

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

February 21, 2020

IN RE:)	
)	
PETITION OF BRIGHTSTONE CAMPUS, FOR A)	DOCKET NO.
DETERMINATION AS TO WHETHER)	20-00022
CERTIFICATE OF CONVENIENCE AND)	
NECESSITY IS NOT REQUIRED FOR THE ON-)	
SITE WASTEWATER SYSTEM SERVING)	
WILLIAMSON COUNTY, TENNESSEE)	

INITIAL DETERMINATION THAT CCN IS NOT REQUIRED

This matter is before the Hearing Officer of the Tennessee Public Utility Commission (“Commission” or “TPUC”) upon the letter filed on February 13, 2020, by BrightStone Inc. (“BrightStone”) requesting a determination (“*Request for Determination*”) by the Commission that a Certificate of Public Convenience and Necessity (“CCN”) is not required to provide wastewater service to a post-secondary educational facility for adults with special needs located at 4174, 4176, and 4184 Columbia Pike, Franklin, TN 37064.¹

THE *REQUEST FOR DETERMINATION*

BrightStone Inc. is a single, 501(c)(3) nonprofit formed on July 14, 1999. BrightStone’s Executive Director is Brenda K. Hauk, and its business address is 140 Southeast Parkway Court, Franklin, TN 37064.²

According to the *Request for Determination*, BrightStone plans to construct and operate a post-secondary educational facility for adults with special needs with teaching, therapeutic, and

¹ *Request for Determination*, p. 1 (February 13, 2020).

² *Id.*

residential offerings for its students on the campus (“BrightStone Campus Project”).³ BrightStone states the campus will consist of a “Learning, Art, and Enterprise Center; Administration Building; Clinic; Gymnasium; Aquatic Center; 18 residential homes providing varied levels of care according to need; a horticulture center and farm; an outdoor recreation area and eco-classroom; and an equine education and therapeutic riding program.”⁴

BrightStone also plans to construct a “non-traditional, on-site wastewater system consisting of STEP tanks for primary treatment, forcemain collection system, Aquapoint Bioclere wastewater treatment plant, and drip irrigation disposal.”⁵ According to BrightStone, it will own and operate the system under a State Operation Permit /UIC Permit from the Tennessee Department of Environment and Conservation (“TDEC”) and will hire a licensed operator to operate the system.⁶ The *Request for Determination* states that BrightStone will not charge water or sewer fees at the BrightStone Campus and all buildings will be owned and operated by BrightStone.⁷

FINDINGS AND CONCLUSIONS

Tenn. Code Ann. § 65-4-101(6)(A) defines a public utility as:

every individual, copartnership, association, corporation, or joint stock company, its lessees, trustees, or receivers, appointed by any court whatsoever, that own, operate, manage or control, within the state, any interurban electric railway, traction company, all other common carriers, express, gas, electric light, heat, power, water, telephone, telegraph, telecommunications services, or any other like system, plant or equipment, affected by and dedicated to the public use, under privileges, franchises, licenses, or agreements, granted by the state or by any political subdivision thereof.

Based on the information provided in the *Request for Determination*, the Hearing Officer finds that the BrightStone Campus Project is not a public utility because the wastewater system will be built by

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

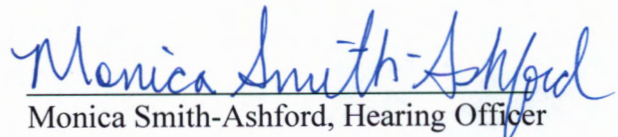
BrightStone for the exclusive use of the students on the BrightStone Campus, and BrightStone will not charge for utility service on the BrightStone Campus. Therefore, under the facts set forth in the *Request for Determination*, the Hearing Officer concludes that the BrightStone Campus Project is not a “public utility” as defined by Tenn. Code Ann. § 65-4-101(6) and BrightStone is not required to obtain a CCN from the Commission. If any of the facts or circumstances set forth in this *Request for Determination* regarding the provision of wastewater service at the BrightStone Campus Project should change, Brightstone must notify the Commission immediately.

IT IS THEREFORE ORDERED THAT:

1. BrightStone Inc. is not required to obtain a Certificate of Public Convenience and Necessity from the Tennessee Public Utility Commission to provide wastewater service to its BrightStone Campus Project located at 4174, 4176, and 4184 Columbia Pike, Franklin, Tennessee in the manner set forth in its *Request for Determination*.

2. BrightStone Inc. must notify the Tennessee Public Utility Commission immediately of any changes in the provision of wastewater service to its BrightStone Campus Project by filing an update in this docket file. Changes to the provision of wastewater service may alter the determination set forth in this Order.

3. Any party aggrieved by the decision of the Hearing Officer in this Initial Order may file a Petition for Appeal with the Tennessee Public Utility Commission within fifteen (15) days from the date of this Initial Order.


Monica Smith-Ashford, Hearing Officer