

# TENNESSEE PUBLIC UTILITY COMMISSION

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PUBLICATIONS



502 Deaderick Street, 4<sup>th</sup> Floor  
Nashville, Tennessee 37243

## NOTICE OF HEARING In re: Petition For Declaratory Ruling

Pursuant to Tennessee Code Annotated § 4-5-224, the Tennessee Public Utility Commission gives the following notice of hearing on a petition for declaratory ruling:

1. Docket Number and Style:

**TPUC Docket No. 19-00061**

***In re: Petition of Cartwright Creek, LLC for Declaratory Ruling***

2. Date, Time and Place of Hearing:

A contested case hearing in the above matter has been scheduled before a Hearing Officer of the Tennessee Public Utility Commission at **10:30 a.m. CDT on October 14, 2019**, in Hearing Room G.201 on the Ground Floor of the Andrew Jackson State Office Building located at 500 Deaderick Street, Nashville, Tennessee 37243.

3. Petitioner: Cartwright Creek, LLC
4. Attorney for Petitioner: Henry Walker, Esq.  
Bradley Arant Boult Cummings LLP  
1600 Division Street, Suite 700  
Nashville, Tennessee 37203  
Ph: (615) 252-2363

5. Summary of Relief Requested:

Pursuant to Tenn. Code Ann. §§ 4-5-223 and 65-2-104, the Petitioner requests an order from the Tennessee Public Utility Commission declaring that:

- (1) The requirement of a certificate from the Tennessee Public Utility Commission pursuant to Tenn. Code Ann. § 65-4-201(a) does not apply to the extension of wastewater service to a contiguous unserved parcel of land.

6. The statute the Tennessee Public Utility Commission is called upon to interpret or upon which it is to rule:

- **Tenn. Code Ann. § 65-4-201** states, *in pertinent part*:

(a) No public utility shall establish or begin the construction of, or operate any line, plant, or system, or route in or into a municipality or other territory already receiving a like service from another public utility, or establish service therein, without first having obtained from the authority, after written application and hearing, a certificate that the present or future public convenience and necessity require or will require such construction, establishment, and operation, and no person or corporation not at the time a public utility shall commence the construction of any plant, line, system, or route to be operated as a public utility, or the operation of which would constitute the same, or the owner or operator thereof, a public utility as defined by law, without having first obtained, in like manner, a similar certificate; provided, however, that this section shall not be construed to require any public utility to obtain a certificate for an extension in or about a municipality or territory where it shall theretofore have lawfully commenced operations, or for an extension into territory, whether within or without a municipality, contiguous to its route, plant, line, or system, and not theretofore receiving service of a like character from another public utility, or for substitute or additional facilities in or to territory already served by it.

Submitted for publication by:

Monica Smith-Ashford (BPR # 017567)  
Deputy General Counsel/Hearing Officer  
Tennessee Public Utility Commission  
500 Deaderick Street  
Nashville, TN 37243-0505  
Ph: (615) 741-2904

The Notice of Hearing on Petition for Declaratory Ruling set out herein was properly filed in the Office of the Secretary of State, Publications Division, on this the 13<sup>th</sup> day of September 2019.

By: Monica Smith-Ashford, Esq.  
Monica Smith-Ashford, Esq.