

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION
NASHVILLE, TENNESSEE

March 19, 2021

IN RE:)	
)	
PETITION OF GRACE CHRISTIAN ACADEMY)	DOCKET NO.
FOR A DETERMINATION AS TO WHETHER)	21-00035
CERTIFICATE OF CONVENIENCE AND)	
NECESSITY IS NOT REQUIRED FOR THE ON-)	
SITE WASTEWATER SYSTEM FOR THE)	
GRACE CHRISTIAN ACADEMY CAMPUS)	

INITIAL ORDER THAT CCN IS NOT REQUIRED

This matter is before the General Counsel of the Tennessee Public Utility Commission (“Commission” or “TPUC”) acting as Hearing Officer under delegated authority granted by the Commission, upon a letter filed on March 11, 2021, by Grace Christian Academy (GCA) requesting a determination (“*Request for Determination*”) that a Certificate of Public Convenience and Necessity (“CCN”) is not required for an on-site wastewater system to serve the proposed GCA campus located 3265 Southall Road, Franklin, Tennessee 37064.¹

THE *REQUEST FOR DETERMINATION*

GCA is a private Christian school organized as a single 501(c)(3) nonprofit formed in 2009. GCA’s Head of School is Robbie Mason and the Board Chairman is Tim Fish.² According to the *Request for Determination*, GCA plans to construct, own, and operate a high school and middle school and related facilities on a 47.28 acre lease tract carved out of a 167.92 acre parcel owned by Grace

¹ *Request for Determination*, p. 1 (March 11, 2021).

² *Id.*

Chapel, Inc.³ The proposed GCA campus will consist of a “high school building with gymnasium and cafeteria, middle school building, fine arts building, athletic field house, football field, baseball field, softball field, tennis courts, and an existing 3-story high school building.”⁴

According to GCA, the school facilities will be served by a “non-traditional, on-site wastewater system consisting of STEP tanks for primary treatment, force main collection system, recirculating sand filter wastewater effluent treatment plant, and drip irrigation disposal.”⁵ GCA 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 Further, GCA asserts that all on-site water and sewer facilities are for the sole use of GCA, GCA will not sell water or sewer service, and all buildings on site will be owned and operated by GCA.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.

Upon review and consideration of the information provided in the *Request for Determination*, the Hearing Officer finds that GCA is not a public utility because the proposed wastewater system will be built by GCA for the exclusive use of GCA-owned facilities and that GCA will not sell or charge

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

for utility service on the GCA campus. Therefore, under the facts set forth in the *Request for Determination*, the Hearing Officer concludes that the GCA 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 *Request for Determination* should change, GCA must notify the Commission immediately.


IT IS THEREFORE ORDERED THAT:

1. Grace Christian Academy is not required to obtain a Certificate of Public Convenience and Necessity from the Tennessee Public Utility Commission to construct an on-site wastewater system to serve its campus located at 3265 Southall Road, Franklin, Tennessee 37064, in the manner set forth in its *Request for Determination*.

2. Grace Christian Academy must notify the Tennessee Public Utility Commission immediately of any changes in the provision of wastewater service to its campus facilities by filing an update in this docket file. Changes to the provision of wastewater service may alter the determination set forth in this Initial 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.

FOR THE TENNESSEE PUBLIC UTILITY COMMISSION:



Kelly Cashman Grams, General Counsel
Acting as Hearing Officer

Original filed in docket file
cc: docket service list