

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

IN RE: PETITION OF
TENNESSEE WASTEWATER
SYSTEMS, INC. TO AMEND ITS
CERTIFICATE OF CONVENIENCE
AND NECESSITY

DOCKET NO. 06-00259

PRE-FILED DIRECT TESTIMONY
OF
RANDALL E. USSERY

1
2 EXAMINATION BY MR. ROBERT WHEELER
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4 Q. State your name for the record and your
5 occupation and title.

6 A. Randall E. Ussery, President, Ussery
7 Construction Company, Inc. & Starr Crest Resort
8 (Starr Crest).

9 Q. What business is Starr Crest Resort in?

10 A. Cabin rentals in Sevierville, Tennessee.

11 Q. Are you the developer of Starr Crest?

12 A. Yes.

13 Q. Do you consider Starr Crest Resort to be
14 commercial or residential properties?

15 A. They have never been represented to be
16 anything other than commercial. We rent these cabins
17 on a nightly, weekend, or weekly basis and have since
18 the beginning. Tennessee Wastewater confirms that
19 fact as indicated in their discovery responses and in
20 their petition.

21 Q. Do you have a contractual agreement with
22 Tennessee Wastewater with regard to the rates charged
23 by them for wastewater treatment?

24 A. Each individual cabin owner signs an
25 agreement with East Tennessee Wastewater.

1 Q. At what rate do they currently charge you for
2 wastewater treatment?

3 A. \$35.00 per cabin, per month.

4 Q. Have you examined the rates of usage that
5 have been supplied by the Tennessee Wastewater
6 pursuant to their discovery responses as to the
7 amount of wastewater treated from Starr Crest?

8 A. Yes.

9 Q. Can you state whether or not the rate of
10 usage is above or below what you previously agreed to
11 with T.W.W.?

12 A. Yes, it is within the amounts previously
13 agreed upon.

14 Q. What amounts were previously agreed upon?

15 A. We would be allowed 150 gallons per bedroom,
16 per day.

17 Q. Do you have cabins with as many as eight
18 bedrooms?

19 A. Yes.

20 Q. Do you have cabins as small as one bedroom?

21 A. Yes.

22 Q. To what degree do you monitor the number of
23 customers/patrons that use your cabins?

24 A. We highly regulate the number of people who
25 sign up for our cabin rentals and do not allow more

1 than the number that the customer represented would
2 be using the cabin, nor the number for which the
3 cabin was designed. We regulate that strictly.

4 Q. What, if anything, has changed with regard to
5 your operation since you first developed Starr Crest
6 Resort?

7 A. Nothing in terms of how the properties are
8 used, i.e. either nightly, weekend, or weekly
9 rentals. We, of course, have added more units since
10 we first contracted with Tennessee Wastewater, but
11 their agreement with Starr Crest provided for an
12 increase in units in the Starr Crest Development. We
13 have never represented our properties to be anything
14 other than rental properties as described above, and
15 it was clearly understood from the beginning how
16 Starr Crest would be run.

17 The theme of the petition to amend the
18 Certificate of Necessity that Starr Crest has
19 "changed" or that Tennessee Wastewater did not know
20 these cabins would be rented on a commercial basis is
21 simply not true. Considering the flow rates that we
22 have previously agreed upon with Tennessee Wastewater
23 and/or its predecessor, doubling the wastewater
24 treatment rates is inherently unfair since we've
25 concealed nothing with regard to the kind of resort

1 Starr Crest is.

2 More importantly, since we are not exceeding
3 our agreement regarding volume, the rates currently
4 being charged are just and reasonable.

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