

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION  
NASHVILLE, TENNESSEE**

<b>IN RE:</b>	)	
	)	
	)	
<b>APPLICATION OF LIMESTONE</b>	)	<b>Docket No. 21-00053</b>
<b>WATER UTILITY OPERATION</b>	)	
<b>COMPANY, LLC FOR AUTHORITY</b>	)	
<b>TO SELL OR TRANSFER TITLE TO</b>	)	
<b>THE ASSETS, PROPERTY, AND REAL</b>	)	
<b>ESTATE OF A PUBLIC UTILITY,</b>	)	
<b>CARTWRIGHT CREEK L.L.C., AND</b>	)	
<b>FOR A CERTIFICATE OF PUBLIC</b>	)	
<b>CONVENIENCE AND NECESSITY</b>	)	
	)	

**JOINT MOTION FOR CLARIFICATION<sup>1</sup>**

The parties to this docket — Limestone Water Utility Operating Company, LLC ("Limestone"), Cartwright Creek, LLC ("Cartwright Creek") and the Consumer Advocate Division in the Office of the Tennessee Attorney General ("Consumer Advocate") — jointly request that the Tennessee Public Utility Commission clarify its Order issued January 24, 2022 transferring to Limestone "all assets, property and real estate" used by Cartwright Creek to provide wastewater service and granting Limestone a certificate of convenience and necessity. Order, at 1. Specifically, the parties ask that the Commission clarify that the certificate granted to Limestone covers the same service area as the certificate previously held by Cartwright Creek.

**Discussion**

On May 6, 2021, Limestone and Cartwright Creek ("the Applicants") filed the above-captioned Application asking the Commission to transfer from Cartwright Creek to Limestone "all

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<sup>1</sup> See Rule 60.02 of the Tennessee Rules of Civil Procedure.

assets" used by Cartwright Creek to provide wastewater service in Williamson County and either to transfer to Limestone the certificate previously granted to Cartwright Creek or to grant Limestone a new certificate. Application, at 1.

The Commission had previously granted Cartwright Creek a certificate of convenience and necessity to provide service in three areas of Williamson County: (1) the Grasslands development and surrounding land in the 7<sup>th</sup> Civil District of Williamson County<sup>2</sup>; (2) an area designated by Williamson County as "PGA5" (Docket No. 04-00358)<sup>3</sup>; and (3) the "Stillwater Development," later known as "Hideaway" and now called "Troubadour" (Docket No. 07-00180).<sup>4</sup> A map filed by Cartwright Creek in Docket 19-00061 shows all three areas. For convenience, a copy of this map is attached to this Joint Motion.

There is no doubt that the Applicants intended that Cartwright Creek's entire service area be transferred to Limestone. Not only did the Applicants request the transfer of "all assets" to Limestone but the Applicants also asked that the Commission simply transfer Cartwright Creek's certificate to Limestone which would have given Limestone the same service area previously granted to Cartwright Creek. The Application stated (at 11) that if the Commission did not transfer Cartwright Creek's certificate to Limestone, the Commission should, in the alternative, grant Limestone a new certificate to serve areas "currently served" by Cartwright Creek and listed four developments that Cartwright Creek now serves.<sup>5</sup> The final Order similarly states that Limestone

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<sup>2</sup> The original order granting the certificate can no longer be found in the Commission's files but subsequent orders confirm its existence. See Docket No. 04-00358, Order issued July 12, 2005, at 2, footnote 1.

<sup>3</sup> PGA5 includes both the Arrington Retreat and Hardeman Springs developments as well as nearby undeveloped land.

<sup>4</sup> The boundaries of this development were later expanded to include the "Wilson Parcel" and the "Garrett Parcel." Docket No. 19-00061, "Initial Order" issued January 16, 2020.

<sup>5</sup> Those four developments are Grasslands, Arrington Retreat, Hardeman Springs and Hideaway (now Troubadour).

has been granted a certificate to serve the four developments that are "currently served" by Cartwright Creek. Order at 11. Since neither the Application nor the Order specifically mentions PGA5, which encompasses two of those developments as well as nearby, undeveloped land, the Order may be interpreted, contrary to the intent of the Applicants, as granting Limestone a certificate to provide service only within the boundaries of those four developments but not in other parts of Cartwright Creek's service area. The parties ask that the Commission remedy this ambiguity by clarifying that the certificate awarded to Limestone covers the same service area formerly held by Cartwright Creek.<sup>6</sup>

### **Conclusion**

For the reasons explained above, the parties jointly request that the Commission clarify, in whatever manner the agency determines is appropriate, that the certificate of convenience and necessity granted to Limestone in this docket encompasses the same service area, no more and no less, as the certificate previously held by Cartwright Creek.

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<sup>6</sup> Attached is a map from the Williamson County Planning Department that shows "PGA5." The map can be found on page 3 of a public presentation by the City of Franklin in August, 2021. The full presentation, including the map, can be found at <https://www.franklintn.gov/home/showpublisheddocument/33952/637643816288370000>. For clarification, another version of that map that shows a blown-up version of PGA5 is also attached. Both PGA5 and the Troubadour area are also shown in detail on a map filed in Docket 19-00061.

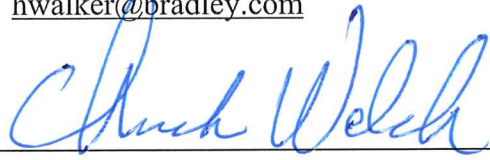
Respectfully submitted,

By: \_\_\_\_\_



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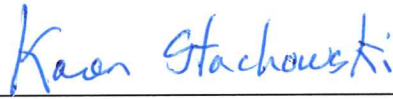
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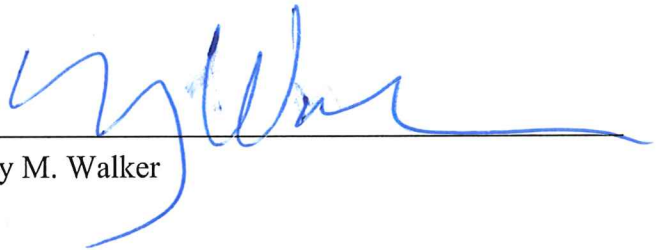


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*by permission*

### CERTIFICATE OF SERVICE

I hereby certify that I have on this 26<sup>th</sup> day of September, 2022, a copy of the foregoing document was served on the parties of record, via electronic email transmission and regular U.S. Mail, postage prepaid, addressed as follows:



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Henry M. Walker

**Map showing all three sections of the service area of Cartwright Creek  
(Also filed in Docket 19-00061)**



## **Williamson County Growth Map Showing "PGA5"**





## **Close-up Map PGA5**

