

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

May 22, 2019

IN RE:

PETITION OF CARTWRIGHT CREEK, LLC TO
AMEND SERVICE TERRITORY TO INCLUDE
THE WILSON PARCEL AND GARRETT PARCEL
FOR THE TROUBADOUR DEVELOPMENT IN
WILLIAMSON COUNTY

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DOCKET NO.
19-00042

ORDER GRANTING THE PETITION TO INTERVENE FILED BY THE
CONSUMER ADVOCATE

This matter is before the Hearing Officer of the Tennessee Public Utility Commission ("Commission" or "TPUC") to consider the *Petition to Intervene* filed by the Consumer Advocate Unit in the Financial Division of the Office of the Attorney General ("Consumer Advocate") on May 1, 2019.

RELEVANT BACKGROUND

Cartwright Creek, LLC ("Cartwright Creek" or the "Company") filed a *Petition of Cartwright Creek, LLC to Amend Service Territory to Include the Wilson Parcel and Garrett Parcel for the Troubadour Development in Williamson County* ("Cartwright Creek Petition") seeking to amend its service territory to include two proposed parcels, the Wilson Parcel and the Garrett Parcel, for the Troubadour Development in Williamson County.

CONSUMER ADVOCATE'S *PETITION TO INTERVENE*

On May 1, 2019, the Consumer Advocate filed a *Petition to Intervene* seeking to intervene in the docket pursuant to Tenn. Code Ann. § 65-4-118, which qualifies the Consumer

Advocate to represent the interests of Tennessee consumers of public utility services in proceedings before the Commission. The Consumer Advocate maintains that Cartwright Creek has filed petitions in two other dockets in which the Consumer Advocate has intervened. Accordingly, the Consumer Advocate states it has “reviewed this *Petition* in the context of all three dockets due to concerns of the possible impacts these docket may have on each other.”¹ The Consumer Advocate asserts that due to the activities of Cartwright Creek set forth in its *Petition to Intervene*, “the rights, duties or privileges of consumers may be affected by determinations and orders made by the TPUC in this docket.”² In addition, the Consumer Advocate argues that “[a]long with its concerns regarding the specific impact to consumers due to the addition of properties and homes to the existing Troubadour development, the Consumer Advocate also has concerns on the potential impacts these three dockets may have on each other and ultimately on Tennessee Consumers.”³ The Consumer Advocate asserts that only by participating in this docket can it adequately represent the interests of Tennessee consumers.⁴ Cartwright Creek does not oppose the Consumer Advocate’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;

¹ *Petition to Intervene*, p. 2 (May 1, 2019).

² *Id.* at 5.

³ *Id.*

⁴ *Id.*

(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.

(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

Although it is not an automatic or absolute right to participate in proceedings before the Commission, Tenn. Code Ann. § 65-4-118(b)(1) provides a general basis for the qualification of the Consumer Advocate to be permitted to intervene as a party to represent the interests of Tennessee public utility consumers. It provides as follows:

The consumer advocate division has the duty and authority to represent the interests of Tennessee consumers of public utilities services. The division may, with the approval of the attorney general and reporter, participate or intervene as a party in any matter or proceeding before the commission or any other administrative, legislative or judicial body and initiate such proceeding, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and the rules of the commission.⁶

Because there may be a potential impact on consumers in this docket by decisions made in the other Cartwright Creek dockets and there are concerns about the impact of the additional parcels on the existing development, the Hearing Officer finds that there is a sufficient factual basis to find that the legal rights or interests held by those consumers may be determined in this proceeding.

THEREFORE, upon due consideration, the Hearing Officer concludes that the legal rights,

⁵ Tenn. Code Ann. § 4-5-310.

⁶ Tenn. Code Ann. § 65-4-118(b)(1).

duties, privileges, immunities or other legal interest of Tennessee consumers may be determined in this proceeding. Further, the Hearing Officer finds that the Consumer Advocate qualifies under law as an intervenor for the purpose of representing those consumer 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 Consumer Advocate's *Petition to Intervene* should be granted.

IT IS THEREFORE ORDERED THAT:

The *Petition to Intervene* filed by the Consumer Advocate Unit in the Financial Division of the Office of the Attorney General is granted. The Consumer Advocate Unit in the Financial Division of the Office of the Attorney General 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