

TENNESSEE PUBLIC UTILITY COMMISSION

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

NOTICE OF HEARING

IN RE: *PETITION OF ISHA FOUNDATION, INC. FOR DECLARATORY JUDGMENT*

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. 26-00034

In re: Petition of Isha Foundation, Inc. for Declaratory Judgment

2. Date, Time and Place of Hearing:

A contested case hearing in the above matter has been scheduled before an Administrative Judge of the Tennessee Public Utility Commission at **10:30 a.m. CDT on June 22, 2026**, 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: Isha Foundation, Inc.
4. Attorney for Petitioner: Henry Walker, Esq.
Bradley Arant Boult Cummings LLP
1221 Broadway, Suite 2400
Nashville, Tennessee 37203
Ph: (615) 252-2363

5. Summary of Relief Requested:

Pursuant to Tenn. Code Ann. § 65-2-104 and Commission Rule 1220-01-02-.05, the Petitioner requests an order from the Tennessee Public Utility Commission declaring that:

Isha is not required to obtain a certificate of convenience and necessity (“CCN”) in order to provide water service at no charge to residential tenants living on the Isha site and within the exclusive, water service area of the Warren County Utility District (“WCUD”).

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

- **Tenn. Code Ann. § 65-4-101** provides in pertinent part:

(6)(A) “Public utility” means 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. “Public utility” as defined in this section shall not be construed to include the following nonutilities:

- (i) Any corporation owned by or any agency or instrumentality of the United States;
- (ii) Any county, municipal corporation or other subdivision of this state;
- (iii) Any corporation owned by or any agency or instrumentality of the state;
- (iv) Any corporation or joint stock company more than fifty percent (50%) of the voting stock or shares of which is owned by the United States, this state or by any nonutility referred to in subdivisions (a)(1), (2), and (3);

- **Tenn. Code Ann. § 65-4-201** provides 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.

- **Commission Rule 1220-04-03 et seq.** which provides in pertinent part:

1220-04-03-.03 DEFINITIONS.

(1) Commission - The word “Commission” shall mean the regulatory body prescribing these rules.

(2) Utility - The word “utility or public utility” shall mean any person, partnership, corporation, company, association, or two (2) or more persons having a joint or common

interest who owns, operates, or manages any facility used for or in connection with the diverting, developing, pumping, impounding, treating, distributing or furnishing of water to or for the public for compensation within the state.

(3) Customer - The word “customer” shall mean any person, firm, corporation, association, or governmental unit furnished water service by a water utility.

(4) Meter - The word “meter” shall mean any device for measuring the quantity of water used as a basis for determining charges for water service to a customer.

(5) Premises - The word “premises” as used herein shall be restricted to the following: (a) A building under one roof owned or leased by one customer and occupied as one (1) residence or one (1) place of business; or (b) A combination of buildings owned or leased by one (1) customer, on one (1) common enclosure occupied by one (1) family as a residence or one (1) corporation or firm as a place of business; (c) Each unit of a multiple house or building separated by a solid vertical partition wall occupied by one (1) family as a residence or one (1) firm as a place of business; or (d) A building owned or leased by one (1) customer and having a number of apartments, offices, or lofts which are rented to tenants using in common one (1) hall and one (1) or more means of entrances; or (e) A building two (2) or more stories high under one (1) roof owned or leased by one (1) customer and having an individual entrance for the ground floor occupants and one for the occupants of the upper floors; or (f) A combination of buildings, such as a garden-type apartment, owned by one (1) customer, on one (1) common enclosure, none of the individual buildings of which is adapted to separate ownership; or (g) A public building, or (h) A single plot, used as a park or recreational area.

(6) Property - The word “property” shall mean all facilities owned and operated by a water utility.

(7) Main - The word “Main” shall mean a water pipe, owned, operated and maintained by a utility, which is used for the purpose of transmission or distribution of water but is not a water service pipe.

(8) Service Pipe - The words “service pipe” shall mean the pipe that runs between the main and the customer’s place of metering.

Submitted for publication by:

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RECEIVED

Jun 08 2026, 11:33 am

Secretary of State
Division of Publications

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 8th day of June 2026.

By: 
Monica Smith-Ashford, Esq.