

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

June 5, 2026

IN RE:)	
)	
PETITION OF ISHA FOUNDATION, INC. FOR DECLARATORY JUDGMENT)	DOCKET NO.
)	26-00034

**ORDER GRANTING PETITION TO INTERVENE FILED BY
CONSUMER ADVOCATE**

This matter is before the Administrative Judge of the Tennessee Public Utility Commission (“Commission” or “TPUC”) to consider the *Petition to Intervene* filed by the Consumer Advocate Division of the Office of the Tennessee Attorney General (“Consumer Advocate”) on May 22, 2026.

BACKGROUND

On April 21, 2026, Isha Foundation, Inc. (“Isha”) filed its *Petition of Isha Foundation, Inc. for Declaratory Ruling* seeking an Order that Isha is not required to obtain a certificate of convenience and necessity (“CCN”) in order to provide water service to residential tenants living on the Isha site and within the exclusive, water service area of the Warren County Utility District (“WCUD”).

CONSUMER ADVOCATE’S *PETITION TO INTERVENE*

In its *Petition to Intervene*, filed on May 22, 2026, the Consumer Advocate seeks to intervene in the docket pursuant to Tenn. Code Ann. § 65-4-118, which qualifies the Consumer Advocate to represent the interests of Tennessee consumers of public utility services in proceedings before the Commission. According to the Consumer Advocate, in this matter, Isha intends to develop 102 residential lots that will be leased to Isha members on the 17,000-acre site property in McMinnville, TN. These lots will be used by the residents to ‘either build a house on the property or lease a house

built on the property by ISHA.’¹ The Consumer Advocate states that “ISHA avers it will not charge residents for water and wastewater services and all water from the duration of the project will be acquired from wells located on the property. The drinking water system will be owned and operated by ISHA subject to regulation by the Tennessee Department of Environment and Conservation (“TDEC”).”² The Consumer Advocate asserts it seeks to represent the interests of consumers and only by participating in this proceeding can it carry out its duty to represent the interests of consumers.³ Isha does not oppose the Consumer Advocate’s intervention in these proceedings.

FINDINGS & CONCLUSIONS

Tenn. Code Ann. § 4-5-310 establishes the following criteria for granting petitions to intervene:

(a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if:

(1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing;

(2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and

(3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.

(b) The agency may grant one (1) or more petitions for intervention at any time, upon determining that the intervention sought is in the interests of justice and shall not impair the orderly and prompt conduct of the proceedings.⁴

Although it is not an automatic or absolute right to participate in proceedings before the

¹ *Petition to Intervene*, p. 2 (May 22, 2026).

² *Id.* at 2.

³ *Id.* at 3.

⁴ Tenn. Code Ann. § 4-5-310 (West 2025).

Commission, Tenn. Code Ann. § 65-4-118(b)(1) provides a general basis for the qualification of the Consumer Advocate to be permitted to intervene as a party to represent the interests of Tennessee public utility consumers. It provides as follows:

The consumer advocate division has the duty and authority to represent the interests of Tennessee consumers of public utilities services. The division may, with the approval of the attorney general and reporter, participate or intervene as a party in any matter or proceeding before the commission or any other administrative, legislative or judicial body and initiate such proceeding, in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5, and the rules of the commission.⁵

Because the interests of consumers are at stake in receiving water service from a properly regulated entity, the Administrative Judge finds there is a sufficient factual basis to find that the legal rights or interests held by consumers may be determined in this proceeding. In addition, Isha did not object to the *Petition to Intervene*.

THEREFORE, upon due consideration, the Administrative Judge concludes that the legal rights, duties, privileges, immunities or other legal interest of Tennessee consumers may be determined in this proceeding. Further, the Administrative Judge finds that the Consumer Advocate qualifies under law as an intervenor for the purpose of representing those consumer interests, there is no opposition to its intervention, and its *Petition to Intervene* was timely-filed and should not impair the interests of justice or the orderly and prompt conduct of the proceedings. For these reasons, the Administrative Judge concludes that the Consumer Advocate's *Petition to Intervene* should be granted.

IT IS THEREFORE ORDERED THAT:

The *Petition to Intervene* filed by the Consumer Advocate Division of the Office of the Tennessee Attorney General is granted. The Consumer Advocate Division of the Office of the Tennessee Attorney General may intervene and participate as a party in this proceeding and, as such,

⁵ Tenn. Code Ann. § 65-4-118(b)(1) (West 2025).

shall receive copies of any notices, orders, or other documents filed herein.


Monica Smith-Ashford, Administrative Judge