FOR RECONSIDERATION.

- (1) Any petition for reconsideration shall be filed within 15 days after the date of the entry of an order. The petition shall be served on all parties and include a statement of the grounds upon which relief is requested with reasonable specificity.
- (2) If the petitioners seek to present new evidence, the petition must include a statement explaining the reason for failing to introduce the proposed new evidence in the original proceeding, along with a detailed description of the proposed new evidence. This statement shall include copies of documents intended for introduction, identities of proposed witnesses, and summaries of the testimony planned to be presented. Any documents unavailable to the party seeking reconsideration at the time of filing the petition may be described in as much detail as possible and may be submitted later if reconsideration is granted, but no later than three working days before the hearing on reconsideration.
- (3) The Commission or Hearing Officer may grant or deny petitions for reconsideration of final orders under T.C.A. § 4-5-317, to the following extent:
 - (a) Any such petition shall be granted within the twenty days fixed by T.C.A. § 4-5-317(c), or it shall be deemed denied;
 - (b) If the petition is granted, the matter shall be heard as soon as practicable;
 - (c) The party seeking reconsideration may be allowed to present new evidence only if the party shows that good cause existed for failing to introduce the new evidence during the original hearing. The opposing party shall be allowed to present rebuttal proof if the party seeking reconsideration is permitted to present new evidence; and
 - (d) Any new evidence allowed to be introduced by the party seeking reconsideration shall be limited to that described in the petition for reconsideration.
- (4) The filing of a petition for reconsideration shall not toll the period for review of a final order unless the petition for reconsideration is granted.

Authority: T.C.A. §§ 4-5-317 and 65-2-102. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.” Amendments filed August 11, 2025; effective November 9, 2025.

1220-01-02-.21 STAFF PARTICIPATION AS A PARTY.

- (1) In any show cause proceeding, designated staff members, represented by the General Counsel or other counsel employed by the Commission, shall participate as a party.
- (2) In any contested case commenced by the Commission, designated staff members, represented by the General Counsel or other counsel employed by the Commission, may participate as a party.
- (3) In any other contested case proceeding, designated staff members, represented by the General Counsel or other counsel employed by the Commission, may participate as a party.
- (4) Staff members who participate as a party shall be bound to comply with the requirements as any other party.
- (5) As soon as practicable after any proceeding in which the staff will participate as a party, the General Counsel shall identify those staff members to all interested parties and staff to prevent ex parte communications.

Authority: T.C.A. §§ 4-5-303, 4-5-304, 65-2-102, 65-2-106, and 65-2-107. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Editorial changes made by the Secretary of State pursuant to Public Chapter 826 of 2002 by replacing “Executive Secretary” with “Chair of the Authority”; effective March 28, 2003. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.” Amendments filed August 11, 2025; effective November 9, 2025.

1220-01-02-.22 GENERAL PROCEDURAL POWERS.

In any contested case, the Commission or the Hearing Officer:

- (1) May determine that there is no genuine issue as to any material fact. In reaching such determination, the Commission or Hearing Officer may, in its discretion, hear and determine all or any part of a case, without hearing oral testimony;
- (2) May, on its own initiative or the motion of any party, allow amendments, consolidate cases, join parties, sever aspects of the case for separate hearings, permit additional claims or contentions to be asserted, bifurcate, or otherwise order the course of proceedings to further the just, efficient, and economical disposition of cases consistent with the statutory policies governing the Commission; and
- (3) Before exercising these general procedural powers, all parties shall be given reasonable notice and an opportunity to be heard.

Authority: T.C.A. § 65-2-102. **Administrative History:** Original rule filed June 30, 2000; effective September 13, 2000. Administrative changes made to this chapter on April 27, 2018 pursuant to Public Chapter 94 of 2017; “Tennessee Regulatory Authority” references were changed to “Tennessee Public Utility Commission,” “Authority” references were changed to “Commission,” “Authority Director” references were changed to “Commissioner,” and “Chief” references were changed to “Director.” Amendments filed August 11, 2025; effective November 9, 2025.

1220-01-02-.23 PETITION FOR RATES.

- (1) The rules in this section shall apply to petitions to revise rates filed under T.C.A. § 65-5-103(a).

(Rule 1220-01-02-.23, continued)

- (2) The petitioner is required to file a notice of its intention to file a petition for revision of rates with the Docket Manager not less than 30 calendar days before filing its petition. At that time, a copy of the notice must also be emailed to the Commission's General Counsel, the Director of the Utilities Division, the Consumer Advocate Division of the Tennessee Attorney General's Office, and all parties of record from the utility's most recent rate case. This notice will initiate a proceeding that requires the applicable filing fee under T.C.A. § 65-2-103 and Commission Rule 1220-01-01-.04, but does not begin the calculation of time under T.C.A. § 65-4-103(a) and (b).
- (3) A petition for revision of rates shall include the following information to be considered complete:
 - (a) A summary of the proposed changes that includes an estimated residential and commercial monthly and annual increase if the requested change is granted;
 - (b) Pre-filed testimony supporting the proposed rate change; and,
 - (c) A tariff implementing the proposed change.
- (4) Customer notice of the petition shall be required:
 - (a) Within the next billing cycle or 45 days of the filing date of the rate petition, whichever is sooner, the Company applying for a revision of rates shall send directly to its customers, in the same manner they receive billing statements, either electronically or by first-class mail, a notice of its filing that includes the summary set forth in (3)(a) above.
 - (b) Once the date and location of the hearing on the petition have been determined, the Company must, within five days, provide an accurate update to the notice previously posted on its website and send the update directly to its customers in the same manner they receive their billing statements, either electronically or by first-class mail. This update shall include the date, location, and time scheduled for the hearing, an accurate summary of the proposed rate or rate changes currently presented to the Commission in the Company's testimony, and a summary of the position, including rates or rate changes, proposed by any intervening parties.
 - (c) The petitioner, by a duly authorized officer, or by its attorney, shall file a statement in writing on or before the date of hearing that the information required above has been distributed to its customers in the same manner they receive billing statements.
- (5) Discovery in rate proceedings shall be governed by Rule 1220-01-02-.11.

Authority: T.C.A. §§ 65-2-102 and 65-4-104. **Administrative History:** New rule filed August 11, 2025; effective November 9, 2025.