

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

IN RE: ISHA FOUNDATION, INC.)
PETITION OF DETERMINATION)
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)
)
)
)

Docket No-24-00077

**MOTION TO AMEND THE INITIAL DETERMINATION THAT CCN IS NOT
REQUIRED.**

Comes now Isha Foundation, Inc., by and through its counsel, and hereby files this Motion to Amend the Initial Determination that a Certificate of Convenience and Necessity (CCN) is not required, which was entered by this Court on March 3, 2025. In support of this Motion, Isha Foundation, Inc. respectfully submits that certain modifications to the initial order are necessary. These requested amendments do not alter the substantive determination of the Court but are intended to correct specific factual details regarding the location of the project site and the type of project.

Grounds for Amendment

The following changes are requested:

A. Project Site Location

1. On Page 1, paragraph 1, the last sentence currently states, “The proposed project site will be located in Warren County, Tennessee.” This should be amended to read: “The proposed project site will be located in Warren and Van Buren Counties, Tennessee.”

2. Similarly, on Page 3, under Number 1 of the Court Order, the last sentence should be revised from referencing only Warren County to state: "The project is to be built in Warren and Van Buren Counties, Tennessee."

B. Type of Project

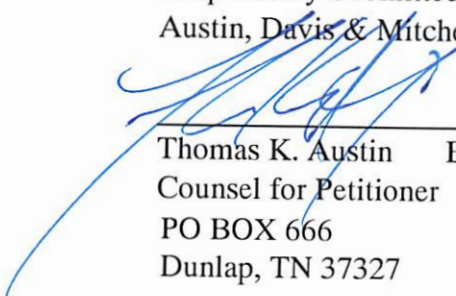
The initial order inadvertently refers to the project as a "wastewater system" in multiple instances, whereas the service proposed by Isha Foundation, Inc. is a water service. The term "wastewater" should be replaced with "water" in the following locations:

1. Page 1, first paragraph;
2. Page 2, first paragraph; and
3. Page 3, first paragraph.

A redlined version of the Order, reflecting these proposed changes, is attached hereto as Exhibit A for the Court's reference.

WHEREFORE, based on the foregoing, Isha Foundation, Inc. respectfully requests that the Court amend the Initial Determination that a CCN is not required to reflect that: (1) the project is located in Warren and Van Buren Counties, Tennessee, and (2) the type of service is a water service, not a wastewater service.

Respectfully Submitted,
Austin, Davis & Mitchell

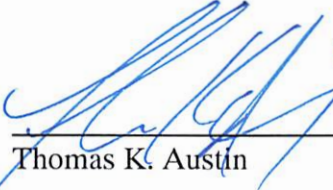


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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the forgoing has been served upon the person(s) listed below this day of March, 2025
18th

David Jones
Tennessee Public Utility Commission
502 Deaderick, 4th Floor
Nashville, Tennessee
37243



Thomas K. Austin

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

March 3, 2025

IN RE:

PETITION OF ISHA FOUNDATION, INC. TO
DETERMINE IF A CCN IS NEEDED

DOCKET NO.
24-00077

INITIAL DETERMINATION THAT CCN IS NOT REQUIRED

water

This matter is before the Administrative Judge of the Tennessee Public Utility Commission (“Commission” or “TPUC”) upon the Petition of Determination (“*Petition*”) filed on November 20, 2024, by Isha Foundation, Inc. (“Isha” or “Petitioner”) requesting a determination by the Commission whether a Certificate of Public Convenience and Necessity (“CCN”) required to provide wastewater service to the proposed “Isha Kamala” project (“Isha Kamala” or “Project”) that will be a part of the expansion of the Isha Institute of Inner Sciences that is a center for spiritual growth, yoga, and meditation. This expanded Project will offer Isha members homesites with 99-year leases. The proposed project site will be located in Warren County, Tennessee van buren

THE *PETITION*

Isha is a Tennessee nonprofit 501(c)(3) corporation formed on November 23, 1998.¹ Dr. Usha Doshi is the President of Isha. Isha’s principal office is located at 951 Isha Lane, McMinnville, TN 37110.² The *Petition* states that as part of its ongoing expansion project, it will be opening a new zone called “Isha Kamala” which will consist of 187 single family lots and seventy-six (76) townhomes that will be leased to Isha members under a ninety-nine (99) year lease agreement with

¹ *Petition*, p. 1 (November 20, 2024).

² *Id.* at 1-2.



water service included in the terms of the lease agreement.³ Members will not be billed for water separately, and land ownership will remain with the Isha Foundation.⁴ According to the *Petition*, Isha currently receives water from the Warren County Utility District (“WCUD”) through a master meter and will extend its current distribution system to the Project using “water sourced post master meter.”⁵ Isha’s expanded water system will be operated by a wastewater operator certified by the Tennessee Department of Environment and Conservation (“TDEC”) and comply with TDEC rules and regulations. The *Petition* states “[t]he current WCUD infrastructure in the area is inadequate to provide the needed fire flow required for this development. Under this proposed arrangement, Isha will be able to provide adequate fire flow from its main campus water system.”⁶ Isha maintains the System will be privately owned and will only serve those individuals leasing in the Isha Kamala subdivision.⁷

FINDINGS AND CONCLUSIONS

Tenn. Code Ann. § 65-4-101(6)(A) provides:

(6)(A) “Public utility” means 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. “Public utility” as defined in this section shall not be construed to include the following nonutilities:

- (i) Any corporation owned by or any agency or instrumentality of the United States;
- (ii) Any county, municipal corporation or other subdivision of this state;
- (iii) Any corporation owned by or any agency or instrumentality of the state;

³ *Id.* at 2-3.

⁴ *Id.* at 3.

⁵ *Id.*

⁶ *Id.*

⁷ See Dr. Usha Doshi, Pre-filed Direct Testimony, p. 3 (November 20, 2024).

water

(iv) Any corporation or joint stock company more than fifty percent (50%) of the voting stock or shares of which is owned by the United States, this state or by any nonutility referred to in subdivisions (a)(1), (2), and (3);

Based on the information provided in the *Petition*, the Administrative Judge finds that Isha is not a public utility because the wastewater system at the proposed Isha Kamala will be built, owned, and maintained by Isha for the exclusive use of people leasing in the Isha Kamala. Therefore, under the facts set forth in the *Petition*, the Administrative Judge concludes that Isha 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 service at Isha Kamala should change, the Petitioner must notify the Commission immediately.

IT IS THEREFORE ORDERED THAT:

1. Isha Foundation, Inc. is not required to obtain a Certificate of Public Convenience and Necessity from the Tennessee Public Utility Commission to provide water service in the manner set forth in its *Petition* to its proposed Isha Kamala project to be built in Warren County, Tennessee.
2. Isha Foundation, Inc. must notify the Tennessee Public Utility Commission immediately of any changes in the provision of water service to Isha Kamala by filing an update in this docket file. Changes to the provision of water 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