

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

June 5, 2018

| | | |
|--|---|-------------------|
| IN RE: |) | |
| PETITION OF SUPERIOR WATER SERVICE, LLC |) | DOCKET NO. |
| FOR A CCN TO PROVIDE WATER SERVICE TO A |) | 17-00120 |
| PORTION OF KING'S CHAPEL SUBDIVISION IN |) | |
| WILLIAMSON COUNTY |) | |

**ORDER GRANTING THE JOINT PETITION TO INTERVENE FILED BY MILCROFTON
UTILITY DISTRICT AND NOLENSVILLE/COLLEGE GROVE UTILITY DISTRICT**

This matter is before the Hearing Officer of the Tennessee Public Utility Commission (“Commission” or “TPUC”) to consider the *Joint Petition to Intervene and Motion to Dismiss* (“*Joint Petition to Intervene*”) filed by Milcrofton Utility District (“Milcrofton”) and Nolensville/College Grove Utility District (“NCGUD”) (together, “the Districts”) on November 27, 2017. This Order reflects the Hearing Officer’s ruling on the Joint Petition to Intervene, and the Motion to Dismiss will be addressed in a separate order.

RELEVANT BACKGROUND

On October 31, 2017, Superior Water Service, LLC (“Superior”) filed a *Petition of Superior Water Service, LLC for a Certificate of Convenience and Necessity to Provide Water Service to a Portion of King’s Chapel Subdivision in Williamson County* (“*Petition*”). Superior seeks to provide water service to 177 single family homes in Williamson County, Tennessee. Superior states “[a] need presently exists for the creation of the water utility as existing water utilities are unable to immediately provide such water service within the area...”¹

¹ *Petition*, p. 2 (October 31, 2017).

JOINT PETITION TO INTERVENE

On November 27, 2017, Milcrofton and NCGUD filed a *Joint Petition to Intervene*. According to the Districts, Superior seeks a CCN for homes that are within the service territory of NCGUD. Milcrofton's service territory is adjacent to NCGUD's service territory, and a portion of King's Chapel subdivision is within Milcrofton's service territory. Milcrofton and NCGUD entered a Service Area Agreement in which Milcrofton agreed to serve the entire King's Chapel subdivision, including the area for which Superior is seeking a CCN.²

In the *Joint Petition to Intervene*, the Districts state "[b]oth Districts have a legal interest in the right to provide water service to the area which Superior wishes to serve."³ The Districts assert that both entities have a legal interest and right to intervene pursuant to Tenn. Code Ann. § 4-5-310(a). They maintain that "[g]ranted the Districts' petition will promote the interests of justice and will not impair the orderly and prompt conduct of the proceedings."⁴ Superior does not oppose the *Joint 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

² *Joint Petition to Intervene*, pp. 1-2 (November 27, 2017).

³ *Id.*

⁴ *Id.* at 2.

that the petitioner qualifies as an intervenor under any provision of law; and

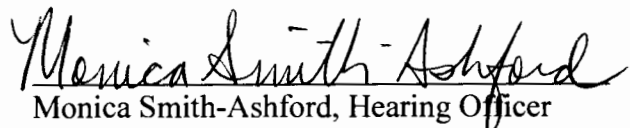
(3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.

(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.⁵

THEREFORE, upon due consideration, the Hearing Officer concludes that the legal rights, duties, privileges, immunities or other legal interest of the Districts may be determined in this proceeding. Further, the Hearing Officer finds that there is no opposition to the intervention, and the *Joint 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 *Joint Petition to Intervene* should be granted.

IT IS THEREFORE ORDERED THAT:

1. The *Joint Petition to Intervene and Motion to Dismiss* filed by Milcrofton Utility District and Nolensville/College Grove Utility District is granted, in part.
2. Milcrofton Utility District and Nolensville/College Grove Utility District may intervene and participate as parties in this proceeding and, as such, shall receive copies of any notices, orders, or other documents filed herein.
3. A determination on the Motion to Dismiss will be made at a later date.


Monica Smith-Ashford, Hearing Officer

⁵ Tenn. Code Ann. § 4-5-310.