

SUPERIOR WASTEWATER SYSTEMS

Providing Superior Wastewater Service to Tennessee

July 15, 2020

Ms. Robin Morrison, Chairman
Tennessee Public Utility Commission
502 Deaderick Street, 4th Floor
Nashville, TN 37243

Docket No. 19-00108

**Re: COMMENTS OF SUPERIOR WASTEWATER SYSTEMS TO THE
COMMISSION'S PROPOSED RULES RELATED TO THE EXTENSION OF
SERVICE TO CONTIGUOUS TERRITORY**

Dear Chairman Morrison:

Superior Wastewater Systems, LLC ("Superior Wastewater"), is pleased to be given this opportunity to provide comments in response to the "Notice of Filing Comments" filed on February 24, 2020 in Tennessee Public Utility Commission ("TPUC") Docket No. 19-00108, In Re: Rulemaking Proceeding to Promulgate Rules Related to Extension of Service to Contiguous Territories ("Proposed Rule").

While the language in the Proposed Rule states that "neither a Certificate of Public Convenience and Necessity ("CCN"), nor an amendment to an existing CCN, is required for the extension of public utility service into territory that is contiguous to the territory occupied by such public utility"¹ ("contiguous territory"), a concern arises in the context of obtaining approvals of site plans and/or plats for real estate developers in the contiguous territory. Specifically, county or local commissions may require that developers provide a CCN or amendment to an existing CCN before approving the developer's site plans and/or plats that enable it to subdivide and sell lots. By way of example, the Williamson County Commission requires that the developer in the territory serviced by Superior Wastewater provide a CCN or an amendment for the contiguous territory for the developer to obtain its approval as described above.

The language of the Proposed Rule does not address the requirement established by county or local commissions, like Williamson County, that a developer provide a CCN or amendment to an existing CCN before obtaining approval of site plans and/or plats. This omission appears to create an additional and inefficient step in which a utility would file the notices and documentation with the TPUC under the Proposed Rule, and then would be required to make a separate filing at

¹ Proposed Rule 1220-01-04-.13(2).

the TPUC to obtain a CCN, amendment, or an appropriate order to satisfy the requirement of the respective county or local commission. To address this additional and inefficient step, Superior Wastewater recommends the addition of language to the Proposed Rule that would require the TPUC, upon the utility's request, to issue a CCN, amendment, or appropriate order – upon the filing of the noticed and data requested by the TPUC – that would conform to the rules, regulations, or ordinances of the state or local jurisdiction requiring such document for the purpose of approving a site plan or plat for such contiguous territory.

Specifically, Superior Wastewater respectfully recommends that a new subpart (5) be added to the Proposed Rule as follows

- (5) Upon receipt of the notices and data required in subparts (3) and (4) above and upon request of the public utility, the Commission shall issue, within 30 days of such utility's request, a CCN, an amendment to an existing CCN, or a similar document conforming to the rules, regulations, or ordinances of an applicable state or local jurisdiction that requires such document for the purpose of approving a site plan or plat for such service territory that is contiguous to the territory occupied by such public utility's plant, route, line, or system. In lieu of the issuance of the CCN, amendment to an existing CCN, or a similar document described above, the Commission may enter an order stating that a CCN, amendment to an existing CCN, or a similar document described above has been approved by the Commission for the purposes described above.

Superior Wastewater believes that the inclusion of a provision in the proposed rule would save not only time, effort, and resources of the developer, but also save the TPUC time, effort, and resources that would otherwise be required.

An original of this filing, along with four (4) hard copies, will follow. Should you have any questions concerning this filing, or require additional information, please let me know.

Sincerely,



John Powell
President & General Manager

Cc: William H. Novak