

TENNESSEE PUBLIC UTILITY COMMISSION



502 Deaderick Street, 4th Floor
Nashville, Tennessee 37243

NOTICE OF HEARING

In re: Petition For Declaratory Ruling

Pursuant to Tennessee Code Annotated § 4-5-224, the Tennessee Public Utility Commission gives the following notice of hearing on a petition for declaratory ruling:

1. Docket Number and Style:

TPUC Docket No. 19-00061

In re: Petition of Cartwright Creek, LLC for Declaratory Ruling

2. Date, Time and Place of Hearing:

A contested case hearing in the above matter has been scheduled before a Hearing Officer of the Tennessee Public Utility Commission at **10:30 a.m. CDT on October 14, 2019**, in Hearing Room G.201 on the Ground Floor of the Andrew Jackson State Office Building located at 500 Deaderick Street, Nashville, Tennessee 37243.

3. Petitioner: Cartwright Creek, LLC
4. Attorney for Petitioner: Henry Walker, Esq.
Bradley Arant Boult Cummings LLP
1600 Division Street, Suite 700
Nashville, Tennessee 37203
Ph: (615) 252-2363

5. Summary of Relief Requested:

Pursuant to Tenn. Code Ann. §§ 4-5-223 and 65-2-104, the Petitioner requests an order from the Tennessee Public Utility Commission declaring that:

- (1) The requirement of a certificate from the Tennessee Public Utility Commission pursuant to Tenn. Code Ann. § 65-4-201(a) does not apply to the extension of wastewater service to a contiguous unserved parcel of land.

6. The statute the Tennessee Public Utility Commission is called upon to interpret or upon which it is to rule:

- **Tenn. Code Ann. § 65-4-201** states, *in pertinent part*:

(a) No public utility shall establish or begin the construction of, or operate any line, plant, or system, or route in or into a municipality or other territory already receiving a like service from another public utility, or establish service therein, without first having obtained from the authority, after written application and hearing, a certificate that the present or future public convenience and necessity require or will require such construction, establishment, and operation, and no person or corporation not at the time a public utility shall commence the construction of any plant, line, system, or route to be operated as a public utility, or the operation of which would constitute the same, or the owner or operator thereof, a public utility as defined by law, without having first obtained, in like manner, a similar certificate; provided, however, that this section shall not be construed to require any public utility to obtain a certificate for an extension in or about a municipality or territory where it shall theretofore have lawfully commenced operations, or for an extension into territory, whether within or without a municipality, contiguous to its route, plant, line, or system, and not theretofore receiving service of a like character from another public utility, or for substitute or additional facilities in or to territory already served by it.

Submitted for publication by:

Monica Smith-Ashford (BPR # 017567)
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Tennessee Public Utility Commission
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The Notice of Hearing on Petition for Declaratory Ruling set out herein was properly filed in the Office of the Secretary of State, Publications Division, on this the 13th day of September 2019.

By: Monica Smith-Ashford, Esq.
Monica Smith-Ashford, Esq.