

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

September 30, 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 HOLDING PROCEEDINGS IN ABEYANCE

On March 26, 2019, 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. Cartwright Creek states the parcels are adjacent to the east of the Company’s present service territory.

On May 10, 2019, Cartwright Creek filed *Supplemental Information in Support of the Petition and Request for Waiver of Some Filing Requirements* (“Waiver Request”). In the *Waiver Request*, Cartwright Creek requested that the Hearing Officer allow the Company to “forego certain filing requirements either under the ‘law of the case’ doctrine or if the utility and the agency staff agree that the information is not needed to evaluate the utility’s request to

expand its service area.”¹ Cartwright Creek stated that the “development formerly known as ‘Stillwater,’ then ‘Hideaway’ and now ‘Troubadour,’ has recently been redesigned to make it a more upscale community by reducing the total number of houses to 375 and increasing the total amount of land in the development through the addition of two, adjacent parcels that lie just outside the utility’s service area.”² According to Cartwright Creek, the “sole purpose of this Petition is to ask the Commission to adjust the boundaries of the utility’s service area to include the two adjacent parcels.”³ The Company maintained that “[s]ince the Commission has already authorized Cartwright Creek to serve this development most of the voluminous filings normally required of a wastewater company seeking to serve a new area (*see*, T.P.U.C. rule 1220-04-13-.17) are unnecessary).”⁴ Cartwright Creek argued it is only adjusting the boundary lines established in Docket No. 07-00180, and in that docket, the Commission determine the Company had the technical, managerial, and financial capabilities to provide wastewater services to more homes than its currently planning to serve with the addition of the two parcels. Cartwright Creek argued that those findings remain in effect and are the “‘law of the case’ and cannot be re-litigated by any party or reconsidered by the agency absent a substantial change in the law or the facts since the earlier decision.”⁵

The Hearing Officer scheduled a Status Conference on June 27, 2019 during which Cartwright Creek argued its *Waiver Request*. In an effort to allow the docket to move along expeditiously, on July 2, 2019, the Hearing Officer informed Cartwright Creek that the *Waiver Request* was denied and a written order would be issued later. The Hearing Officer reasoned that knowing the *Waiver Request* was denied would allow Cartwright Creek to begin filing the

¹ *Waiver Request*, p. 1(May 10, 2019).

² *Id.* at 2.

³ *Id.*

⁴ *Id.*

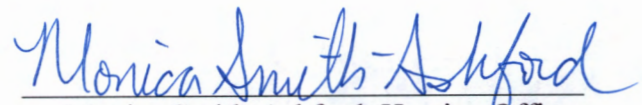
⁵ *Id.* at 3.

minimum filing requirements set forth in Commission Rule 1220-04-13-.17. However, Cartwright Creek did not file documents required in Rule 1220-04-13-.17. Prior to an order being issued denying the *Waiver Request*, Cartwright Creek filed a *Petition of Cartwright Creek, LLC for a Declaratory Ruling* (“*Petition for Declaratory Ruling*”) on July 22, 2019, in Docket No. 19-00061, asking the Commission to issue a declaratory ruling regarding the applicability of Tenn. Code Ann § 65-4-201(a) to the facts in the current docket.⁶

The Hearing Officer finds that since the facts in the current docket form the basis for the *Petition for Declaratory Ruling* and directly relate to how the current docket will proceed and further, since Cartwright Creek has failed to file the minimum requirements under Commission Rule 1220-04-13-.17, even though the Hearing Officer denied its request for a waiver of those requirements, the Hearing Officer finds that in the best interest of judicial economy, this docket should be held in abeyance until a determination is made on the *Petition for Declaratory Ruling*. The *Petition for Declaratory Ruling* is scheduled for a Hearing at 10:30 a.m. on October 14, 2019.

IT IS THEREFORE ORDERED THAT:

This docket shall be held in abeyance until a final ruling is made in Tennessee Public Utility Commission Docket No. 19-00061.


Monica Smith-Ashford, Hearing Officer

⁶ See *In re: Petition of Cartwright Creek, LLC for Declaratory Ruling*, Docket No. 19-00061 (July 22, 2019).