

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION
NASHVILLE, TENNESSEE

November 23, 2022

IN RE:)	
)	
APPLICATION OF SOUTHPOINTE)	DOCKET NO.
COMMUNITY CHURCH TO DETERMINE IF A)	22-00107
CCN IS NEEDED)	

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 for Determination* (“*Application*”) filed on October 25, 2022, by Southpointe Community Church, Inc. (“Southpointe” 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 a proposed church and school building project (“Project”) to be located on a portion of real property municipally known as 7581 Nolensville Road, Nolensville, Tennessee 37135.

THE APPLICATION

Southpointe is a Tennessee nonprofit corporation formed on June 29, 2009.¹ Monica Mercado is the Registered Agent. Southpointe’s principal place of business is 7227 Haley Industrial Dr., Ste. 1000, Nolensville, TN 37135.²

According to the *Application*, Southpointe plans to construct and operate a Project that will consist of a church and a school for kindergarten through fifth (5th) grades.³ The Applicant also plans

¹ Eric Jervis, PE Wastewater Director Response to Commission Staff Data Request Filed on November 16, 2022 (November 21, 2022).

² *Id.*

³ *Application*, p. 1 (October 25, 2022).

to construct a wastewater system (“System”) to service the Project which will consist of an on-site non-traditional wastewater treatment and drip disposal system, septic tanks, pump tanks, recirculating packed bed treatment filters, ultraviolet disinfection back-up storage pond, subsurface drip irrigation disposal field and reserve subsurface drip irrigation disposal field.⁴ According to the *Application*, the System will serve only the church and the elementary school, which will both be owned and operated directly by Southpointe. The system will not serve any permanent residences and will be constructed to serve only the Project.⁵ The Applicant states that “No one including the Church’s proposed school will be charged fees, rates, etc [sic] for access to the wastewater system.”⁶

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 *Application*, the Hearing Officer finds that the Project is not a public utility because the System will be built by Southpointe for the exclusive use of the Project and the Applicant will not charge the church or school for utility service. Therefore, under the facts set forth in the *Petition*, the Hearing Officer concludes that the Project is not a “public utility” as defined by Tenn. Code Ann. § 65-4-101(6) and Southpointe is not required to obtain a CCN from the Commission. If any of the facts or circumstances set forth in this *Petition* regarding the provision of

⁴ *Id.*

⁵ Eric Jervis, PE Wastewater Director Response to Commission Staff Data Request Filed on November 16, 2022 (November 21, 2022).

⁶ *Id.*

wastewater service at the Project should change, the Petitioner must notify the Commission immediately.

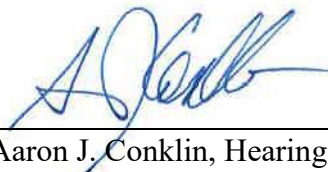
IT IS THEREFORE ORDERED THAT:

1. Southpointe Community Church, 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 proposed church and school building project to be located at 7581 Nolensville Road, Nolensville, Tennessee 37135.

2. Southpointe Community Church, Inc. must notify the Tennessee Public Utility Commission immediately of any changes in the provision of wastewater service to its proposed church and school building 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.

4. This Initial Order shall become a Final Order of the Tennessee Public Utility Commission, if no petition for reconsideration or appeal of this Order is filed prior to the expiration of the fifteen (15) day appeal period.



Aaron J. Conklin, Hearing Officer