

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

February 2, 2026

IN RE:

**APPLICATION OF TWO RIVERS UTILITY, LLC
FOR A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY TO SERVE THE
CANTERBURY MANOR SUBDIVISION IN
FAYETTE COUNTY, TENNESSEE**

**DOCKET NO.
25-00073**

**ORDER ON JOINT AGREED MOTION TO SUBMIT CASE TO COMMISSION FOR
HEARING OF THE MERITS ON THE RECORD (“PAPER” HEARING)**

This matter is before the Administrative Judge of the Tennessee Public Utility Commission (“Commission” or “TPUC”) on the *Joint Agreed Motion to Submit Case to Commission for Hearing on the Merits on the Record (“Paper” Hearing) (“Joint Motion for Paper Hearing”)* filed jointly by Two Rivers Utility, LLC (“Two Rivers” or the “Company”) and the Consumer Advocate Division of the Office of the Tennessee Attorney General (“Consumer Advocate”) on January 29, 2026. In the *Joint Motion for Paper Hearing*, the Parties waive a live hearing, stating that the Parties have engaged in good faith, cooperative discovery and filed Pre-Filed Testimony, providing a developed record that is sufficient for the Commission to resolve the singular contested issue on the merits.¹ Further, the Parties assert that they will timely respond to any Commission data request for additional information not already in the record.² The Parties request that for good cause shown, the Commission resolve the contested issue without presentation of opening and

¹ *Joint Motion for Paper Hearing*, pp. 2-3 (January 29, 2026).

² *Id.*

closing statements, witness summaries, and cross-examination.³

This matter is before the Commission on the *Application of Two Rivers Utility, LLC for a Certificate of Public Convenience and Necessity* for a wastewater system to serve the Canterbury Manor Subdivision in Fayette County, Tennessee. The Parties participated in discovery, with Two Rivers providing information in its responses and supplemental responses and filing the Pre-Filed Direct and Rebuttal Testimony from one witness, and the Consumer Advocate filing Pre-Filed Direct Testimony of one witness. Two Rivers also provided responses and supplemental responses to data requests from the Commission. Hence, the record is sufficiently developed in preparation for adjudication.

An application for a Certificate of Public Convenience and Necessity (“CCN”) is a contested case proceeding, as the Commission is required to determine the legal rights, duties, and privileges of the applicant.⁴ In CCN dockets, the Commission is charged with determining whether the applicant possesses sufficient managerial, financial, and technical capabilities to provide the applied for services, whether there is a public need for the utility services, and whether financial security requirements are met.⁵

All parties to contested cases before the Commission are entitled to an opportunity for hearing, at which time the parties are “afforded an opportunity to present evidence and argument in accordance with the rules of the commission... .”⁶ The Uniform Administrative Procedures Act (“UAPA”) similarly that requires the parties be afforded the opportunity to present evidence and argument, and to respond to, cross-examine, and rebut presented evidence.⁷ The UAPA also

³ *Id.*

⁴ See Tenn. Code Ann. § 4-5-102(3) (West 2026).

⁵ See Tenn. Code Ann. § 65-4-201(a) (2022); Tenn. Comp. R. & Regs. 1220-04-13-.17.

⁶ Tenn. Code Ann. § 65-2-108 (2022).

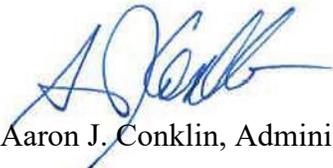
⁷ Tenn. Code Ann. § 4-5-312(b) (West 2026).

provides that while the hearing may be conducted by telephone, electronics, or audio-visual means, the parties must have a meaningful opportunity to participate and must be open to public observation.⁸ To effectuate these statutory requirements for contested cases, the Commission has a long-standing, developed policy that requires Parties to appear before the Commission, to present witnesses who may summarize their pre-filed testimonies sufficient to give an adequate description of the contested issues, to provide Commissioners and Commission Staff an opportunity to present questions, and to hear and observe any public comments presented.

In this CCN case, the Parties have waived their right to a hearing by means of live argument and testimony. Specifically, the Parties waived presentation of opening and closing statements, witness summaries, and cross-examination. The Administrative Judge finds that a waiver of all of these elements, resulting in a hearing on paper only, is not consistent with Commission policy. The Administrative Judge declines to create an exception to Commission policy or to otherwise deviate from established requirements. Therefore, the *Joint Motion for Paper Hearing* is denied. The Parties may waive opening and closing statements and cross-examination of witnesses, if preferred. However, the Parties are instructed to have their witnesses in attendance to present a summary of their respective testimonies at the Hearing of this matter. Witnesses may attend via audio-visual means upon approved motion in accordance with Commission Rules.

IT IS THEREFORE ORDERED THAT:

The *Joint Agreed Motion to Submit Case to Commission for Hearing on the Merits on the Record (“Paper” Hearing)* is denied.


Aaron J. Conklin, Administrative Judge

⁸ Tenn. Code Ann. § 4-5-312(c), (d) (West 2026).