

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
AT NASHVILLE, TENNESSEE**

<b>IN RE: PETITION OF EAGLES NEST LLC TO REQUIRE LAUREL HILLS CONDOMINIUM ASSOCIATION, INC. TO PERMIT CONNECTION TO WATER SYSTEM TO EAGLES NEST, LLC'S PROPERTY ON RENEGADE MOUNTAIN</b>	) ) ) ) ) ) )	<b>Docket No. 15-00047</b>
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**PETITION TO INTERVENE**

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Herbert H. Slatery III, Attorney General and Reporter for the State of Tennessee, by and through the Consumer Advocate and Protection Division of the Office of the Attorney General ("Consumer Advocate"), pursuant to Tenn. Code Ann. § 65-4-118, respectfully petitions the Tennessee Regulatory Authority ("TRA" or "Authority") to grant the Consumer Advocate's intervention into this proceeding because consumers' interests, rights, duties or privileges may be determined or affected by the proceeding. For cause, Petitioner would show as follows:

1. The Consumer Advocate is authorized by Tenn. Code Ann. § 65-4-118 to represent the interests of Tennessee consumers of public utilities services by initiating and intervening as a party in proceedings before the Authority in accordance with the Uniform Administrative Procedures Act ("UAPA"), Tenn. Code Ann. § 4-5-101 *et seq.*, and Authority rules.

2. Eagles Nest, LLC ("Eagles Nest"), is a Nevada limited liability company that owns real property on Renegade Mountain, Cumberland County, Tennessee, in an area served by the Laurel Hills Condominium Association's ("Laurel Hills") water system. No other water source is reasonably available to Eagles Nest. *Petition* at ¶ 2.

3. In its *Petition to Require Laurel Hills Condominium Association, Inc. to Permit Connection to Water System to Eagles Nest, LLC's Property on Renegade Mountain* ("Petition"), filed April 22, 2015, in Docket 15-00047, Eagles Nest has requested that the TRA order Laurel Hills to allow Eagles Nest to connect to Laurel Hills' water system pursuant to usual connection procedures.

4. The TRA issued its *Order Denying Certificate of Public Convenience and Necessity and Requiring Divestiture of Water System* ("Order") in TRA Docket 12-00030 ("Order") against Laurel Hills on April 18, 2013. Over two years have passed since the *Order* was issued, and Laurel Hills has not divested its water utility. The deadline for divestiture was June 7, 2013. *Order* at 32.

5. Because Laurel Hills has not divested its water utility, it remains a public utility regulated by the Authority: "Pending divestiture of its water utility, Laurel Hills remains a public utility and shall follow all applicable statutes, rules and procedures." *Order* at 32.

6. As a regulated public utility, "Laurel Hills shall furnish safe, adequate and proper service." *Order* at 32.

7. Laurel Hills has refused to provide service to Eagles Nest in the usual course of operating the public system, and Eagles Nest needs to connect to Laurel Hills' water service to develop its property. *Petition* at ¶¶ 2, 9.

8. An exhaustive list of reasons for which a public water utility may deny service to a potential customer is set forth in TRA Rule 1220-04-3.19. None of those reasons apply to Laurel Hills' denial of service to Eagles Nest. *Petition* at ¶ 12.

9. Upon denying service to Eagles Nest, TRA Rule 1220-04-3.19(k) requires Laurel Hills to "notify [Eagles Nest] promptly of the reason for the refusal to serve and of [its] right to appeal the utility decision to the Authority." Laurel Hills did not initially notify Eagles Nest of

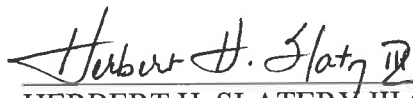
the reason for denying service, but the utility now contends that it will not provide service to Eagles Nest because it “does not have a certificate to operate a water system” and extending service to Eagles Nest would therefore lack TRA approval and subject Laurel Hills to fines. *See Petition at Exhibit B.*


10. Consumers have an interest in the denial of water service to potential customers, and Eagles Nest, as a consumer, may have rights to receive water service from Laurel Hills. The Consumer Advocate is entitled to represent that interest and those rights.

11. Only by participating as a party to this proceeding can the Consumer Advocate adequately carry out its statutory duty to represent the interests and rights of Tennessee consumers.

WHEREFORE, the Consumer Advocate requests the Authority to grant this Petition to Intervene.

RESPECTFULLY SUBMITTED,

  
HERBERT H. SLATTERY III (BPR #09077)  
Attorney General and Reporter  
State of Tennessee

  
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via U.S. Mail or electronic mail upon:

Melanie E. Davis  
Kizer & Black Attorneys, PLLC  
329 Cates Street  
Maryville, TN 37801

This the 14<sup>th</sup> day of May, 2015.

  
Erin Merrick