

Rule 1220-01-04-.13 *Extensions of Service to Contiguous Territory* is created by 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.