

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

November 24, 2020

IN RE:)	
)	
APPLICATION OF FOUR CORNERS RV)	DOCKET NO.
RESORT TO DETERMINE IF A CCN IS NEEDED)	20-00124

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 Application (“*Application*”) filed on October 30, 2020, by Four Corners RV Park Development project (“Four Corners” or “Applicant”) requesting a determination by the Commission that a Certificate of Public Convenience and Necessity (“CCN”) is not required to provide wastewater service to the Four Corners Development. On November 19, 2020, the Applicant filed a letter (“*Amended Application*”) reflecting primarily the same information as the *Application* and including the signature of the owner/ developer of Four Corners, Jim Figuerado. The private sewer system will be built at 4029 Laverne Couchville Pike in Antioch, Tennessee.

THE AMENDED APPLICATION

The *Amended Application* states that the private sewer system will be constructed and permanently maintained by the owner/developer of the Four Corners RV Park Development project, Jim Figuerado. According to the *Amended Application*:

[t]he private sewer system will be maintained by the owner and developer and will not charge any fees for its use. The system will be used only by Registered Guest[s]. It will not be used by any surrounding neighbors or other businesses. It will be used by no one for any other reasons or purposes. This is for private use only and not available to the general public at any time.

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 *Amended Application*, the Hearing Officer finds that Four Corners is not a public utility because the sewer system will be built by Four Corners for the exclusive use of Four Corners and its customers. The Applicant will not charge the Four Corners' customers for utility service, nor will Four Corners provide service to any of the surrounding neighbors or businesses. Therefore, under the facts set forth in the *Amended Application*, the Hearing Officer concludes that Four Corners is not a "public utility" as defined by Tenn. Code Ann. § 65-4-101(6) and is not required to obtain a CCN from the Commission. If any of the facts or circumstances set forth in the *Amended Application* regarding the provision of wastewater service at Four Corners should change, the Applicant must notify the Commission immediately.

IT IS THEREFORE ORDERED THAT:

1. Four Corners RV Park Development is not required to obtain a Certificate of Public Convenience and Necessity from the Tennessee Public Utility Commission to provide wastewater service to its development located at 4029 Lavergne Couchville Pike in Antioch, Tennessee in the manner set forth in its *Amended Application*.

2. Four Corners RV Park Development must notify the Tennessee Public Utility Commission immediately of any changes in the provision of wastewater service to its development 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.

A handwritten signature in black ink that reads "Monica Smith-Ashford". The script is cursive and fluid.

Monica Smith-Ashford, Hearing Officer