

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

**IN RE:** )  
 )  
**PETITION OF TENNESSEE WASTEWATER** )  
**SYSTEMS, INC. FOR APPROVAL TO** )  
**AMEND ITS RATES AND CHARGES** ) **DOCKET NO. 08-00202**  
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**OPPOSITION OF TENNESSEE WASTERWATER SYSTEMS, INC. TO THE  
PETITION TO INTERVENE OF KING'S CHAPEL**

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Tennessee Wastewater Systems, Inc. ("TWS" or the "Company") files this response in opposition to the "Petition to Intervene" filed by King's Chapel Capacity, LLC ("King's Chapel").

King's Chapel seeks to intervene as a matter of right under T.C.A. § 4-5-310(a) which states that the petitioner must demonstrate that he has a protectable "legal interest" which may be affected by the outcome of this proceeding. TWS opposes the Petition because it is clear that King's Chapel does not have a legal interest in this docket.

According to the Petition and the TRA's files, King's Chapel has a certificate from the TRA to provide wastewater service to one development in Williamson County. King's Chapel is not a customer or supplier of TWS. The two companies have no business relationship, nor do they directly compete. Each utility provides service in its own service territory. Those territories do not overlap.

The only legal interest claimed by King's Chapel in this proceeding is that the "existing rates" of King's Chapel are "based upon" the existing rates of TWS. Therefore, according to King's Chapel, this request by TWS to increase its rates "could have a precedential effect on any future filings of [King's Chapel] to change its rates."

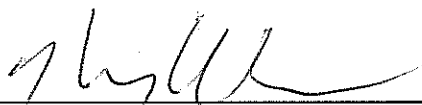
The fact that King's Chapel has chosen to copy the rates and rate structure of TWS does not give King's Chapel a "legal interest" in the outcome of this rate case. Whether the rate increase requested by TWS is granted in whole or in part depends entirely upon the evidence presented regarding the Company's revenues and expenses. The TRA's decision will have no direct impact on the "legal interests" of King's Chapel. If King's Chapel subsequently decides to file its own rate case, it will have to present evidence of its own expenses and revenues. It cannot rely upon evidence presented by TWS or upon findings made by the TRA concerning the expenses and revenues of TWS.

As in any rate case, the agency's decision on various issues may be cited as precedents to support or oppose arguments raised in future cases filed by other utilities. But a TRA decision on an issue in one case does not give every utility which might face a similar issue a protectable "legal interest" in the outcome of that case or a legal right to intervene. Otherwise, every rate-regulated utility under the TRA's jurisdiction would have a legal right to intervene in the rate case of every other rate-regulated utility.

Because the Petitioner does not have a protectable legal interest which could be determined in this proceeding, the Petitioner does not meet the legal requirements for intervention as a matter of right under T.C.A. § 4-5-310(a). For these reasons, the Petition should be denied.<sup>1</sup>

Respectfully submitted,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

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<sup>1</sup>As in every rate case, however, there will be a public hearing at which anyone, including the owner of King's Chapel, may address the agency about any issue in the case.

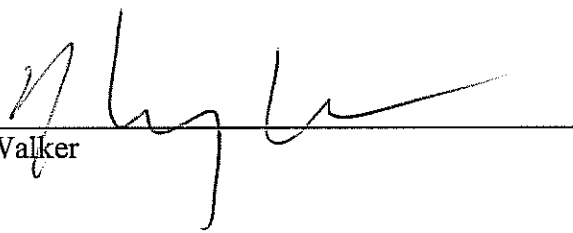
**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been served by placing it in the U.S. Mail, First Class, postage prepaid, on the following counsel of record, this the 4th day of November, 2008.

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