

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION
NASHVILLE, TENNESSEE

May 30, 2025

IN RE:)	
)	
PETITION OF ISHA FOUNDATION, INC. TO)	DOCKET NO.
DETERMINE IF A CCN IS NEEDED)	25-00018

INITIAL DETERMINATION THAT A CCN IS REQUIRED

This matter is before the Administrative Judge of the Tennessee Public Utility Commission (“Commission” or “TPUC”) upon the Petition of Determination (“*Petition*”) filed on March 5, 2025, by Isha Foundation, Inc. (“Isha” or “Petitioner”) requesting a determination by the Commission whether a Certificate of Public Convenience and Necessity (“CCN”) is required to provide water service to the proposed “Isha Yogi Golf” project (“Isha Golf” 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 located in Warren County, Tennessee.

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 Golf” which will consist of 290 single family lots that will be leased to Isha members under a 99-year lease agreement with water service included in the terms of the lease agreement.³ According to the *Petition*, “[h]omes in this zone will either be built by

¹*Petition*, p. 1 (March 5, 2025).

² *Id.* at 2.

³ *Id.* at 3.

members on leased lots or will be constructed by the Institute and leased or rented to members.”⁴ Members will not be billed for water separately, and the Isha Foundation will continue to own the land.⁵ The *Petition* states “Isha Institute plans to develop a borewell for source water and provide a treatment facility and distribution system as part of its internal water system which will service the new development zone, ‘Isha Yogi Golf,’ using the groundwater sourced on Isha's property.”⁶ Isha explains that its expanded water system will be operated by a water operator certified by the Tennessee Department of Environment and Conservation (“TDEC”) and comply with TDEC rules and regulations.

In its *Petition*, Isha explains that:

The Warren County Utility District, the local public utility, has reached its maximum service capacity and cannot support further growth. Due to the remote location of this project, meeting the required demand would necessitate nearly 20 miles of waterline improvements, as well as significant upgrades to the water treatment plant and pump stations. Financing these extensive upgrades is entirely unfeasible for both the Warren County Utility District and the project owner, Isha Foundation. The scale and cost of these improvements effectively make the project untenable. In comparison, constructing and operating the System as described above provides a feasible path forward for growth of the Project. Isha has requested and received a letter from WCUD which establishes that the Project lies within WCUD's potable water service area and further confirms that the existing WCUD infrastructure is inadequate.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

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.* at 4-5.

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;
- (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 Golf is a public utility and requires a certificate of public convenience and necessity (“CCN”) from the Commission. While the water system at the proposed Isha Golf will be built, owned, and maintained by Isha for the exclusive use of people leasing at the Isha Golf community, there are a number of facts that distinguish this Project from Isha’s previous dockets where the Administrative Judge determined a CCN was *not* necessary.⁸

First, while Isha Golf is in WCUD’s service area, in the letter filed with the *Petition*, WCUD states as follows:

WCUD has no commitment or agreement to expand any facilities to increase capacity and serve additional Isha developments beyond the existing individual lots served in Isha Village and Isha Enclave Subdivisions and the existing 11/2” and 2” Meters that serve the main campus and pending Kamala development(s).⁹

In addition, WCUD confirms that the existing infrastructure is insufficient to meet the potable

⁸ See *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* (March 27, 2025); see also *In Re: Petition of Isha Foundation, Inc. to Determine if a CCN is Needed*, Docket No. 22-00099, *Initial Determination that CCN is Not Required* (November 14, 2022).

⁹ See *Petition*, Exhibit D (Letter dated March 3, 2025, from Anthony Pelham General Manager Warren County Utility District) (March 5, 2025).

demands and Fire Flow requirements without off-site upgrades.¹⁰

In Docket No. 24-00077 concerning the Isha Kamala Project, the Administrative Judge determined a CCN was not needed. In that docket, WCUD was supplying the water for the Isha system making it akin to a master meter for the Isha water system distributing the water supplied by WCUD, and WCUD is still considered to be the service provider. From the facts provided in the current *Petition*, the water source will be wells on the Isha property, and WCUD has stated it is not serving the Isha Golf Project. So, Isha will install infrastructure and be its own water system. In Docket No. 22-00099, the Administrative Judge determined a CCN was not needed for a wastewater system to serve a project being built to increase accommodations for the growing number of residential programs on the Isha Campus. The Administrative Judge found that the wastewater system would be built for the exclusive use of that project and participants, there would be no permanent residences served by the wastewater system, and there would be no charge for the utility service provided to participants staying in the accommodations.¹¹

Although Isha maintains it will continue to own the Isha Golf land, it also states that the homes in the Isha Golf area will either be built by the members on leased lots or built by the Institute and leased or rented to members with 99-year lease terms. The fact that Isha will not charge members for water consumption or water service or that water service is built into the lease terms is immaterial to the analysis. Based on the facts presented in the record, the Administrative Judge finds that customers in the Isha Golf area would potentially have a significant interest in the home sites and that the public interest would require regulation by the Commission. The Isha Golf Project differs from the more transient nature of cabins and weekly rentals where the Commission has previously determined that CCNs are not necessary for a water or wastewater system serving

¹⁰ *Id.*

¹¹ See *In Re: Petition of Isha Foundation, Inc. to Determine if a CCN is Needed*, Docket No. 22-00099, *Initial Determination that CCN is Not Required*, p. 3 (November 14, 2022).

those type of rental units on its own property. Further, the Administrative Judge finds that Isha does not fall within one of the statutory exceptions to the definition of a public utility. Therefore, based on the record, the Administrative Judge concludes that Isha Golf Project appears to be a “public utility” as defined by Tenn. Code Ann. § 65-4-101(6) and is required to obtain a CCN from the Commission.

IT IS THEREFORE ORDERED THAT:

1. Isha Foundation, Inc. is 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 Yogi Golf Project.

2. 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.

3. 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.


Monica Smith-Ashford, Administrative Judge