

² *Id.* at 2.

wellness center.³

The Petitioner also plans to construct a wastewater system (“System”) to service the Project which will consist of an “on-site non-traditional wastewater treatment and drip disposal system, septic tanks, pump tanks, recirculating packed bed treatment filters, ultraviolet disinfection back-up storage pond, subsurface drip irrigation disposal field and reserve subsurface drip irrigation disposal field.”⁴ According to the *Petition*, the System will not serve any permanent residences and will be constructed to serve only the Project.⁵ The Petitioners state it “will not charge or collect any fees, rates, or dues for use of the System.”⁶ Further, the Petitioner states that if it considers providing public utility services in the future it will promptly file a petition for a CCN with the Commission.⁷

FINDINGS AND CONCLUSIONS

Tenn. Code Ann. § 65-4-101(6)(A) defines a public utility as:

every individual, copartnership, association, corporation, or joint stock company, its lessees, trustees, or receivers, appointed by any court whatsoever, that own, operate, manage or control, within the state, any interurban electric railway, traction company, all other common carriers, express, gas, electric light, heat, power, water, telephone, telegraph, telecommunications services, or any other like system, plant or equipment, affected by and dedicated to the public use, under privileges, franchises, licenses, or agreements, granted by the state or by any political subdivision thereof.

Based on the information provided in the *Petition*, the Hearing Officer finds that the Project is not a public utility because the System will be built by Sloan Farm for the exclusive use of the Project and the customers of the Rural Retreat, and the Petitioner will not charge the Rural Retreat customers for utility service. Therefore, under the facts set forth in the *Petition*, the Hearing Officer concludes that the Project is not a “public utility” as defined by Tenn. Code Ann. § 65-4-101(6) and

³ *Petition*, p. 2 (January 11, 2019).

⁴ *Id.* at 3.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

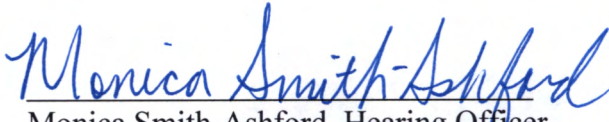
Sloan Farm is not required to obtain a CCN from the Commission. If any of the facts or circumstances set forth in this *Petition* regarding the provision of wastewater service at the Project should change, the Petitioner must notify the Commission immediately.

IT IS THEREFORE ORDERED THAT:

1. Sloan Farm Company, LLC is not required to obtain a Certificate of Public Convenience and Necessity from the Tennessee Public Utility Commission to provide wastewater service to its Rural Retreat-Extensive Use Project located at 3240 Carl Road, Franklin, Tennessee in the manner set forth in its *Petition of Determination*.

2. Sloan Farm Company, LLC must notify the Tennessee Public Utility Commission immediately of any changes in the provision of wastewater service to its Rural Retreat-Extensive Use Project by filing an update in this docket file. Changes to the provision of wastewater service may alter the determination set forth in this Order.

3. Any party aggrieved by the decision of the Hearing Officer in this Initial Order may file a Petition for Appeal with the Tennessee Public Utility Commission within fifteen (15) days from the date of this Initial Order.


Monica Smith-Ashford, Hearing Officer