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IN THE MATTER OF:

MOORESBURG UTILITY DISTRICT TENN. CODE ANN. §§ 7-82-308 and 709

AMENDED ORDER

On April 20, 2023, the Tennessee Utility Management Review Board ("the Board") reviewed the status of the Mooresburg Utility District ("the Entity") pursuant to Tenn. Code Ann. §§ 7-82-308 and 709. An Order was entered in this matter on May 11, 2023, which incorrectly reflected the motion the Board passed at the April 20, 2023 meeting. This Amended Order replaces and supersedes the May 11, 2023 Order.

The Entity was referred to the Board for excessive water loss. The Entity has not completed the AWWA 6.0 Water Loss Tool with the confirmation of a third party. Further, the members of the Entity's governing body have not complied with applicable training requirements.

Based on Board staff's report and recommendation, the Board orders as follows:

- The Board'By June 30, 2023, the Entity shall have the Tennessee Association of Utility Districts, or another qualified expert as approved by the board staff, complete the AWWA Free Audit Software version 6.0.
- 2. By May 31, 2023, the Entity shall send Board staff proof of engagement between the Entity and the qualified expert who is to perform the tasks in paragraph 1.
- 3. By July 15, 2023, the Entity shall send Board staff the completed report from the tasks in paragraph 1.

- 4. By June 30, 2023, the Entity shall send Board staff proof that all members of the utility system's governing body has complied with the applicable training requirements.
- 5. Should the Entity fail to comply with paragraph 4, Board staff and Counsel shall issue subpoenas for the Entity's governing body to appear in-person before the Board during its next meeting following non-compliance with this order.
- 6. If the Entity shows that all governing body members are compliant with training requirements, Board staff may close the Entity's training violation case without further action by the Board.

ENTERED this 4 day of May, 2023. Greg Moody, Chair

I hereby certify that a copy of the foregoing has been served via certified mail return receipt requested to the following on this **19** day of May 2023.

Mooresburg Utility District 800 Old Highway 11 W Mooresburg, TN 37811

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IN THE MATTER OF:

TARPLEY SHOP UTILITY DISTRICT TENN. CODE ANN. § 7-82-701 et seq

ORDER

On April 20, 2023, the Tennessee Utility Management Review Board ("the Board") reviewed the status of the Tarpley Shop Utility District ("the Entity"), pursuant to Tenn. Code Ann. § 7-82-701 et seq.

The Entity is under a Board investigation into its financial, technical, and managerial competence. Board staff advised as follows.

Board staff experienced difficulty obtaining necessary information and records from the Entity. The information and records obtained showed that the Entity effectively maintained fulltime staff, but staff operated as employees of Byrd Construction, a business. The Entity did not produce a current contract with Byrd Construction, and the Entity's relationship with Byrd Construction was not typical of that between a utility and its contractor(s). The Entity also could not produce a number of policies. The Entity's billing adjustments could not be interpreted by Board staff, and to date have not been independently verified.

Based on Board staff's findings and recommendation, the Board orders as follows:

1. The Entity shall have the Tennessee Association of Utility Districts, or another qualified expert as approved by Board staff, perform a rate study that includes the following:

a. a review of the capitalization policy, including any recommended modifications;

- b. a review of the debt management policy, including any recommended modifications;
- c. the creation of a five-year capital asset budget, to be taken from the current capital asset list and to include future anticipated needs;
- a review of relevant utility fees including but not limited to connection or tap fees,
 including any recommended modifications;
- e. verification that all governing body members of the utility are in compliance with all relevant training requirements;
- f. a review of the leak adjustment policy, including any recommended modifications or adoption of such policy should one not exist; and g. a summary of the illegal payments made to commissioners attributable to non-compliance with the annual training statement law.
- 2. The Entity shall have the Tennessee Association of Utility Districts, or another qualified expert as approved by Board staff, study and determine the best manner to remedy the repeat finding in the Entity's audits regarding Byrd Construction's employees serving as employees of the District, and whether it is in the best interest of the District and its customers that the District continue to contract with Byrd Construction. This study may be contracted for as part of the rate study ordered in paragraph 1.
- 3. By June 30, 2023, the Entity shall send Board staff a copy of the contract between the Entity and the qualified expert who is to perform the tasks in paragraph 1. 109
- 4. By June 30, 2023, the Entity shall send Board staff a copy of the contract between the Entity and the qualified expert who is to perform the tasks in paragraph 2.

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- 5. By December 31, 2023 the Entity shall provide Board staff with the completed rate study and either proof of implementation of the resulting recommendations or a proposed plan of implementation.
- 6. By December 31, 2023 the Entity shall provide Board staff with the determination from the qualified expert from paragraph 2.
- 7. The commissioners of the district have 90 days following the completion of paragraph 6 to repay funds made to the district should the commissioners still choose to be serving with the District. The amount owed shall be the amount calculated pursuant to paragraph 1(g). This paragraph does not apply to any commissioners appointed in the calendar year preceding the date of this order.
- 8. The Entity shall not enter into any management agreements with any other Entity without express consent of Board staff.

IN THE MATTER OF:)		
MOORESBURG UTILITY DISTRICT)))	TENN. CODE ANN. §§	7-82-308 and 709
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ORDER

On April 20, 2023, the Tennessee Utility Management Review Board ("the Board") reviewed the status of the Mooresburg Utility District ("the Entity") pursuant to Tenn. Code Ann. §§ 7-82-308 and 709.

The Entity was referred to the Board for excessive water loss. The Entity has not completed the AWWA 6.0 Water Loss Tool with the confirmation of a third party. Further, the members of the Entity's governing body have not complied with applicable training requirements.

Based on Board staff's report and recommendation, the Board orders as follows:

- By June 30, 2023, the Entity shall have the Tennessee Association of Utility Districts, or another qualified expert as approved by the board staff, complete the AWWA Free Audit Software version 6.0.
- 2. By April 28, 2023, the Entity shall send Board staff proof of engagement between the Entity and the qualified expert who is to perform the tasks in paragraph 1.
- 3. By July 15, 2023, the Entity shall send Board staff the completed report from the tasks in paragraph 1.
- 4. By June 30, 2023, the Entity shall send Board staff proof that all members of the utility system's governing body has complied with the applicable training requirements.

- 5. Should the Entity fail to comply with paragraph 4, Board staff and Counsel shall issue subpoenas for the Entity's governing body to appear in-person before the Board during its next meeting following non-compliance with this order.
- 6. If the Entity shows that all governing body members are compliant with training requirements, Board staff may close the Entity's training violation case without further action by the Board.

ENTERED this $\$ day of May, 2023.

eg Moody, Chair

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IN THE MATTER OF:

MINOR HILL UTILITY DISTRICT **TENN. CODE ANN. § 7-82-701**

ORDER

On April 20, 2023, the Tennessee Utility Management Review Board ("the Board") reviewed the financially distressed status of Minor Hill Utility District (the 'Entity"), pursuant to Tenn. Code Ann. § 7-82-701. The Entity has been found to have complied with Board directives to remove financial distress but has not completed its Annual Information Report. Board staff recommends the Entity be released from Board oversight for financial distress.

Based on Board staff's presentation and recommendation, the Board orders as follows:

- The Entity is released from Board oversight for financial distress. Board staff and Counsel shall close the financial distress case.
- 2. The Entity shall complete the Annual Information Report by May 31, 2023.
- 3. Should the Entity fail to comply with any directive in this order, Board staff and Counsel shall issue subpoenas for the Entity's governing body to appear in-person before the Board during its next meeting following non-compliance with this order.

4. If the Entity shows compliance with completing the Annual Information Report and Board staff are unaware of any reason for which the Entity should remain under Board supervision, Board staff may close the Entity's case without further action by the Board.

ENTERED this <u>\\</u> day of May, 2023./ n

Greg Moody, Chair Utility Management Review Board

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IN THE MATTER OF:

LEOMA UTILITY DISTRICT) TENN. CODE ANN. § 7-82-701 et seq

ORDER

On April 20, 2023, the Tennessee Utility Management Review Board ("the Board") reviewed the Leoma Utility District ("the Entity") pursuant to Tenn. Code Ann. § 7-82-701 et seq.

The Entity has been under Board supervision for financial distress since 2021. Board staff has identified the following weaknesses or findings: the Entity has not been completed a rate study in five years, despite that rates were raised within the last 6 months; and, the Entity believes they will be able to alleviate the current financial stress by removing the leak adjustment policy, removing an employment position, and increasing tap fees; and, the Entity did not provide a current valid rate ordnance.

Board staff does not have the information to judge whether this plan is viable. A rate study should be conducted to ensure the viability of the Entity's plan to remedy its financial distress, and to determine fair and reasonable rates for customers.

Based on Board staff's information and recommendation, the Board orders as follows:

1. The Entity shall have the Tennessee Association of Utility Districts, or another qualified expert as approved by Board staff, perform a rate study that includes the following:

a. a review of the capitalization policy, including any recommended modifications;

- b. a review of the debt management policy, including any recommended modifications;
- c. the creation of a five-year capital asset budget, to be taken from the current capital asset list and to include future anticipated needs;
- a review of relevant utility fees including but not limited to connection or tap fees,
 including any recommended modifications;
- e. verification that all governing body members of the utility are in compliance with all relevant training requirements;
- f. a review of the leak adjustment policy, including any recommended modifications
 or adoption of such policy should one not exist;
- 2. By June 30, 2023, the Entity shall send Board staff a copy of the contract between the Entity and the qualified expert who is to perform the tasks in paragraph 1.
- 3. By September 30, 2023, the Entity shall provide Board staff with the completed rate study and either proof of implementation of the resulting recommendations or a proposed plan of implementation.
- 4. Board staff is given the authority to grant one extension of up to six months of the foregoing deadlines upon a showing of good cause by the Entity.

ENTERED this $\parallel \parallel$ day of May, 2023.

eg Moody Chair

Utility Management Review Board

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IN THE MATTER OF:

HALLSDALE-POWELL UTILITY DISTRICT TENN. CODE ANN. § 7-82-701 et seq

ORDER

On April 20, 2023, the Tennessee Utility Management Review Board ("the Board") reviewed the financially distressed status of the Hallsdale-Powell Utility District ("the District") listed below, pursuant to Tenn. Code Ann. § 7-82-701 *et seq*.

The District is experiencing approximately 46% water loss. The District also has high user rates, and a high debt-income ratio. Board staff is not concerned about the District's short-term solvency, but the debt ratio raises concerns as to the District's long-term health. As an example, the District may have trouble raising funds to cover infrastructure repairs, such as any necessary to correct water loss, due to its existing debt load.

Based on Board staff's information and recommendation the Board orders as follows:

- Board staff will investigate the financial, technical, and managerial competency of the District, with an emphasis on the District's level of debt.
- 2. Board staff will make a preliminary report and recommendation at the Board's next meeting.

ENTERED this || day of May, 2023. Greg Moody, Chair

Utility Management Review Board

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IN THE MATTER OF:

COLD SPRINGS UTILITY DISTRICT) TENN. CODE ANN. § 7-82-701 et seq.

ORDER

On April 20, 2023, the Tennessee Utility Management Review Board ("the Board") reviewed the Cold Springs Utility District ("the Entity") pursuant to Tenn. Code Ann. § 7-82-701 *et seq.*

The Entity has been under Board supervision since 2020. The Entity has provided board staff with a completed rate study but has not provided proof of the implementation of the resulting recommendations.

Based on Board staff's information and recommendation, the Board orders as follows:

1. By July 31, 2023, the Entity shall provide Board staff with proof of implementation of the recommendations of their most recent rate study, or a proposed plan of implementation.

2. By July 31, 2023, the Entity shall consult with its attorney to determine whether it is in the Entity's best interest to cease providing water at no cost to its five "water rights" customers. 10
 3. The Entity shall send financial updates to Board staff by March 1st and September 1st of each year beginning September 1, 2023, until the Board releases the Entity from its oversight.

4. Board staff is given the authority to grant one extension of up to six months of the foregoing deadlines upon a showing of good cause by the Entity.

ENTERED this <u></u> day of May, 2023. Greg Moody Chair

Utility Management Review Board

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IN THE MATTER OF:

CALHOUN-CHARLESTON UTILITY DISTRICT **TENN. CODE ANN. § 7-82-308**

ORDER

On April 20, 2023, the Tennessee Utility Management Review Board ("the Board") reviewed the training noncompliance of Calhoun-Charleston Utility District ("the Entity"), pursuant to Tenn. Code Ann. § 7-82-308.

The members of the Entity's governing body have not complied with applicable training requirements.

As a result of the above referenced entities noncompliance, the Board orders as follows:

- 1. By June 30, 2023, the Entity shall send Board staff proof that all members of the utility system's governing body has complied with the applicable training requirements.
- 2. Should the Entity fail to comply with any directive in this order, Board staff and Counsel shall issue subpoenas for the Entity's governing body to appear in-person before the Board during its next meeting following non-compliance with this order.

3. If the Entity shows that all governing body members are compliant with training requirements and Board staff are unaware of any reason for which the Entity should remain under Board supervision, Board staff may close the Entity's case without further action by the Board.

ENTERED this day of May, 2023 Greg Moody, Chair

Utility Management Review Board

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IN THE MATTER OF:

EAST SEVIER COUNTY UTILITY DISTRICT TENN. CODE ANN. § 7-82-701 et seq.

ORDER

On April 20, 2023, the Tennessee Utility Management Review Board ("the Board") reviewed the financially distressed status of the East Sevier County Utility District ("the District"), pursuant to Tenn. Code Ann. § 7-82-701 *et seq*.

The District has made great improvements since the Board's initial order, and has engaged with the Witt Utility District to improve their operations. The Entity is experiencing difficulty finding internal staff to manage its operations. The Entity is also seeking out funding sources to pay for necessary infrastructure upgrades. The Entity has acted quickly to improve service to its customers. Board staff believes that many additional impactful decisions must be made, and Board staff believe it advisable the Board assists in guiding the District to the best outcomes.

Based on Board staff's summary and recommendations, the Board orders as follows:

1.

- a. The Entity shall not acquire new debt in excess of \$50,000.00 without express consent of Board staff.
- b. The Entity may acquire new debt up to \$50,000.00 without express consent of Board staff so long as the interest rate on that debt is 10% or less.

- c. The Entity may acquire debt with a higher interest rate with express consent of Board staff.
- d. Board staff will respond to any for new debt within 48 hours.
- 2. The Entity shall not make any decisions regarding a merger with another utility without express consent with Board staff.
- 3. Board staff shall have 60 days from the date on which Board staff is notified of any item described in paragraphs 1 and 2 to provide express written consent. If Board staff does not expressly consent in writing it is deemed denied.
- 4. The Board's December 21, 2022 Order required the Entity to obtain a rate study. In addition to any other specific requirements, the Board orders that the rate study shall make a preliminary examination of the feasibility of a merger between the Entity and other nearby utility systems. All original deadlines of the December 21, 2022 Order remain, but Board staff may, for good cause shown, grant a 60 day extension for the Entity to provide a supplemental study, addendum, or other report as to the feasibility of a merger. Any supplemental study, not part of the rate study, must be performed by the Tennessee Association of Utility Districts or other entity approved by Board staff.

ENTERED this day of May, 2023.

Greg Moody, Chair

Utility Management Review Board

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IN THE MATTER OF:

ROAN MOUNTAIN UTILITY DISTRICT **TENN. CODE ANN. § 7-82-709**

ORDER

On April 20, 2023, the Tennessee Utility Management Review Board ("the Board") reviewed the financially distressed status of Roan Mountain Utility District (the 'Entity"), pursuant to Tenn. Code Ann. § 7-82-709. The Entity has been found to have complied with Board directives to remove financial distress, but these utilities have still demonstrated non-compliance with water loss standards. Board staff recommends the following entities be released from Board oversight for financial distress.

Based on Board staff's presentation and recommendation, the Board orders as follows:

- The Entity is released from Board oversight for financial distress. Board staff and Counsel shall close the financial distress case.
- 2. The Entity's water loss case shall remain open under the Board's oversight.
- 3. The Entity shall send Board staff an update by June 30, 2023, that details their plan to improve their non-revenue water and validity score. This plan should include any capital improvements that are to be made.

 The Entity shall remain under Board supervision for water loss until the Board releases the Entity from its oversight.

ENTERED this <u>||</u> day of May, 2023.

5 mg Greg Moody Chair

Utility Management Review Board

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IN THE MATTER OF:

LONE OAK UTILITY DISTRICT **TENN. CODE ANN. § 7-82-308**

ORDER

On April 20, 2023, the Tennessee Utility Management Review Board ("the Board") reviewed the financially distressed status of Lone Oak Utility District (the "Entity"), pursuant to Tenn. Code Ann. § 7-82-308.

The Entity was found to have complied with Board Directives to remedy financial distress and has determined that the Entity should be removed from Board oversight for financial distress. The members of the Entity's governing body have not complied with applicable training requirements.

Based on staff's information and recommendations, the Board orders as follows:

- 1. The Entity is officially released from the Board's oversight for financial distress.
- 2. Staff and Counsel shall close the Entity's financial distress case.
- 3. By June 30, 2023, the Entity shall send Board staff proof that all members of the utility system's governing body has complied with the applicable training requirements.
- 4. Should the Entity fail to comply with any directive in this order, Board staff and Counsel shall issue subpoenas for the Entity's governing body to appear in-person before the Board during its next meeting following non-compliance with this order.

5. If the Entity shows that all governing body members are compliant with training requirements and Board staff are unaware of any reason for which the Entity should remain under Board supervision, Board staff may close the Entity's case without further action by the Board.

ENTERED this $\underline{\parallel}$ day of May, 2023.

Greg Moody, Chair

Utility Management Review Board

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IN THE MATTER OF:

JACKSON COUNTY UTILITY DISTRICT **TENN. CODE ANN. § 7-82-709**

ORDER

On April 20, 2023, the Tennessee Utility Management Review Board ("the Board") reviewed the status of the Jackson County Utility District ("the Entity") listed below, pursuant to Tenn. Code Ann. § 7-82-709.

The Entity complied with Board directives and remedied or made significant progress in remedying its financial distress. Board staff indicated its belief that the entities should be released from Board supervision for financial distress but should remain under Board supervision due to excessive non-revenue water loss.

Based on staff's information and recommendation, the Board orders as follows:

- 1. The Entity is officially released from the Board's oversight for financial distress. The Entity shall remain under Board oversight for excessive water loss.
- 2. Staff and Counsel shall close the Entity's financial distress cases.

ENTERED this day of May, 2023 Greg Moody, Chair

Utility Management Review Board

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IN THE MATTER OF:

CUMBERLAND UTILITY DISTRICT TENN. CODE ANN. § 7-82-701 et seq.

ORDER

On April 20, 2023, the Tennessee Utility Management Review Board ("the Board") reviewed the status of the Cumberland Utility District of Roane and Morgan Counties ("the District"), pursuant to Tenn. Code Ann. § 7-82-701 *et seq*.

The District received an unsatisfactory score on a sanitary survey, which listed numerous deficiencies. Board staff has also been notified of a number of apparent violations of the Tennessee Open Meetings Act and the Tennessee Public Records Act. These deficiencies and allegations raise concerns as to the financial, technical, and managerial competency of the District and warrant further investigation by Board staff.

Accordingly, the Board orders as follows:

- Board staff will investigate the financial, technical, and managerial competency of the District, with an emphasis on the fairness and reasonableness of the District's rate structure, the District's level of debt, and the District's knowledge of and ability to comply with the Tennessee Public Records Act and the Tennessee Open Meetings Act.
- 2. Board staff shall, with the full authority of the Board, issue subpoenas for the Entity's manager, governing body, or any other necessary staff, to appear in-person before the

Board at its following Board meeting if the Entity does not comply fully with the Board's investigation.

3. Board staff shall update the Board as to the status of this investigation at the next regularly scheduled Board meeting.

ENTERED this <u></u> day of May, 2023. U Greg Moody, Chair

Utility Management Review Board

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IN THE MATTER OF:

QUEBECK-WALLING UTILITY DISTRICT) TENN. CODE ANN. § 7-82-307

ORDER

On April 20, 2023, the Tennessee Utility Management Review Board ("the Board") reviewed the Quebeck-Walling Utility District ("the Entity") pursuant to Tenn. Code Ann. § 7-82-307.

The Entity has been under Board supervision for financial distress since 2021. Board staff has identified the following weaknesses or findings: the Entity's plan to remedy its financial distress is premised on an increase in future revenues and leak finding equipment to help reduce unaccounted for water, which fiscal impact is unsupported by analysis; the Entity has no debt management policy, capitalization policy, or asset management plan; the Entity did not provide a current rate ordinance or resolution.

Based on Board staff's presentation and recommendation, the Board orders as follows:

- 1. The Entity shall have the Tennessee Association of Utility Districts, or another qualified expert as approved by Board staff, perform a rate study that includes the following:
 - a. a review of the capitalization policy, including any recommended modifications;
 - b. a review of the debt management policy, including any recommended modifications;

- c. the creation of a five-year capital asset budget, to be taken from the current capital asset list and to include future anticipated needs;
- a review of relevant utility fees including but not limited to connection or tap fees,
 including any recommended modifications;
- e. verification that all governing body members of the utility are in compliance with all relevant training requirements; and
- f. a review of the leak adjustment policy, including any recommended modifications or adoption of such a policy should one not exist.
- 2. By June 30, 2023, the Entity shall send Board staff a copy of the contract between the Entity and the qualified expert who is to perform the tasks in paragraph 1.
- 3. By September 30, 2023, the Entity shall provide Board staff with the completed rate study and either proof of implementation of the resulting recommendations or a proposed plan of implementation.
- Board staff is given the authority to grant one extension of up to six months of the foregoing deadlines upon a showing of good cause by the Entity.

ENTERED this <u>(</u> day of May, 2023.

Utility Management Review Board

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IN THE MATTER OF:

MULTIPLE ENTITIES

TENN. CODE ANN. § 7-82-701

ORDER

On April 20, 2023, the Tennessee Utility Management Review Board ("the Board") reviewed the status of the entities below. The following entities have not completed their Annual Information Report:

Brownlow Utility District	Grandview Utility District	Siam Utility District			
Clearfork Utility District	Samburg Utility District	West Point Utility District			
Based on Board staff's presentation and recommendation, the Board orders as follows:					

1. The entity shall complete the Annual Information Report by May 31, 2023.

- 2. Should the Entity fail to comply with any directive in this order, Board staff and Counsel shall issue subpoenas for the Entity's governing body to appear in-person before the Board during its next meeting following non-compliance with this order.
- 3. If the Entity shows compliance with completing the Annual Information Report and Board staff are unaware of any reason for which the Entity should remain under Board supervision, Board staff may close the Entity's case without further action by the Board.

ENTERED this 1 day of May, 2023

Greg Moody, Chair Utility Management Review Board

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IN THE MATTER OF:

MULTIPLE ENTITIES

TENN. CODE ANN. § 7-82-701

ORDER

On April 20, 2023, the Tennessee Utility Management Review Board ("the Board") reviewed the financially distressed status of the entities listed below.

The following entities were found to have complied with Board directives, and remedied or made significant progress in remedying their financial distress:

Carderview Utility District

Webb Creek Utility District

Sneedville Utility District

Board staff indicated its belief that the entities should be released from Board supervision.

Based on staff's information and recommendation, the Board orders as follows:

1. The above-listed entities are officially released from the Board's oversight.

2. Staff and Counsel shall close the entities' current cases.

ENTERED this <u>Il</u> day of May, 2023.

Greg Moody, Chair Utility Management Review Board

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IN THE MATTER OF:

MULTIPLE ENTITIES

TENN. CODE ANN. § 7-82-709

ORDER

On April 20, 2023, the Tennessee Utility Management Review Board ("the Board") reviewed the non-revenue water loss of the entities listed below, pursuant to Tenn. Code Ann. § 7-82-709.

The following entities have completed the AWWA 6.0 Water Loss Tool through the confirmation of a third party, but have not shown proof of corrective action:

Arthur-Shawanee Utility District	First Utility District of Hawkins County
Bon de Croft Utility District	Gibson County Municipal Water District
Bean Station Utility District	Griffith Creek Utility District
Copper Basin Utility District	Iron City Utility District
County Wide Utility District	North West Utility District
Cross Anchor Utility District	Northwest Dyersburg Utility District
Dyersburg Suburban Utility District	Northwest Henry Utility District
East Sevier County Utility District	South Elizabethton Utility District
First Utility District of Carter County	Surgoinsville Utility District

Based on Board staff's information and recommendation, the Board orders as follows:

1. The entities shall send Board staff an update by June 30, 2023, that details their plan to improve their non-revenue water and validity score. This plan should include any capital improvements that are to be made.

 The entities shall remain under Board supervision until the Board releases the Entity from its oversight.

ENTERED this <u>I</u> day of May, 2023.

U K Greg Moody Chair

Utility Management Review Board