

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

August 18, 2015

IN RE:)	
)	DOCKET NO.
PETITION OF HAMMERLAND UTILITIES, INC.)	14-00124
FOR A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO PROVIDE)	
WASTEWATER SERVICE IN TENNESSEE)	

ORDER HOLDING PROCEEDINGS IN ABEYANCE

This matter is before the Hearing Officer of the Tennessee Regulatory Authority (“Authority” or “TRA”) following informal communications with the parties, Petitioner Hammerland Utilities, Inc. (the “Utility” or “Hammerland Utilities”), the Consumer Advocate and Protection Division of the Office of the Tennessee Attorney General (“Consumer Advocate”), and the River Trace II Property Owners (“Property Owners”) on August 7, 2015.

With their petition to intervene, the Property Owners filed a copy of a *Restraining Order* entered in the Stewart County Chancery Court (“Chancery Court”) on February 28, 2013, which prohibits Hammerland, Inc. (the “Developer”) from selling or transferring the real property upon which the existing sewer disposal system that serves the River Trace II development is situated.¹ In response, Hammerland Utilities filed with the TRA a copy of its *Motion to Lift Restraining Order* (“*Motion to Lift*”) that was filed in the Chancery Court on April 16, 2015.² In its *Motion to Lift*, the Developer states that it was unaware of the issuance of the *Restraining Order* and

¹ *River Trace II Property Owners Petition to Intervene*, unnumbered attachment (April 16, 2015).

² The *Motion to Lift Restraining Order* was filed in the docket file with various other documents filed in the Chancery Court for Stewart County, Tennessee (May 11, 2015).

admits that it executed a Quitclaim Deed for the transfer of the real property at issue to Hammerland Utilities on May 15, 2014.³

Counsel for Hammerland Utilities' confirmed by email that the *Motion to Lift* has not yet been heard or ruled upon, and thus, the *Restraining Order* prohibiting the sale or transfer of the sewer property is still in effect in the Chancery Court. Until the Chancery Court lifts the restraining order or otherwise resolves the action pending before it concerning ownership of the utility property, the Hearing Officer finds that these proceedings should be held in abeyance. Upon action or other good cause, Hammerland Utilities shall file notice of resolution and/or a copy of the Chancery Court's Order in the TRA docket file so that consideration of its request for a Certificate of Public Convenience and Necessity may proceed forward.

IT IS THEREFORE ORDERED THAT:

These proceedings are held in abeyance pending notice of good cause to proceed or until the Stewart County Chancery Court lifts the restraining order or otherwise resolves the action pending before it concerning ownership of the utility property. Upon such good cause or action, Hammerland Utilities shall file with the Authority notice and a copy of the Chancery Court's Order, as appropriate, and a motion requesting that these proceedings move forward to a hearing before the TRA panel.



Kelly Cashman-Grams, Hearing Officer

³ *Motion to Lift Restraining Order*, ¶ 3-5 (April 16, 2013) (filed in TRA docket file on May 11, 2015).