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May 30, 2017

Vance Broemel (Vance.Broemel@ag.tn.gov)
Office of the Attorney General – Consumer Advocate Division
P.O. Box 20207 Nashville, TN 37202

RE: Milcrofton Complaint, TPUC Docket No. 17-00013

EMAIL

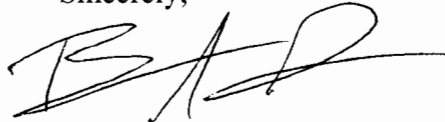
Dear Ms. Broemel:

This letter is in response to the letter you sent on May 23, 2017 seeking clarification of the relief sought in this proceeding by the Milcrofton Utility District (the “District”). The District believes that the respondent in this matter should be declared a “public utility” as that term is used in Tenn. Code Ann. § 65-4-101, which as you know would require it to have a Certificate of Public Convenience and Necessity as required by Part 2 of Chapter 4 of Title 65.

The District further believes that the Tennessee Public Utility Commission would be without authority to grant such a Certificate in light of the authority cited in your letter. As a result, the District would hope that TPUC would thereafter take whatever steps are necessary to ensure that the respondent ceases operation as such operation is clearly contrary to Title 65 of the Tennessee Code.

As a result, the District is not requesting that TPUC issue a CCN in this proceeding, but rather declare that the Respondent is a “public utility” as that term is used in Tenn. Code Ann. § 65-4-101.

Sincerely,



Benjamin A. Gastel

cc: KAREN H. STACHOWSKI