

# TENNESSEE REGULATORY AUTHORITY



Sara Kyle, Chairman  
Eddie Roberson, Director  
Pat Miller, Director  
Ron Jones, Director

460 James Robertson Parkway  
Nashville, Tennessee 37243-0505

November 1, 2006

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Nashville, TN 37219

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T.R.A. DOCKET ROOM

RE: Formal Complaint by King's Chapel Capacity, LLC Against  
Tennessee Wastewater Services Regarding Abuse of Its CCN  
TRA Docket No. 05-00016

Dear Mr. Welch:

The above-referenced docket was initiated on January 14, 2005, upon receipt of a Formal Complaint ("Complaint") by King's Chapel Capacity, LLC ("King's Chapel") against Tennessee Wastewater Services, Inc. ("TWS"). The Complaint alleged that TWS had engaged in certain abuses of authority and privileges granted to TWS pursuant to a Certificate of Public Convenience and Necessity ("CCN") issued by the Tennessee Regulatory Authority ("TRA" or "Authority"). Later, a substantively similar case was commenced upon the filing of a *Petition for a Declaratory Ruling Regarding the Assignment of Wastewater Service Territory to Private Utilities in Tennessee* ("Petition") by King's Chapel on February 25, 2005, which was opened as TRA Docket No. 05-00062.

During a Status Conference held on July 21, 2005, the Authority was informed that all outstanding disputes related to TRA Docket Nos. 05-00016 and 05-00062, as well as TRA Docket No. 04-00335,<sup>1</sup> were in the process of being resolved. Additionally, the Authority had notice of a lawsuit between the parties filed in the Williamson County Chancery Court, *Tennessee Wastewater, et al. v. J. Powell Development, et al.*, Case No. 31074, raising contractual issues which involve the issues in these TRA Dockets. For these and other reasons, the Authority, by Order dated July 25, 2005, ruled that Docket No. 05-00016 would be held in temporary abeyance pending the Chancery Court's decision as to ownership of the subject wastewater system.

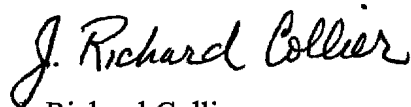
<sup>1</sup> See *In re: Petition of King's Chapel Capacity, LLC for a Certificate of Convenience and Necessity to Serve an Area in Williamson County, Tennessee Known as Ashby Community*, Docket No. 04-00335 (October 5, 2004).

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Subsequent to its July 25, 2005 Order, the Authority was informed that a full and final settlement had, in fact, been reached by the parties, and that evidence thereof would be filed with the Authority no later than September 7, 2005. There have been no filings by the parties, pertaining to Docket Nos. 05-00016 or 05-00062.

Inasmuch as there has been no activity in Docket No. 05-00016 for well over one year, you are requested to advise the Authority of any reason why this docket should remain open. Please respond within seven (7) days of the date of this correspondence.

Very truly yours,

A handwritten signature in black ink that reads "J. Richard Collier". The signature is written in a cursive, flowing style.

J. Richard Collier  
General Counsel

c: Docket File No. 05-00016  
Henry M. Walker, Esq.