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September 20, 2007

Chairman Eddie Roberson
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

VIA ELECTRONIC DELIVERY

filed electronically in docket office on 09/20/07

Re: Turnberry Homes, LLC v. King's Chapel Capacity, LLC—Docket No. 07-00199.

Dear Chairman Roberson:

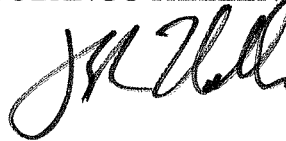
Please find the original and 4 copies of the data responses filed on behalf of King's Chapel Capacity, LLC in the referenced matter enclosed herewith.

It has just come to KCC's attention at the time of filing the enclosed responses that the sewer valves to Lots 138 & 139 have been turned on again by Turnberry Homes.

If I may be of further assistance in this matter, please do not hesitate to contact me. I am

Very truly yours,

FARRIS MATHEWS BRANAN
BOBANGO HELLEN & DUNLAP, PLC



Jamie R. Hollin

Enclosure

Cc: John E. Powell (w/enclosure)

1. **Has Turnberry ever had approved sewer service from KCC on Lot 138? If so, please forward a copy of the executed sewer service agreement or sewer subscription contract. If not, please explain why.**

Response of KCC:

Turnberry has never had approved sewer service from KCC on Lot 138. Sewer service has only been provided to end use homeowners after the proper execution of a sewer subscription contract as contained in KCC's tariff.

2. **Has Turnberry ever paid for sewer service for Lot 138? If so, please provide the date(s) of such payment.**

Response of KCC:

Turnberry has never paid for any sewer service provided to Lot 138 by KCC.

3. **Did Turnberry ever open or close the sewer service collection valve to Lot 138? If so, provide the date of such action, identify who took the action, and explain the reason the action was taken.**

Response of KCC:

Yes. Although no representatives of KCC actually witnessed Turnberry open the sewer service collection valve to Lot 138, it has been found open several times by KCC's representatives.

KCC cannot recall the exact dates of the numerous instances in which Turnberry turned the sewer service collection valve to the on position, however, on the same day it came to KCC's attention, the sewer collections valve was turned off again. One instance KCC can recall is on August 14, 2007, KCC instructed Mr. Wayne Stine—KCC's contractor—to inspect the sewer valve on Lot 138 and to report his findings. The valve was on and KCC instructed Mr. Stine to turn the valve off and to notify Turnberry that the valve was to remain off. On August 15, 2007, Turnberry notified Mr. Stine that it had turned the valve back on and threatened Mr. Stine with arrest for trespassing.

When the collection tank are installed, KCC also installs the connection line through proper easements to the main collection line located on the edge of lots. Each house has a valve that lets wastewater enter the main collection line after it flows through the collection tank and the filters within the collection tank. The valve is actually between the collection tank and an individual line that connects to the wastewater collection main.

In filings with the Authority and the Williamson County Chancery Court, Turnberry maintains the position that it had sewer service on Lot 138. Turnberry's filings indicate

its understanding that the installation of a collection tank is the equivalent to having sewer service. This is not the case. A collection tank is an integral part of a complete wastewater service just as a fuse panel is necessary to have electric service. However, a collection tank does not equal sewer service.

4. **Did KCC or any of its affiliates, agents or employees ever deny a request or application for sewer service to Lot 138? If so, state when the action was taken, who took the action and the reason given for the denial.**

Response of KCC:

No. Turnberry has never submitted a request or application for sewer service to Lot 138.

5. **Did KCC ever bill Turnberry for sewer service to Lot 138? If so, state the date of the bill and if payment was received, the date of such payment.**

Response of KCC:

No. KCC has never rendered a bill for sewer service to Lot 138.

6. **Did KCC ever open or close the sewer service collection valve to Lot 138? If so, provide the date of such action, identify who took the action, and explain the reason the action was taken.**

Response of KCC:

See response to Data Request No. 3.

7. **Describe the relationship between KCC and Ashby Communities, LLC ("Ashby").**

Response of KCC:

Ashby Communities, LLC is the developer of King's Chapel Subdivision ("King's Chapel"). KCC is the wastewater service provider to King's Chapel.

The relationship between KCC and Ashby is defined under contract, which is reproduced in part as follows:

The purpose of this Agreement is to establish the rights and obligations of and between ASHBY and KCC respecting the Facility. KCC will operate the Facility conducting sanitation treatment of customer sewage and wastewater and will charge the customer a fee for the service and be responsible for all billings and collections. ASHBBY will, at its sole discretion, arrange for

and connect customers to the system. After connection the customer will belong to KCC.

This Agreement does not establish a partnership, joint venture, association or other business relationship between the Parties. The Parties will not act in concert to share with each other profits or expenses, but instead are separate legal entities independently conducting separate and distinct profit-seeking activities.

8. Explain John Powell's relationship to Ashby, and who controls Ashby.

Response of KCC:

Mr. Powell is a 50% owner member of Ashby with one other partner. Mr. Powell is the managing member with specific powers as outlined in the Ashby Operating Agreement.

9. Provide a listing of the principals, partner, or shareholders in KCC.

Response of KCC:

Mr. John Powell is the sole owner of KCC.

10. Provide a listing of the principals, partners, or shareholders in Ashby.

Response of KCC:

Mr. John Powell	-	50%
Anton Land Legacy Trust	-	50%

11. KCC should explain in detail its denial of the allegations in Paragraph #15 of the Petition.

Response of KCC:

See Respondent's Amended & Restated Reply in Opposition to Petition for Temporary Injunctive Relief filed on September 18, 2007. KCC does hold a certificate of public convenience and necessity for King's Chapel. However, KCC has never transferred its authority to provide wastewater services to any other entity in violation of any state or local law.

12. Does KCC admit the allegations in Paragraph #19 of the Petition?

Response of KCC:

See Respondent's Amended & Restated Reply in Opposition to Petition for Temporary Injunctive Relief filed on September 18, 2007. KCC denies the allegations contained within Paragraph 19 of the Petition. However, during printing errors in KCC's initial Reply in Opposition to the Petition for Temporary Injunctive Relief, the response to Paragraph 19 of the Petition was omitted by mistake.