

¹ *Petition*, p. 1 (September 12, 2017).

receive their water from the Laurel Hills Water System. According to the Community Club, it is “charged with the maintenance of common areas of the Renegade Mountain subdivision, including, but not limited to, easements upon the roads, for the benefit of the members of the Community Club.”² The Community Club maintains that their rights, duties or privileges may be determined or affected by RMI’s *Petition*. Further, the Community Club asserts that the interests of the Community Club and its members “may be affected by the determinations and orders made by the TPUC with respect to (A) the interpretation, application, and implementation of Tenn. Code Ann. §65-4-201 et seq., and other relevant statutory and regulatory provisions and (B) the review and analysis of information RMI submits in support of its request for a CCN.”³ RMI does not oppose the Community Club’s *Petition to Intervene*.

FINDINGS & CONCLUSIONS

Tenn. Code Ann. § 4-5-310 establishes the following criteria for granting petitions to intervene:

(a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if:

- (1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing;
- (2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and
- (3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.

² *Petition*, p. 1 (October 11, 2017).

³ *Id.* at 2.


(b) The agency may grant one (1) or more petitions for intervention at any time, upon determining that the intervention sought is in the interests of justice and shall not impair the orderly and prompt conduct of the proceedings.⁴

Because granting RMI's *Petition* could impact the Community Club and its members, the Hearing Officer finds that there is a sufficient factual basis to find that the legal rights or interests held by the Community Club may be determined in this proceeding.

THEREFORE, upon due consideration, the Hearing Officer concludes that the legal rights, duties, privileges, immunities or other legal interest of the Community Club may be determined in this proceeding. Further, the Hearing Officer finds that the Community Club qualifies under law as an intervenor for the purpose of representing its members' interests, there is no opposition to its intervention, and its *Petition to Intervene* was timely-filed and should not impair the interests of justice or the orderly and prompt conduct of the proceedings. For these reasons, the Hearing Officer concludes that the Community Club's *Petition to Intervene* should be granted.

IT IS THEREFORE ORDERED THAT:

The *Petition to Intervene* filed by the Renegade Mountain Community Club is granted. The Renegade Mountain Community Club may intervene and participate as a party in this proceeding and, as such, shall receive copies of any notices, orders, or other documents filed herein.



Monica Smith-Ashford, Hearing Officer

⁴ Tenn. Code Ann. § 4-5-310.