

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

December 23, 2025

IN RE:)
)
PETITION OF TELLICO VILLAGE PROPERTY) **DOCKET NO.**
OWNERS ASSOCIATION (TVPOA) TO DETERMINE) **25-00048**
IF A CCN IS NEEDED)

ORDER ON DECEMBER 4, 2025, AND DECEMBER 11, 2025, STATUS CONFERENCES

This matter came before the Administrative Judge of the Tennessee Public Utility Commission (“Commission” or “TPUC”) at Status Conferences held on December 4, 2025, and December 11, 2025, with the Tellico Village Property Owners Association (“TVPOA”) and the Consumer Advocate Division of the Office of the Tennessee Attorney General (“Consumer Advocate”).

December 4, 2025, Status Conference

After TVPOA filed its Answer on November 25, 2025, the Consumer Advocate requested a Status Conference to discuss the process and expectations of the docket going forward. A Status Conference was scheduled for December 4th to be hosted via the Microsoft Teams platform, and a *Notice of Status Conference* was issued on December 2nd. Many homeowners expressed interest in the Status Conference and requested information to listen to the proceedings.

Both TVPOA and the Consumer Advocate participated in the Status Conference. The Consumer Advocate stated it requested the Status Conference to get an understanding of the Commission’s show cause process and what the procedure would be for the docket going forward.

The Consumer Advocate thought getting a better understanding of the process would be beneficial for both parties.

This docket was initiated by what was, in essence, a consumer complaint requesting a determination why TVPOA should not be regulated by the Commission. On July 7, 2025, the Consumer Advocate filed its *Consumer Advocate's Petition to Intervene and/or Complaint for the Tennessee Public Utility Commission to Convene a Show Cause Proceeding Against Tellico Village Property Owners Association, Inc.* ("Consumer Advocate's Petition"). Since the Consumer Advocate was involved and sought a Commission decision on the same issue, the consumer asked to withdraw his petition, and the request was granted. On its face and based on the Consumer Advocate's investigation, it initially appeared this docket would be appropriate for a show cause proceeding. However, the Administrative Judge announced at the Status Conference that upon review of the entire record, although the parties did not think additional discovery was necessary, the Commission needed some questions answered before it could make a determination in this docket. The Administrative Judge also determined that the answers to these questions may impact the determination of whether TVPOA had committed violations of state law. The statute authorizing the Commission to issue show cause orders is Tenn. Code Ann. § 65-2-106 and provides:

The commission is empowered and authorized in the exercise of the powers and jurisdiction conferred upon it by law to issue orders on its own motion citing persons under its jurisdiction to appear before it and show cause why the commission should not take such action as the commission shall indicate in its show cause order **appears justified by preliminary investigation made by the commission under the powers conferred upon it by law.** All such show cause orders shall fully and specifically state the grounds and bases thereof, and the respondents named in the orders shall be given an opportunity to fully reply thereto. Show cause proceedings shall otherwise follow the provisions of this chapter with reference to contested cases, except where otherwise specifically provided. (emphasis added)

When the Commission issues a show cause order, it appears from the investigation that a violation of law has occurred, and the Company has an opportunity to rebut this initial determination. While the Consumer Advocate conducted an extensive investigation, there are some additional questions that need to be specifically addressed and may bear on the issue of the Commission's jurisdiction. The facts may not be as clear as they initially appeared from the filings. Therefore, the Administrative Judge concludes that this docket is not appropriate to be conducted as a show cause proceeding at this time, and a petition for show cause should not be issued as requested by the Consumer Advocate.

However, the Commission has broad discretion to determine how it manages its dockets. In its *Petition*, the Consumer Advocate presented a comprehensive investigation, analysis, and set of facts that warrant further action by the Commission. Because the Administrative Judge disagrees with the course of action requested by the Consumer Advocate does not mean the Consumer Advocate's entire cause of action is dismissed. The facts presented in the *Consumer Advocate's Petition* require further action by the Commission, and the Commission can determine how to move forward with the docket. In addition, the interests of judicial economy would prohibit completely dismissing the *Consumer Advocate's Petition* simply because the Administrative Judge decides it is more appropriate to proceed as a regular contested case proceeding rather than a show cause contested case proceeding. For contested case dockets in particular, Tenn. Comp. R. & Regs. 1220-01-02-.22 provides in pertinent part;

In any contested case, the Commission or the Hearing Officer:

- (2) May, on its own initiative or the motion of any party, allow amendments, consolidate cases, join parties, sever aspects of the case for separate hearings, permit additional claims or contentions to be asserted, bifurcate, or otherwise order the course of proceedings to further the just, efficient, and economical disposition of cases consistent with the statutory policies governing the Commission; and
- (3) Before exercising these general procedural powers, all parties shall be given reasonable notice and an opportunity to be heard.

The parties stated they saw this matter as a legal issue and thought there was no need for additional discovery or pre-filed testimony. Instead, the parties agreed to file legal briefs, and Commission Staff would issue a Data Request to obtain the information it needed. Accordingly, the Administrative Judge asked the parties to develop an issues list and scheduled another Status Conference for December 11, 2025, at 10:30 a.m. to discuss the issues list and briefing schedule.

December 11, 2025 Status Conference

The Status Conference was noticed on December 8th and convened on December 11, 2025, via Microsoft Teams. TVPOA and the Consumer Advocate participated in the Status Conference, and the parties filed a proposed issues list on December 10th. Neither party raised an objection or asked to be heard regarding the Administrative Judge's announcement at the December 4th Status Conference that the matter would proceed as a regular contested case proceeding instead of a show cause proceeding.

During the Status Conference, the Administrative Judge indicated that although the parties did not need additional discovery, the Commission needed additional information regarding whether TVPOA is within the designated geographical area of one or more utility districts, and Commission Staff would be issuing a data request. The parties reiterated they didn't think pre-filed testimony would be appropriate and probably did not need additional discovery but would need some time to confer regarding a stipulation of facts. The Administrative Judge determined

January 15, 2026, would allow adequate time for the parties to confer, for Staff to issue its Data Request and receive a response, and for the issues list to be finalized. A briefing schedule was developed from January 15th. Initial briefs would be due February 27, 2026. If Reply Briefs were necessary or if Staff needed additional briefing on an issue, the due date would be March 13, 2026. The target date for consideration by the Commission is April 27, 2026. The parties indicated they would decide later whether they wanted present oral arguments.

IT IS THEREFORE ORDERED THAT:

1. The *Consumer Advocate's Petition to Intervene and/or Complaint for the Tennessee Public Utility Commission to Convene a Show Cause Proceeding Against Tellico Village Property Owners Association, Inc.* shall be considered a Complaint of the Consumer Advocate, and this matter shall proceed as a contested case proceeding.

2. Initial Briefs in the matter are due **February 27, 2026**.

3. Reply Briefs or any additional briefing, if necessary, are due **March 13, 2026**.

4. Target date for consideration before the voting panel of the Tennessee Public Utility Commission is **April 27, 2027**.


Monica Smith-Ashford, Administrative Judge