

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

August 19, 2019

IN RE:	)	
	)	
SHOW CAUSE PROCEEDING AGAINST	)	DOCKET NO.
CUMBERLAND POINT CONDOMINIUM	)	15-00126
PROPERTY OWNERS ASSOCIATION FOR	)	
VIOLATIONS OF THE STATUTES AND RULES	)	
REGULATING WASTEWATER UTILITIES	)	

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ORDER GRANTING REQUEST FOR DISMISSAL AND CLOSING DOCKET

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This matter is before the Hearing Officer of the Tennessee Public Utility Commission ("Commission" or "TPUC") for consideration of the *Request for Dismissal* filed by TPUC Party Staff on January 25, 2019.

On March 17, 2016, the Commission, previously the Tennessee Regulatory Authority ("Authority" or "TRA") appointed a Hearing Officer at the request of the TRA Compliance Division as a Party to determine "whether to initiate a Show Cause proceeding against Cumberland Point Condominium Property Owners Association for failure to comply with the statutory and regulatory requirements applicable to wastewater utilities, and if a Show Cause is initiated to prepare the matter for Hearing."<sup>1</sup> Due to the ongoing issues and litigation, the Hearing Officer refrained from acting on this docket. On January 25, 2019, TPUC Party Staff filed its *Request for Dismissal* asking that the matter be dismissed and the docket closed because as a result of a settlement agreement entered in Cumberland County Chancery Court, the wastewater system owned and operated by Cumberland Point Condominiums Property Owners Association ("CPCPOA")

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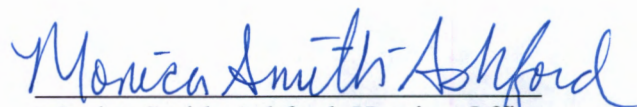
<sup>1</sup> *Order Appointing Hearing Officer* (March 17, 2016).

serves only members of the property owners association.<sup>2</sup> The *Request for Dismissal* states that pursuant to the terms of the settlement agreement, the nine property owners who were outside of the Cumberland Point Condominiums but were being served by the wastewater system became associate members of the Cumberland Point Condominiums Property Owners Association.<sup>3</sup> Thus, pursuant to Tenn. Code Ann. § 65-4-101(6)(B)(i), CPCPOA would no longer fall within the definition of a public utility subject to Commission regulation.<sup>4</sup> Therefore, Party Staff requests that this matter be dismissed.

The Hearing Officer finds the request is well taken and should be granted.

**IT IS THEREFORE ORDERED THAT:**

The *Request for Dismissal* is granted and this docket is closed.

  
Monica Smith-Ashford, Hearing Officer

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<sup>2</sup> *Request for Dismissal*, p. 2 (January 25, 2019).

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

<sup>4</sup> *Id.*