

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

July 8, 2019

IN RE:

PETITION OF KING'S CHAPEL CAPACITY, LLC
TO AMEND SERVICE TERRITORY TO INCLUDE
THE HILL PARCEL AND ROBERTS PARCEL FOR
THE KINGS CHAPEL DEVELOPMENT IN
WILLIAMSON COUNTY

DOCKET NO.
19-00043

ORDER GRANTING PETITION TO INTERVENE FILED BY TENNESSEE WASTEWATER
SYSTEMS, INC.

This matter is before the Hearing Officer of the Tennessee Public Utility Commission ("Commission" or "TPUC") to consider the *Petition of Tennessee Wastewater Systems to Intervene* ("*Petition to Intervene*") filed by Tennessee Wastewater Systems, Inc. ("TWSI") on June 13, 2019.

RELEVANT BACKGROUND

King's Chapel Capacity, LLC ("KCC" or the "Company") filed its *Petition of King's Chapel Capacity, LLC to Amend Service Territory to Include the Hill Parcel and Roberts Parcel for the Kings Chapel Development in Williamson County* ("*Petition*") on March 29, 2019. KCC seeks to amend its Certificate of Public Convenience and Necessity ("CCN") to serve the Hill and Roberts Parcel. Pursuant to a response to a Staff Data Request issued on April 24, 2019, TWSI stated that the Hill and Roberts parcels are within the service territory granted to TWSI in Docket No. 97-001393. Subsequently, TWSI filed a *Petition to Intervene*.

TWSI'S PETITION TO INTERVENE

In its *Petition to Intervene* filed on June 3, 2019, TWSI states that KCC has petitioned the

Commission to expand its service territory to include the Hill and Roberts parcels “which fall within TWSI’s certificated Milcrofton Utility District service territory.”¹ According to TWSI, “[b]ecause the Hill and Roberts parcels are within TWSI’s certificated service territory, TWSI’s legal rights, duties, privileges, and other legal interests related to the provision of service within its certificated territory will be directly affected by the Commission’s determinations in this docket.”²

FINDINGS AND CONCLUSIONS

Under Tenn. Code Ann. § 65-2-107, “All persons having a right under the provisions of the laws applicable to the commission to appear and be heard in contested cases as defined in this chapter shall be deemed parties to such proceedings for the purposes of this chapter. In addition, the commission may upon motion allow any interested person to intervene and become a party to any contested case.” Along with its own statutes and rules, contested case proceedings before the Commission are governed by the provisions of Tenn. Code Ann. § 4-5-101, *et seq.*, known as the Tennessee Uniform Administrative Procedures Act (“UAPA”). Tenn. Code Ann. § 4-5-310 establishes the following criteria for considering petitions to intervene, it reads in part:

(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 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,

¹ *Petition to Intervene*, p. 1 (June 3, 2019).

² *Id.* at 2.

upon determining that the intervention sought is in the interests of justice and shall not impair the orderly and prompt conduct of the proceedings.


Similarly, TPUC Rule 1220-01-02-.08 directs that requests for intervention before the Commission be made and considered as follows:

- (1) Petitions for intervention shall be granted in accordance with T.C.A. § 4-5-310 and T.C.A. § 65-2-107.
- (2) A petition for intervention shall set forth with particularity those facts that demonstrate that the petitioner's legal rights, duties, privileges, immunities or other legal interests may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of law. Intervention may be denied or delayed for failure to provide such specific facts.
- (3) A petition for intervention shall be filed at least seven (7) days prior to the date of the contested case hearing.

Upon due consideration, the Hearing Officer concludes that since the parcels KCC seeks to serve are within TWSI's service territory, the legal rights, duties, privileges, immunities or other legal interest of TWSI may be determined in this proceeding. Further, the *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 TWSI's *Petition to Intervene* should be granted.

IT IS THEREFORE ORDERED THAT:

1. The *Petition of Tennessee Wastewater Systems to Intervene* is granted.
2. Tennessee Wastewater Systems, Inc. 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