

HOUSE BILL 1779

By Casada

AN ACT to amend Tennessee Code Annotated, Title 7,
Chapter 82, relative to utility districts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 7-82-402(a), is amended by deleting subdivision (3) and substituting instead the following:

(3) Any protestant feeling aggrieved by the final action of the commissioners under this section may obtain a review of the commissioners' action by simple written request to the utility management review board within thirty (30) days thereafter. Any protestant that is, or may be adversely affected, by the final action of the board has the right to petition the Tennessee regulatory authority for a mediation or arbitration of any or all issues in dispute within thirty (30) days of the board's final decision. Any such petition shall be in writing and shall be accompanied by a filing fee to be determined by the authority. Alternatively, any protestant has the right to judicial review as provided in § 7-82-702.

SECTION 2. Tennessee Code Annotated, Section 7-82-702, is amended by deleting subdivision (7) and by substituting instead the following:

(7) Review any decision of any utility district under § 7-82-402, regardless of exemptions or exclusions as may be enumerated in § 7-82-103, upon simple written request of any utility district customer or any member of the public within thirty (30) days after such decision. The board shall review the decision and conclude the matter within thirty (30) days from receipt of the request. If a protestant, under § 7-82-402, seeks judicial review of any decision of the board, it shall be held by common law certiorari within the county of the utility district's principal office. If a protestant seeks review by

the Tennessee regulatory authority pursuant to § 7-82-402, then any such proceedings shall be conducted under the procedural rules established by the authority.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.