

TENNESSEE PUBLIC UTILITY COMMISSION



Andrew Jackson State Office Bldg,
502 Deaderick Street, 4th Floor
Nashville, TN 37243-0001

26-00022

May 27, 2026

Electronically Filed in TPUC Docket
Room on May 28, 2026 at 1:15 p.m.

Meadowlake Airpark, LLC
Attn: Angie K. Jones
153 Anglers Cove Road
Kingston, TN 37763

Re: *Request for Letter of Determination from Meadowlake Airpark, LLC, Phase I
Development, Kingston, Roane County, Tenn.*

Dear Ms. Jones:

On April 9, 2026, the Tennessee Public Utility Commission (“TPUC” or “Commission”) received your letter as owner of Meadowlake Airpark, LLC (“Meadowlake”) requesting a letter of determination as to whether a Certificate of Public Convenience and Necessity (“CCN”) would be required based on the proposed plans for a sewer system (“System”) at an airpark owned and operated by Meadowlake (“Airpark”). The Letter states that the Phase 1 expansion of the Airpark will include 33 airplane hangars that will require a central sanitary sewer system providing service to the hangars. These 33 hangars will be sold to individuals for the purpose of airplane storage, but Meadowlake will maintain responsibility for the taxiways and runways. The System serving the Airpark is also to be owned and operated by Meadowlake. The Restrictive Covenants applicable to the Airpark state that plant operations, maintenance, and repair costs will be the responsibility of Meadowlake. The Restrictive Covenants will be provided to hangar owners along with the purchase agreement. The System will serve only the owners of hangars at the Airpark and will not

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serve any individuals, entities, or lots outside of the Airpark. The System will be installed and operated by a qualified operator.

Tenn. Code Ann. § 65-4-101(6)(A) defines a public utility as:

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.¹

The “public utility” definition also includes a number of exceptions that mainly exclude federal, state, and local governmental entities and their instrumentalities, cooperatives established under the Rural Electric and Community Services Cooperative Act, Tenn. Code Ann. § 65-25-101 *et seq.* or the Telephone Cooperative Act, Tenn. Code Ann. § 65-29-101 *et seq.*, and certain telecommunications providers. Additional exclusions, found in Tenn. Code Ann. § 65-4-101(6)(B), are:

- (i) “Public utility” does not mean nonprofit homeowners associations or organizations whose membership is limited to owners of lots in residential subdivisions, which associations or organizations own, construct, operate or maintain water, street light or park maintenance service systems for the exclusive use of that subdivision; provided, however, that the subdivisions are unable to obtain such services from the local utility district. None of the property, property rights or facilities owned or used by the association or organization for the rendering of such services shall be under the jurisdiction, supervision or control of the Tennessee public utility commission;
- (ii) “Public utility” does not mean any nonprofit corporation, as defined in § 501(c)(4) of the Internal Revenue Code (26 U.S.C. § 501(c)(4)), which owns and operates a wastewater system primarily for the use of the members of the corporation and which has received a written statement of exemption from regulation as a public utility

¹ Tenn. Code Ann. § 65-4-101(6)(A) (West 2026) (emphasis added).

from the Tennessee public utility commission prior to January 1, 2009[.]²

Based upon the information provided in the Letter, it appears that the System to be owned and operated by Meadowlake is a public utility, as defined by Tenn. Code Ann. § 65-4-101(6), because the system will be owned and operated by Meadowlake to serve owners of the 33 hangars that comprise Phase 1 of the Airpark. Though the System is designed to provide service to only the 33 hangar owners, it appears that the System provides a wastewater utility service that is dedicated to the public use.

For private property to be dedicated to the public use, “it must be dedicated by some act of the owner which may be evidenced by his declarations or acts....”³ Determination of whether private property is dedicated to the public use requires an examination of the totality of the circumstances, including the business operations of the property owner; whether the general public, or a limited portion of the public, has an interest in the good or service provided; and whether there is competition from another entity or entities providing similar services.⁴ Where an entity undertakes a duty to provide a utility service on behalf of the public generally, or any defined portion of the public, the duty establishes the qualification as a public utility rather than any use, whether paid or complimentary, by a consumer.⁵ This duty creates an obligation to the consumer that cannot arbitrarily be withdrawn.

As described in the Letter, Meadowlake will own and operate the System. Meadowlake is a member-managed LLC with three members. Admission of new members is limited by provisions of the Operating Agreement of Meadowlake, which was provided along with the Letter. Purchasers

² Tenn. Code Ann. § 65-4-101(6)(B) (West 2026).

³ *Nashville Water Co. v. Dunlap*, 138 S.W.2d 424, 426 (Tenn. 1940).

⁴ Tenn. Op. Att’y Gen. No. 17-25 (Apr. 10, 2017).

⁵ 73B C.J.S. Public Utilities § 2.

of the Airpark hangars do not become members of Meadowlake by virtue of the purchase of a hangar. Hence, the System is serving parties other than Meadowlake. These Airpark hangar owners represent a limited part of the general public, in that ownership of the hangars is not limited to members of Meadowlake, and use of the wastewater services is available to all owners of the hangars and their guests and invitees. Meadowlake is obligated to provide the wastewater service in the applicable Restrictive Covenants that will be provided to the hangar owners. The restrictions evidence a dedication to serve the portion of the general public that becomes owners of the Airpark hangars. Based upon these facts, it appears that the System is dedicated to the public use.

Meadowlake does not appear to fit within any statutory exceptions to the definition of a public utility. Meadowlake is not an instrumentality of a federal, state, or local government, is not a cooperative, and is not a nonprofit organization operating solely for the benefit of its members.

Therefore, since it appears that as described in the Letter, Meadowlake would be a public utility as defined by Tenn. Code Ann. § 65-4-101(6), Meadowlake would be required to obtain a CCN from the Commission prior to the construction or operation of the System. If any of the facts or circumstances set forth in the Letter regarding the provision of wastewater service at the Airpark should change, Meadowlake should notify the Commission.

Sincerely,

A handwritten signature in blue ink, appearing to read 'A. Conklin', is written over a horizontal line.

Aaron J. Conklin, Senior Counsel