

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

IN RE:	August 7, 2019)	
)	
ALLEGED VIOLATIONS OF)	
THE STATUTES AND RULES)	DOCKET NO. 15-00118
REGULATING WATER UTILITIES)	
BY MOY TOY, LLC)	

AGREED ORDER DISMISSING *PETITION* AND CLOSING DOCKET

Come now the undersigned parties in this matter, Tennessee Public Utility Commission ("TPUC" or "Commission") Staff acting as Party ("Party Staff"), and Moy Toy, LLC ("Moy Toy"), by and through the parties' respective undersigned counsel, and submit this Agreed Order in order to dismiss the *Petition* of Party Staff with prejudice and closing the docket. In support of this Agreed Order, the parties would show as follows:

1. On December 30, 2015, the Party Staff filed a *Petition* requesting that the Commission issue and order requiring Moy Toy to show cause why it should not be found liable for violations of statutes and rules concerning the regulation of water utilities, and asking for the imposition of civil penalties and the refund of money received by Moy Toy from operation of the water utility.¹

2. Other than the exchange of information through data requests, this matter has been dormant pending the resolution of litigation in related matters in other TPUC dockets and the Cumberland County Chancery Court.²

¹ *Petition* (December 30, 2015).

² See *In re: Petition of Laurel Hills Condominiums Property Owners Association For a Certificate of Public Convenience and Necessity*, Docket No. 12-00030; *In re: Show Cause Proceeding Against Laurel Hills*

3. The parties to this docket, along with other interested parties, including, Laurel Hills Condominiums Property Association (“LHCPOA”), Receivership Management, Inc. (“RMI”), as receiver of the water system, the Consumer Advocate, Crab Orchard Utility District (“COUD”) and Terra Mountain Holdings, LLC (“Terra Mountain”)³ engaged in settlement discussions to resolve all matters relative to LHWS.⁴ Those discussions resulted in the Global Settlement Agreement (“GSA”) approved by the Commission and entered by the parties in interest.⁵

4. The parties have engaged to carry out the terms of the GSA, substantially completing the requirements of the GSA. As evidence thereof, the *Request for Closure of Docket*, filed by Party Staff in Docket No. 12-00030 is incorporated herein by reference as if stated verbatim herein.⁶

5. The terms of the GSA require closure of this docket, dismissing the *Petition* with prejudice.⁷

Condominiums Property Owners Association for Alleged Violations of Tenn. Code Ann. §§ 65-4-201, 65-4-3019(a), 65-5-102, 65-4-101 and/or 65-4-103, and 65-4-115, Docket No. 12-00077; In re: Petition of Receivership Management, Inc., Solely In Its Capacity as Receiver of the Laurel Hills Water System In Receivership For a Provisional Certificate of Public Convenience and Necessity, Docket No. 17-00098; Tenn. Pub. Utility Comm’n. v. Laurel Hills Condominiums Owners Ass’n, Cumberland County Chancery Court Case No. 2012-CH-560; and, Laurel Hills Water System, in Receivership, by and through its Court-Appointed Receiver, Receivership Management, Inc. v. Moy Toy, LLC and Terra Mountain Holdings, LLC, Cumberland County Circuit Court Case No. CC1-2016-CV-6201.

³ Prior to submission of the GSA to TPUC for approval, Terra Mountain sold property constituting its interest in the matters to Michael C. Buford, who entered into the GSA instead of Terra Mountain.

⁴ It is also noted that Renegade Mountain Community Club was included in negotiations of the Global Settlement Agreement until the opinion of the Tennessee Court of Appeals in *Gary Haiser et al. v. Michael McClung et al.*, 2018 WL 4150877 (2018), which was filed on August 29, 2018 vacated the Board of said entity.

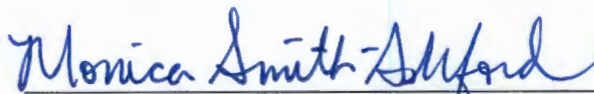
⁵ See *In re: Petition of Laurel Hills Condominiums Property Owners Association for a Certificate of Public Convenience and Necessity*, Docket No. 12-00030, *Order Approving and Authorizing Entry of Settlement Agreement* (March 6, 2019).

⁶ See *In re: Petition of Laurel Hills Condominiums Property Owners Association for a Certificate of Public Convenience and Necessity*, Docket No. 12-00030, *Request for Closure of Docket* (July 31, 2019).

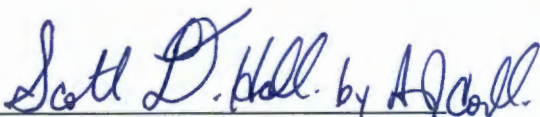
⁷ *Id.* at Exh. A, ¶F.2.

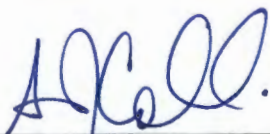
Based upon the foregoing, the Hearing Officer finds that it is appropriate to dismiss the *Petition* against Moy Toy in this matter with prejudice, in accordance with the terms of the Global Settlement Agreement.

IT IS THEREFORE ORDERED that the terms and provisions of the Global Settlement Agreement, as they relate to this action and the dismissal thereof, are hereby incorporated by reference as if stated herein verbatim, that the *Petition* against Moy Toy, LLC be dismissed with prejudice, and this docket closed.


Monica Smith-Ashford, Hearing Officer

APPROVED FOR ENTRY:


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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing order has been served upon the parties hereto and the other persons listed below, at:

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via the United States Mail, postage prepaid and via electronic mail, this 7th day of August, 2019.



Aaron J. Conklin