

TENNESSEE PUBLIC UTILITY COMMISSION

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T.P.U.C. DOCKET ROOM

502 Deaderick Street, 4th Floor
Nashville, Tennessee 37243

NOTICE OF FILING COMMENTS

DOCKET: 19-00108

IN RE: *Rulemaking Proceeding to Promulgate Rules Related to Extension of Service to Contiguous Territory*

DATE: February 19, 2020

The Tennessee Public Utility Commission has filed a Notice of Rulemaking Hearing with the Tennessee Secretary of State. The noticed Hearing will be held on **April 14, 2020 at 10:00 a.m. (central)** to consider the proposed rule filed in this docket. As a courtesy, a redline copy of the proposed rules are attached to this notice.

Any interested persons who wish to file written comments on the proposed rule changes in advance of the hearing should do so no later than **April 13, 2020**.

FOR THE TENNESSEE PUBLIC UTILITY COMMISSION:



Kelly Cashman Grams, General Counsel

Original in docket file

c: Interested Parties

**Department of State
Division of Publications**

312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower
Nashville, TN 37243
Phone: 615-741-2650
Email: publications.information@tn.gov

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Sequence Number: 02-16-20
Notice ID(s): 3069
File Date: 2/19/2020

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Tennessee Public Utility Commission
Division:	Utilities
Contact Person:	Kelly Cashman-Grams, General Counsel
Address:	502 Deaderick Street, 4 th Floor, Nashville TN 37243
Phone:	615-770-6856
Email:	Kelly.Grams@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Ectory Lawless, Docket & Records Manager
Address:	502 Deaderick Street, 4 th Floor, Nashville TN 37243
Phone:	615-770-6850
Email:	Ectory.R.Lawless@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Andrew Jackson State Office Building		
Address 2:	500 Deaderick Street		
City:	Nashville		
Zip:	37243		
Hearing Date:	April 14, 2020		
Hearing Time:	10:00 a.m.	<input checked="" type="checkbox"/> CST/CDT <input type="checkbox"/> EST/EDT	

Additional Hearing Information:

The Rulemaking Hearing will be held in the ground floor Hearing Room 201 (HR G.201) located within the Andrew Jackson State Office Building. The entrance is located off 5th Street between Deaderick Street and Charlotte Avenue. Please bring a state-issued identification card (driver's license or ID) and arrive early enough to allow sufficient time to go through security screening and obtain a visitor's pass.

Revision Type (check all that apply):

☐ Amendment
☒ New
☐ Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only ONE Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
1220-04	Division of Public Utilities
Rule Number	Rule Title
1220-04-01-.13	Extensions of Service to Contiguous Territory

Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to

<https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

Rule 1220-01-04-.13 *Extensions of Service to Contiguous Territory* is created by adding the following language in its entirety:

- (1) For purposes of this Rule, "contiguous" means immediately adjacent; sharing at least one significant common boundary line. A geographic feature such as a roadway or stream along the common boundary line will not negate contiguity. However, any intervening land or significant body of water will prohibit territories from being contiguous. An extension that traverses unoccupied territory that will not be served by the extension is not contiguous.
- (2) Neither a Certificate of Public Convenience and Necessity ("CCN"), nor an amendment to an existing CCN, shall be required for the extension of public utility service into territory that is contiguous to the territory occupied by such public utility's plant, route, line, or system, when:
 - (a) The contiguous territory is not receiving similar service from another utility service provider; and,
 - (b) The contiguous territory is not located within the designated service territory of another utility providing similar service.
- (3) A public utility shall provide written notice to the Commission of its intention to construct, acquire, or commence operation of a utility system or service in territory that is contiguous to the service territory already designated to the public utility for the provision of service of a like character. Concerning such written notice, the public utility shall:
 - (a) File notice with the docket clerk for the Commission at least thirty (30) days before constructing, acquiring, or commencing operation of such utility system or service; and,
 - (b) Provide notice in a form approved by the Commission; which shall include identification of the area to be served by the extension and other information required by the Commission in the performance of its statutory general supervisory and regulatory duties.
- (4) In addition to the written notice to the Commission required by paragraph three (3) herein, if applicable, the public utility shall:
 - (a) Provide to the Commission proof of notice to the Tennessee Department of Environment and Conservation ("TDEC") of the extension of service of contiguous territory;
 - (b) Provide to the Commission documentation of TDEC permits, permit modifications and/or amendments, or other approval documents certifying appropriate capacity, technical ability, and/or ability to provide service; and,
 - (c) Provide to the Commission documentation concerning any Notice of Violation issued by TDEC or any other entity of government concerning the operations of the utility plant, route, line, or system to be extended.

Authority: T.C.A. §§ 4-5-201 *et seq.*, 65-2-102, 65-3-106 (see Acts 1995, Ch. 305 § 11), and 65-4-201.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: February 18, 2020

Signature: Kelly Cashman Grams

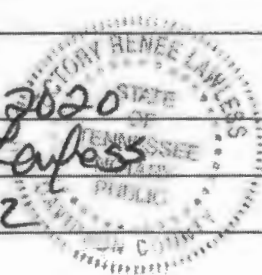
Name of Officer: Kelly Cashman Grams

Title of Officer: General Counsel

Subscribed and sworn to before me on: February 18, 2020

Notary Public Signature: Patty R. Layless

My commission expires on: 3/8/2022



Department of State Use Only

Filed with the Department of State on: 2/19/2020

Tre Hargett

Tre Hargett
Secretary of State

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SECRETARY OF STATE
PUBLICATIONS

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