

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

December 21, 2011

IN RE:)	
)	
PETITION OF TENNESSEE WASTEWATER)	DOCKET NO.
SYSTEMS, INC. FOR DECLARATORY)	11-00199
RULING)	

ORDER GRANTING PETITION TO INTERVENE

On December 20, 2011, Emerson Properties, LLC ("Emerson") filed the *Petition of Emerson Properties, LLC to Intervene* in this matter, which arises from the *Petition for Declaratory Ruling* filed by Tennessee Wastewater Systems, Inc. ("TWSI") on November 16, 2011. 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 as to which entity can legally provide wastewater service to Villages at Norris Lake in Campbell County, Tennessee.¹

Emerson's Petition to Intervene states it is the owner of the real property known as the Villages at Norris Lake Subdivision, having purchased the real property from the bankrupt debtor The Villages at Norris Lake, LLC. Emerson asserts that, as the property owner, it is an interested party within the meaning of Tenn. Code Ann. §§ 4-5-310 and 65-2-107 and that its real property rights, contractual rights and obligations and other legal interests are directly affected by these proceedings and may be impacted by any determination made herein. TWSI does not oppose the request.²

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

² TWSI stated its position during a conference call with the Hearing Officer on December 19, 2011, in which Emerson also participated.

Criteria for Permitting Intervention

Tenn. Code Ann. § 4-5-310(a) sets forth the following criteria for granting petitions to intervene:

(a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if;

(1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing;

(2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of the law; and

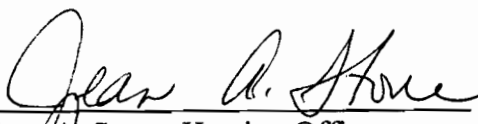
(3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.

Discussion

Emerson's Petition to Intervene was timely filed and served and substantiated that the legal interests of the intervenor may be determined in this matter. The Hearing Officer finds that the legal rights, duties, privileges, immunities or other legal interests of Emerson may be determined in the proceeding. Upon applying the standards set forth in Tenn. Code Ann. § 4-5-310(a), the Hearing Officer grants the *Petition of Emerson Properties LLC to Intervene*.

IT IS THEREFORE ORDERED THAT:

Emerson Properties, LLC is hereby given leave to intervene and receive copies of any notices, orders or other documents herein. Emerson Properties, LLC may also participate fully in the proceedings in this matter as outlined in the *Order Establishing a Procedural Schedule* issued on December 19, 2011.


Jean A. Stone, Hearing Officer