

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION**

**NASHVILLE, TENNESSEE**

**April 3, 2024**

**IN RE:**

**PETITION OF COLLEGE GROVE ATHLETIC  
FACILITY TF TO DETERMINE IF A CCN IS  
NEEDED**

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**DOCKET NO.  
24-00016**

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**INITIAL DETERMINATION THAT CCN IS NOT REQUIRED**

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This matter is before the Administrative Judge of the Tennessee Public Utility Commission (“Commission” or “TPUC”) upon the Letter of Determination for CCN Requirement (“*Petition*”) filed on March 28, 2024, on behalf of Joyfull Jackrabbits, LLC (“Joyfull Jackrabbits” or “Petitioner”) requesting a determination by the Commission that a Certificate of Public Convenience and Necessity (“CCN”) is not required to provide wastewater service to the proposed College Grove Athletic Facility TF (“CGAF”). The proposed project site will be located at 8445 Horton Highway in College Grove in Williamson County, Tennessee.

**THE *PETITION***

The *Petition* states that the private wastewater system will be constructed and owned by the owner/ developer of the proposed CGAF, Joyfull Jackrabbits, and a wastewater operator certified by the Tennessee Department of Environment and Conservation (“TDEC”) will be hired to maintain the system. According to the *Petition*:

Proposed facilities and accommodations include indoor and outdoor training for tennis, soccer, baseball, and pickle ball. No kitchens will be onsite, only restrooms for the various buildings along with pavilions. As proposed, all facilities will [be] served by the attached State Operating Permit (SOP 24043) along with the TDEC letter from Brad Harris that states no bond is required since it's a single private

entity. Fees will never be charged with the wastewater system. Joyfull Jackrabbits LLC is the owner of the property (per attached deed) and the proposed wastewater system. As required for operation and maintenance of the wastewater system, the property owner shall maintain a contract with a qualified wastewater operator certified by TDEC.<sup>1</sup>

## **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 *Petition*, the Administrative Judge finds that Joyfull Jackrabbits is not a public utility because the wastewater system at the proposed CGAF will be built, owned, and maintained by the owner/developer of CGAF, Joyfull Jackrabbits, for the exclusive use of the customers and visitors of CGAF. Therefore, under the facts set forth in the *Petition*, the Administrative Judge concludes that Joyful Jackrabbits 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 *Petition* regarding the provision of wastewater service at CGAF should change, the Petitioner must notify the Commission immediately.

## **IT IS THEREFORE ORDERED THAT:**

1. Joyfull Jackrabbits, LLC is not required to obtain a Certificate of Public Convenience and Necessity from the Tennessee Public Utility Commission to provide wastewater service in the manner set forth in its *Petition* to its proposed College Grove Athletic Facility TF to be built at 8445 Horton Highway in College Grove in Williamson County, Tennessee.

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<sup>1</sup> *Petition*, p. 1 (March 28, 2024).

2. Joyfull Jackrabbits, LLC 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 Administrative Judge 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, Administrative Judge