

NASHVILLE, TENNESSEE

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

This matter came before the Hearing Officer of the Tennessee Public Utility Commission (“Commission” or “TPUC”) during a telephone Status Conference held with the parties on December 21, 2017. The Hearing Officer scheduled the Status Conference to discuss the *Intervenor’s Motion to Abate the Proceedings* (“*Motion to Abate*”) filed by Renegade Mountain Community Club (“Community Club”) on December 19, 2017.

On September 12, 2017, Receivership Management, Inc. (“RMI”) filed a *Petition for Grant of Provisional Certificate of Public Convenience and Necessity* (“*Petition*”) seeking a provisional Certificate of Public Convenience and Necessity (“CCN”) “to operate a water distribution system within a development in Cumberland County, Tennessee, known as Renegade Mountain.”¹ The Consumer Protection and Advocate Division of the Office of the Attorney General (“Consumer Advocate”) and Community Club were granted intervention on November 9, 2017.

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

MOTION TO ABATE

On December 19, 2017, Community Club filed its *Motion to Abate* stating that there are several motions pending in Chancery Court regarding the activities of RMI, including whether RMI has the authority to seek a CCN from the Commission, a Motion for Approval and Adoption of the First Modified Receivership Plan, and a motion for the Chancery Court to direct RMI to stay all proceedings in the current docket before TPUC until “all interested persons, including the Community Club, have had an opportunity to be heard on whether there is a legal or factual basis for the Receiver to continue its application with the TPUC, and a final ruling has been issued by the Chancery Court.”² According to Community Club, these motions are set to be heard on February 20, 2018 and the rulings on these motions “will materially affect the proceedings in this matter.”³ Therefore, Community Club requests that all proceedings in this docket be abated until “all motions referred to above are heard by the Chancery Court, and the Court has issued its ruling on such motions.”⁴ Community Club requests that the TPUC docket be held in abeyance and if the proceedings in the TPUC matter are not resolved by the Chancery Court, then this matter should proceed forward and a new procedural schedule established.⁵

During the Status Conference, RMI argued that the *Motion to Abate* should be denied. According to RMI, Community Club’s motions in Chancery Court do not impact the TPUC CCN proceedings and should not delay the CCN docket. RMI maintains the *Motion to Abate* is a delay tactic and the only reason to delay this docket is to give the parties time to reach an agreement. RMI stated it would agree to delay the docket for 45 days if the plan was to go forward with the hearing in February if an agreement is not reached. The Consumer Advocate

² *Motion to Abate*, p. 2 (December 19, 2017).

³ *Id.* at 3.

⁴ *Id.*

⁵ *Id.*

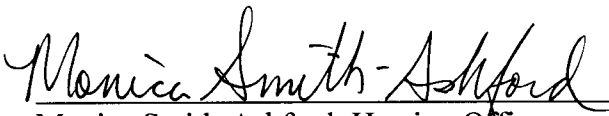
did not object to suspending the procedural schedule and postponing the January 16th hearing date.

FINDINGS & CONCLUSIONS

Based on the record and arguments of the parties, the Hearing Officer finds that the TPUC docket is a separate matter from the proceedings in Chancery Court and the actions of the Chancery Court should not delay this docket. Therefore, the Hearing Officer concludes that the *Motion to Abate* should be denied. However, the Hearing Officer also finds that it is reasonable to delay the proceedings in this docket for a specified period of time to allow the parties an opportunity to continue negotiations. Therefore, the Hearing Officer concludes that the procedural schedule should be suspended, and the hearing scheduled for January 16, 2018 should be postponed. Further, the Hearing Officer will convene a status conference on January 31, 2018 to get an update on the status of negotiations and to determine the next steps in this docket including, but not limited to, establishing a procedural schedule with a February target hearing date.

IT IS THEREFORE ORDERED THAT:

1. The *Intervenor's Motion to Abate the Proceedings* filed by Renegade Mountain Community Club is denied.
2. The Procedural Schedule established by the Hearing Officer on November 9, 2017 is suspended.
3. The hearing scheduled for January 16, 2018 is postponed.
4. A Status Conference will be held on January 31, 2018 to get an update from the parties and if necessary, to establish a new procedural schedule to completion.


Monica Smith-Ashford, Hearing Officer