

**IN THE TENNESSEE PUBLIC UTILITY COMMISSION
AT NASHVILLE TENNESSEE**

IN RE:)	
)	
COMPLAINT AND PETITION AGAINST)	
OLD HICKORY WATER, LLC FOR)	
ALLEGED VIOLATIONS OF THE)	DOCKET NO. <u>24-00052</u>
STATUTES AND RULES REGULATING)	
CYBERSECURITY PLANS AND)	
REPORTING)	

COMPLAINT AND PETITION TO CONVENE A SHOW CAUSE PROCEEDING

Comes now the Tennessee Public Utility Commission (“TPUC” or “Commission”) Staff as a party (“Party Staff” or “Petitioner”) in accordance with Tenn. Code Ann. §§ 65-2-106 and 65-4-120 and requests that the Administrative Judge delegated authority by the Commission issue an Order requiring Old Hickory Water, LLC (“OHW” or “Company”) to appear before the Commission to show cause why the Commission should not impose civil penalties and sanctions against the Company for failing to submit documentation to the Commission concerning the Company’s compliance with the cybersecurity plan requirements established in Tenn. Code Ann. § 65-4-127.

JURISDICTION

The Commission has a duty to ensure that “all laws of this state over which they have jurisdiction are enforced and obeyed, that violations thereof are promptly prosecuted, and all penalties due the state are collected.”¹ Further, the Commission is specifically authorized to enforce the annual filing requirement of documentation concerning the cybersecurity plan of a public utility.² In addition, upon finding that a public utility has violated or failed to comply with

¹ Tenn. Code Ann. § 65-1-113 (2022).

² Tenn. Code Ann. § 65-4-127(e) (2022).

regulatory requirements, the Commission is authorized to impose a civil penalty of up to “fifty dollars (\$50.00) for each day of any such violation or failure”³

RELEVANT FACTS

1. OHW is a Tennessee limited liability company duly authorized to do business in the state of Tennessee providing water and wastewater services to customers in accordance with a Certificate of Convenience and Necessity issued to the Company in Docket No. 12-00039.⁴

2. OHW was required to prepare and implement a cyber security plan by July 1, 2023. On July 1, 2024, OHW was required to submit documentation to the Commission demonstrating the Company’s compliance with the cybersecurity plan requirement.

3. OHW did not file documentation with the Commission on or before July 1, 2024 demonstrating the Company’s compliance with the cybersecurity plan requirement.

4. Commission Staff has attempted to reach representatives of OHW concerning the cybersecurity filing requirements, but has not received any response from the Company.

ALLEGED VIOLATIONS OF STATE LAW

5. The facts alleged in paragraphs 1 through 4 constitute a violation of Tenn. Code Ann. § 65-4-127(b), which states:

(1) By July 1, 2023, or within one (1) year after a utility is formed, whichever is later, a utility shall prepare and implement a cyber security plan to provide for the protection of the utility’s facilities from unauthorized use, alteration, ransom, or destruction of the electronic data. The utility shall annually submit documentation of the utility’s compliance with this section to the commission by July 1.

(2) The documentation required by this section must be made in writing and under oath by the chief executive officer, president, or other person with an equivalent role of the utility.

³ Tenn. Code Ann. § 65-4-120 (2022).

⁴ *In re: Petition of Old Hickory Water, LLC for a Certificate of Convenience and Necessity*, Docket No. 12-00039, *Order Granting CCN and Approving Motion for Alternative Security* (July 3, 2013).

In addition, the Commission promulgated TPUC Rule 1220-04-15-.04 which establishes the information required to satisfy the annual filing requirement. At a minimum, the annual requirement is required to include: contact information for the employee responsible for cybersecurity; a statement on whether the utility conducts annual cybersecurity training; a statement on whether the utility has procured cybersecurity insurance; and a sworn statement confirming that a cybersecurity plan has been prepared and implemented, whether such plan has been prepared or updated within the last two (2) years, and that all documentation and information is current and accurate.⁵

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests the Commission open a docket to consider this *Complaint and Petition to Convene a Show Cause Proceeding* and issue an Order requiring OHW to appear before the Commission to show cause why it should not be found in violation of state law the Commission should not impose civil penalties and sanctions to the maximum extent allowed by law.

Respectfully submitted,



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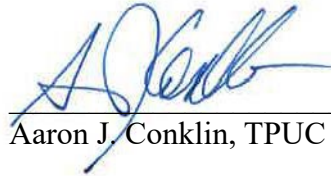
⁵ Tenn. Comp. R. & Regs. 1220-04-15-.04.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was serve via U.S. Mail or electronic mail upon:

Old Hickory Water, LLC
1360 Hickory Star Rd.
Maynardville, TN 37807

This the 26th day of August, 2024.



Aaron J. Conklin, TPUC Senior Counsel