

## **Guidelines for Subpoenas to Appear Before the Tennessee Board of Utility Regulation**

1. These guidelines govern all subpoenas issued under the Tennessee Board of Utility Regulation's (the "Board") authority; pursuant to Tenn. Code Ann. § 7-82-702, either directly or by Board staff, requiring the attendance of an individual to appear before the Board.
2. These guidelines are superseded by state and federal laws, and by any rules promulgated by the Board. These guidelines are not intended to and should not be interpreted to abrogate the Board's authority in any way, or to abrogate discretion granted to Board staff by any other applicable laws or rules.
3. The Board may limit the discretion granted to Board staff under these guidelines. Any such limitation will be expressly stated in the Board's motion and order.
4. Any provision of an order issued by the Board that requires Board staff to issue subpoenas shall be interpreted as granting Board staff the discretion to subpoena the named individuals, if Board staff believes their attendance is necessary to effectuate the will of the Board. The decision to issue a subpoena pursuant to a Board order is subject to Board staff's sole discretion. The Board will specify in its order if Board staff does not have discretion as to whether or not to issue a subpoena.
5. Unless stated otherwise, all subpoenas issued under the Board's authority require in-person attendance.
6. Subpoenas issued under the Board's authority only apply to individuals in their official or professional capacity. If a subpoenaed individual no longer serves a utility system or governing body in an official or professional capacity, the subpoena for that individual's attendance is released. The governing body or utility system must strive to ensure that the individual's successor appears at the time and place specified in the subpoena in place of the subpoenaed individual.
7. Board staff has discretion to withdraw or release any subpoena issued under the Board's authority for good cause. The decision to release a subpoena or what constitutes good cause for release is subject to Board staff's sole discretion. The Board will specify in its order if Board staff does not have discretion as to whether or not to release a subpoena. Board staff will notify the Board chair and Vice-Chair prior to releasing any individual from a subpoena. The Chair or Vice-Chair may order staff to not release the subpoena. The Tennessee Board of Utility Regulation hereby adopts the above guidelines. This policy will remain in effect until repealed, or until they are superseded by a duly promulgated rule, at which time these guidelines shall be repealed automatically.

**Adopted on July 20, 2023.**