

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

IN RE:	December 4, 2019)	
)	
SHOW CAUSE PROCEEDING AGAINST)	DOCKET NO.
CARTWRIGHT CREEK, LLC FOR CHARGING AN)	19-00098
UNAUTHORIZED RATE OR FEE)	

**ORDER INITIATING SHOW CAUSE PROCEEDING
AGAINST CARTWRIGHT CREEK, LLC**

This matter came before Chair Robin L. Morrison, Vice Chair Kenneth C. Hill, and Commissioner Herbert H. Hilliard of the Tennessee Public Utility Commission (“TPUC” or “Commission”), the voting panel assigned to this docket, during a regularly scheduled Commission Conference held on November 4, 2019, for consideration of the opening of a show cause docket to investigate whether Cartwright Creek, LLC (“CC” or “Company”) is or has been charging unauthorized rates or fees.

BACKGROUND AND ANALYSIS

Cartwright Creek, LLC is a public utility subject to the Commission’s jurisdiction that owns and operates wastewater/sewer treatment systems within certain designated service areas. On or about October 10, 2019, Staff received notice of a complaint alleging that Cartwright Creek is charging the homeowners of affected property for the cost of Tennessee811 requests to locate and mark its underground utilities. There is no authorization for such charges within Cartwright Creek’s tariff on file and approved by the Commission. The charging of any rate or fee by a regulated utility without agency authorization is a violation of Tenn. Code Ann. §§ 65-4-104 and 65-5-103 and TPUC Rule 1220-04-13-.13(3).

Based on the allegations of violation, and in light of its request to proceed with an investigation and conduct discovery in the formal context of a docketed proceeding, the Party Staff's request to open a show cause proceeding is granted. Consistent with the Commissioners' standing delegation of authority in contested cases, the General Counsel, or her designee, will act as Hearing Officer to facilitate the investigation and discovery of these matters, and, upon the presentation of preliminary evidence presented by Party Staff, to determine whether a Show Cause Order should be issued and, if so, to prepare the matter for a hearing before the panel.

FINDINGS AND CONCLUSIONS

There are sufficient grounds to open a show cause proceeding for the purpose of investigating the allegations concerning Cartwright Creek. Consistent with the Commissioners' standing delegation of authority in contested cases, the general counsel or her designee will act as hearing officer to facilitate the investigation and discovery of these matters and upon presentation of preliminary evidence by party staff, to determine whether a show cause order should be issued, and if so, to prepare the matter for a hearing before the panel.

IT IS THEREFORE ORDERED THAT:

1. A show cause proceeding is opened to investigate whether or not Cartwright Creek, LLC is or has been charging an unauthorized rate or fee.
2. The general counsel or her designee will act as hearing officer to facilitate the investigation and discovery of these matters and upon presentation of the preliminary evidence by party staff to determine whether a show cause order should be issued, and if so to prepare the matter for a hearing before the panel.
3. Any person who is aggrieved by the Commission's decision in this matter may file a Petition for Reconsideration with the Commission within fifteen (15) days from the date of

this Order.

4. Any person who is aggrieved by the Commission's decision in this matter has the right to judicial review by filing a Petition for Review in the Tennessee Court of Appeals, Middle Section, within sixty (60) days from the date of this Order.

Chair Robin L. Morrison, Vice Chair Kenneth C. Hill, and Commissioner Herbert H. Hilliard concur.

ATTEST:



Earl R. Taylor, Executive Director