

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE: **filed electronically in docket office on 07/23/07**

**PETITION OF TENNESSEE WASTEWATER
SYSTEMS, INC. TO AMEND ITS
CERTIFICATE OF CONVENIENCE AND
NECESSITY**

Docket No. 06-259

**REPLY TO TENNESSEE WASTEWATER SYSTEMS' RESPONSE TO
OBJECTIONS OF SMOKY COVE**

Comes now Smoky Cove, by and through counsel, and submits this Reply to Tennessee Wastewater Systems' Response to Objections of Smoky Cove. For its Reply, Smoky Cove would state as follows:

1. There was never any evidence presented to support Tennessee Wastewater Systems' contention that the subject property should be reclassified as commercial. As set forth in Smoky Cove's Objection, there was no verifiable or statistical data provided that would form a basis for reclassifying the subject properties. Despite having the burden of proof, the Petitioner did not provide any data regarding actual usage. Instead the entirety of Tennessee Wastewater Systems' case was based on speculation and conjecture. Smoky Cove's Objection stems from the fact that it now appears as if the Petitioner is attempting to avoid the necessity of proving the propriety of reclassification by simply pointing to a proposed settlement. It remains Smoky Cove's Position that it should not be reclassified as commercial at any rate, \$55.00 or otherwise.

2. In the event that Smoky Cove is reclassified as commercial, there has been nothing provided by the petitioner to support the contention that \$55.00 is a fair and reasonable rate. Again, there was no evidence presented indicating that based on actual

usage or other verifiable figures or data that would suggest that \$55.00 is the correct rate to be charged.

The Petitioner's Response also incorrectly states that Smoky Cove, in some way, consented to the \$55.00 rate. Smoky Cove's position regarding the proposed rate has always been that it had no control or interest in the rate being charged to other parties as long as it did not effect Smoky Cove. There is nothing in law or equity that would bind Smoky Cove to a settlement reached between other parties.

Smoky Cove respectfully asks the Tennessee Regulatory Commission decline the settlement for an amount specific and/or limit the applicability of the same to the parties the were involved in the negotiations.

Respectfully submitted this 23rd day of July, 2007.

/s/ Christopher W. Conner
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the above document was provided to the parties listed below on this 23rd day of July, 2007.

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