

**IN THE TENNESSEE PUBLIC UTILITY COMMISSION
AT NASHVILLE TENNESSEE**

IN RE:)	
)	
PETITION OF INTEGRA WATER TENNESSEE, LLC)	
FOR A CERTIFICATE OF PUBLIC CONVENIENCE)	DOCKET NO.
AND NECESSITY AND AUTHORITY TO CHARGE)	17-00014
RATES IN CASEY COVE SUBDIVISION LOCATED)	
IN DEKALB COUNTY, TENNESSEE)	

**MOTION OF PARTY STAFF TO TERMINATE
CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

Comes now the Tennessee Public Utility Commission (“TPUC” or “Commission”) Staff as a party (“Party Staff”) in accordance with Commission Rule 1220-04-13-.09(7)-(8) and moves for termination of the Certificate of Public Convenience and Necessity (“CCN”) issued to Integra Water Tennessee, Inc. (“Integra”). In support of its motion, Party Staff would state as follows:

I. JURISDICTION AND RELEVANT STATUTES AND RULES

The Commission is charged with “general supervisory and regulatory power, jurisdiction, and control over all public utilities, and also over their property, property rights, facilities, and franchises, so far as may be necessary for the purpose of carrying out the provisions of this chapter.”¹ The Commission has a duty to ensure that “all laws of this state over which they have jurisdiction are enforced and obeyed, that violations thereof are promptly prosecuted....”² The Tennessee Court of Appeals has described the statutorily vested powers of the Commission as “practically plenary authority over the utilities within its jurisdiction...,” while noting that statutory authority is specifically limited to the authority necessary to implement the statutory charge of the agency.³ The Commission is empowered to adopt rules to implement, interpret and make specific the laws that it enforces and administers.⁴

¹ Tenn. Code Ann. § 65-4-104 (2022).

² Tenn. Code Ann. § 65-1-113 (2022).

³ *Tennessee Cable Television Ass’n v. Tennessee. Pub. Serv. Comm’n*, 844 S.W.2d 151, 159 (Tenn. Ct. App. 1992).

⁴ Tenn. Code Ann. § 65-2-102(a)(2) (2022).

No public utility is permitted to begin construction or operation of a new utility or facility or service without first obtaining a CCN from the Commission.⁵ Additionally, in order to obtain a CCN to provide wastewater service, TPUC Rule 1220-4-13-.04(1)(b) establishes requirements for approval of a CCN to construct and/or operate a wastewater system, including that such operator possess sufficient managerial, financial, and technical abilities to provide the wastewater services for which application has been made, and existing public need.⁶

Commission Rule 1220-04-13-.09(7) requires a wastewater CCN holder to file notice of completion with Commission as follows:

A wastewater CCN holder shall file a written notice of completion that the wastewater system is fully constructed, operational, and providing service not less than three (3) years from the date of the written order granting a CCN. If the written notice of completion is not filed within three (3) years, the CCN shall automatically expire and be terminated without the institution of proceedings under Rule 1220-04-13-.09(4).⁷

An extension of the three-year deadline may be granted upon written request of the CCN holder.⁸

Upon a complaint or the Commission's own motion alleging that a wastewater system has not been completed within three years of the Commission's order, there is a rebuttable presumption that the CCN granted to the public wastewater utility is no longer valid.⁹

II. BACKGROUND AND ORDER APPROVING CCN

On February 8, 2017, Integra filed its *Initial Petition for Certificate of Public Convenience and Necessity By Integra Water Tennessee, LLC* (“*Petition*”) requesting CCN to operate a wastewater disposal system in DeKalb County, Tennessee (the “Casey Cove system”).¹⁰ The Consumer Advocate Division of the Office of the Attorney General (“Consumer Advocate”)

⁵ Tenn. Code Ann. § 65-4-201(a) (2022).

⁶ Tenn. Comp. R. & Regs. 1220-4-13-.04(1)(b).

⁷ Tenn. Comp. R. & Regs. 1220-4-13-.09(7)(a).

⁸ Tenn. Comp. R. & Regs. 1220-4-13-.09(7)(b).

⁹ Tenn. Comp. R. & Regs. 1220-4-13-.09(8).

¹⁰ *Petition* (February 8, 2017).

petitioned for and was granted intervention.¹¹ Following discovery, Integra amended its *Petition* and proposed tariff.¹² Integra and the Consumer Advocate filed an *Amended Stipulation and Settlement Agreement* (“*Settlement Agreement*”) that proposed to resolve all issues concerning Integra’s *Petition*, as amended.

The Commission heard and considered Integra’s *Petition*, as amended, and the Parties’ *Settlement Agreement* during its July 23, 2018, Commission Conference. Following the Hearing, the Commission approved the *Settlement Agreement* and granted Integra’s request for a CCN, contingent upon Integra filing certain documents in this docket. Required filings included:

- a). The deed and/or easements for all the land and entitlement to ownership rights to the wastewater system;
- b). A final copy of the State Operating Permit as issued by the TDEC;
- c). All final signed contracts between Integra and the Developer;
- d). A copy of the final signed plat from DeKalb County, Tennessee showing Integra Water Tennessee, LLC as the utility of record;
- e). “As-built” plans for the sewer system and the collection system capable of providing wastewater service to thirty-one (31) equivalent dwelling units certified as being inspected by Integra; and,
- f). A Tariff including a monthly rate of \$82, an annual lot fee of \$84, and all other fees, rules and regulations with an effective date of July 23, 2018.¹³

Following entry of the Commission’s *Order Approving CCN*, Integra has filed none of the

¹¹ *Petition to Intervene* (March 6, 2017); *Order Granting the Petition to Intervene Filed by the Consumer Advocate* (March 16, 2017).

¹² See *Amendment to Petition for CCN* (May 18, 2017); *Amendment to Petition for Certificate of Public Convenience and Necessity by Integra Water Tennessee, LLC* (September 27, 2017); *Integra Water Tennessee, LLC’s Notice of Filing Amended Tariff* (September 27, 2017); and *Petitioner’s Third Amended Petition and Second Amended Tariff* (June 5, 2018).

¹³ *Order Approving Stipulation and Settlement Agreement and Granting Certificate of Public Convenience and Necessity*, pp. 8-9 (August 22, 2018) (“*Order Approving CCN*”).

required documents in this docket. In addition, Integra has not filed any report on the status of the construction of the system, a notice of completion of the wastewater system as required by Commission Rule 1220-04-13-.09(7), or a written request for extension of time to file a notice of completion as required by the same Commission Rule.

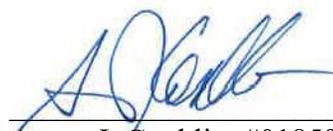
Upon information and belief, as stated by representatives of Integra's parent company to Party Staff, Integra did not take ownership or assume operation of the Casey Cove system as a result of changes to the proposed plat by DeKalb County. Integra did not file a request to relinquish its CCN for the Casey Cove system in this docket.

More than three years have passed since the Commission issued its *Order Approving CCN* in this docket. Integra has not filed a notice of completion as required by Commission Rule 1220-04-13-.09(7). In addition, Integra has not filed required documentation to satisfy the conditions set forth in the *Order Approving CCN*.

III. PRAYER FOR RELIEF

For the reasons stated herein, Party Staff respectfully moves the Commission to declare the CCN issued to Integra Water Tennessee, LLC to be automatically expired and terminated, or in the alternative to enter an order terminating such CCN in accordance with Commission Rule 1220-04-13-.09(7)-(8).

Respectfully submitted,



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CERTIFICATE OF SERVICE

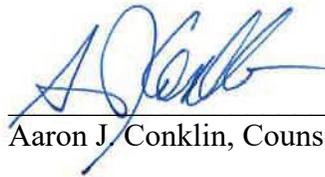
I hereby certify that a true and correct copy of the foregoing was serve via U.S. Mail or electronic mail upon Integra Water, the affiliated company of Integra Water Tennessee, LLC, which is now dissolved, as follows:

Integra Water
P.O. Box 10127
Birmingham, AL 35202-0127

Integra Water
3212 6th Ave. S., Ste. 200
Birmingham, AL 35222-2315

Karen Stachowski, Esq.
Consumer Advocate Division
Office of the Attorney General
karen.stachowski@ag.tn.gov

This the 27th day of February, 2026.



Aaron J. Conklin, Counsel for Party Staff