

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**December 19, 2011**

**IN RE:**

**PETITION OF TENNESSEE WASTEWATER  
SYSTEMS, INC. FOR DECLARATORY  
RULING**

)  
)  
)  
)  
)

**DOCKET NO.  
11-00199**

---

**ORDER ESTABLISHING A PROCEDURAL SCHEDULE**

---

This matter is before the Tennessee Regulatory Authority (“Authority” or “TRA”) upon the *Petition for Declaratory Ruling* (“*Petition*”) filed on November 16, 2011 by Tennessee Wastewater Systems, Inc. (“TWSI”). TWSI is petitioning for a declaratory ruling, pursuant to Tenn. Code Ann. § 4-5-223, concerning the interpretation of Tenn. Code Ann. § 6-51-301 and its application to a dispute between TWSI and the Caryville-Jacksboro Utility Commission (“CJUC”) as to which entity can legally provide wastewater service to Villages at Norris Lake in Campbell County, Tennessee.<sup>1</sup> TWSI asks for a declaratory order from the Authority finding:

That TWSI has a legally protected right to provide wastewater services to Villages at Norris Lake, subject to the TRA’s power to modify or revoke that right and that, absent such action by the TRA, CJUC is prohibited by state law from providing wastewater services to Villages at Norris Lake.<sup>2</sup>

No one has filed a petition to intervene in this docket to date.

During the December 12, 2011 Authority Conference, the Authority voted to appoint Jean Stone of the Legal Division to act as the Hearing Officer in this matter to make a determination, prior to January 16, 2012, whether to accept the *Petition* and whether to set this

---

<sup>1</sup> *Petition of Tennessee Wastewater Systems, Inc. for Declaratory Ruling*, p. 1 (November 16, 2011).

<sup>2</sup> *Id.* at 3.

matter for a contested case proceeding.<sup>3</sup> In making the determination as to whether to accept the *Petition*, the Hearing Officer is bound by the criteria set forth in Tenn. Code Ann. §§ 4-5-233 and 65-2-104 and TRA Rule 1220-1-2-.05(1). Therefore, to assist the Hearing Officer in making this determination, TWSI or any timely intervenor shall file a brief on the threshold issue of whether it is appropriate for the TRA to accept the *Petition for Declaratory Ruling* under the criteria set forth in Tenn. Code Ann. §§ 4-5-233 and 65-2-104 and TRA Rule 1220-1-2-.05(1).

The Hearing Officer hereby establishes the following schedule in this docket:

**Brief(s) on appropriateness of  
acceptance of *Petition***

**Tuesday, January 3, 2012**

**Reply briefs, if applicable**

**Friday, January 6, 2012**

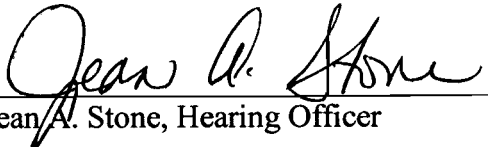
**Oral argument, if requested**

**Monday, January 9, 2012 following the  
Authority Conference at 1:00 p.m.**

All filings are required to be submitted to the Authority no later than **2:00 p.m.** on the date they are due. Requests for extensions of time shall be made by written motion and shall state the grounds for the request.

**IT IS THEREFORE ORDERED THAT:**

1. The procedural schedule for this matter shall be as set forth in this Order.
2. Any person desiring to participate as a party in the proceedings outlined above shall file a petition to intervene with the Hearing Officer no later than Thursday, December 29, 2011.

  
\_\_\_\_\_  
Jean A. Stone, Hearing Officer

<sup>3</sup> If the *Petition* is accepted, the Hearing Officer is authorized to resolve any preliminary matters, including the preparation of a Notice to the Secretary of State as required by Tenn. Code Ann. § 4-5-224, and to hear and consider the *Petition* on its merits.