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April 9, 2009

VIA HAND DELIVERY

filed electronically in docket office on 04/09/09

Honorable Eddie Roberson, Chairman
c/o Sharla Dillon, Docket & Records Manager
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

**RE: In Re: Petition for Approval to Transfer HC Sewage Treatment LLC's
Authority to Provide Wastewater Utility Services to Greeneville Sewage
LLC., TRA Docket No. 08-00222**

Dear Chairman Roberson:

Enclosed please find one (1) original and four (4) copies of the *Motion of Greeneville Sewage LLC to Permit Substitute Testimony and to Permit Allen Johnson to Appear Telephonically at the Hearing* (the "Motion"). One (1) additional copy of the *Motion* is enclosed to be filed-stamped for our records.

If you have any questions or require additional information, please let us know.

Respectfully submitted,

Melvin J. Malone

clw

IN RE:

Docket No. 08-00222

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I.

BACKGROUND

On or about December 5, 2008, Greeneville Oil and Petroleum, Inc. submitted a *Petition to Transfer the Certificate of Public Convenience and Necessity of HC Sewage Treatment, LLC to Greeneville Oil and Petroleum, Inc.* (the “*Petition*”) to the Authority. The Pre-filed Testimony of Allen Johnson is attached to the *Petition* as an exhibit. On or about February 2, 2009, the Authority granted Greeneville Oil and Petroleum, Inc.’s motion to substitute Greeneville Sewage LLC as the Petitioner in this matter.

II.

REQUEST

The Pre-filed Testimony of Allen Johnson submitted with the *Petition* on December 5, 2008, was filed on behalf of Greeneville Oil and Petroleum, Inc. As Greeneville Sewage, LLC, a wholly-owned affiliate of Greeneville Oil and Petroleum, Inc., is now the Petitioner in this matter, the previously filed Testimony of Allen Johnson in this matter either needs to be adopted by Greeneville, otherwise modified or substituted. Greeneville is hereby requesting that the Pre-filed Testimony of Allen Johnson attached hereto be substituted for the previously filed Testimony of Allen Johnson.

In good faith, and in support of the public interest, Greeneville is seeking to have the Certificate of Public Convenience and Necessity of HC Sewage Treatment, LLC transferred to Greeneville. For various reasons, Greeneville, and Greeneville Oil and Petroleum, Inc., have incurred significant expenses to effect this transfer. In order to avoid additional expenses, and to lessen scheduling conflicts, Greeneville is requesting that Mr. Johnson be permitted to appear

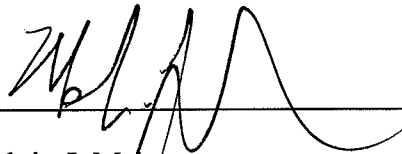
telephonically at the hearing on the merits, accompanied by a notary public. The public interest will not be harmed by the granting of this request.

III.

CONCLUSION

For the reasons set forth herein, Greeneville respectfully requests expedited consideration of this motion and the granting of the same.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Melvin J. Malone', is written over a horizontal line.

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Attorneys for:
Greeneville Sewage LLC

EXHIBIT A

PRE-FILED TESTIMONY OF ALLEN JOHNSON

Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

A. My name is Allen Johnson, and my business address is Greeneville Sewage LLC, 860 West Andrew Johnson Hwy., Greeneville, Tennessee 37745.

Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?

A. I am the owner of Greeneville Oil and Petroleum, Inc., and I serve as its President. Greeneville Sewage LLC ("Greeneville" or "Applicant"), a limited liability company, is wholly owned by Greeneville Oil and Petroleum, Inc. Greeneville is member-managed, and I serve as the President of Greeneville.

Q. PLEASE DESCRIBE YOUR EDUCATIONAL BACKGROUND AND BUSINESS EXPERIENCE.

A. I have been involved in the oil and gas industry for twenty (20) years. I am currently the owner and President of Greeneville Oil and Petroleum, Inc., and I have served in this capacity with Greeneville Oil and Petroleum, Inc. for fourteen (14) years. I am Greeneville Oil and Petroleum, Inc.'s sole stockholder. Prior to joining Greeneville Oil and Petroleum, Inc., I was employed by Allergan Pharmaceuticals for nine (9) years as its Internal Auditor. I graduated from East Tennessee State University in 1986. Greeneville was formed earlier this year.

Q. FOR WHOM ARE YOU TESTIFYING IN THIS PROCEEDING?

A. I am testifying on behalf of Greeneville.

Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

A. The purpose of my testimony is to support the *Petition to Transfer Certificate of Public Convenience and Necessity of HC Sewage Treatment LLC's to Greeneville Sewage LLC* (the "*Petition*").

Q. PLEASE DESCRIBE GREENEVILLE'S STRUCTURE.

A. Greeneville is a limited liability company that is wholly owned by Greeneville Oil and Petroleum, Inc. Greeneville is member-managed. Greeneville's Articles of Organization are currently on file with the Authority in this docket.

Q. PLEASE DESCRIBE GREENEVILLE'S OPERATIONS IN THE STATE OF TENNESSEE.

A. Greeneville Oil and Petroleum, Inc. owns and operates thirty-four (34) gas stations in Upper East Tennessee and is headquartered in Greeneville, Tennessee. On or about October 10, 2008, Greeneville Oil and Petroleum, Inc. began operating the wastewater utility owned and formerly operated by HC Sewage Treatment, LLC ("HC Sewage"). Subsequent to the Authority substituting Greeneville Sewage LLC as the Petitioner in this docket, in the place of Greeneville Oil and Petroleum, Inc., Greeneville assumed the operation of HC Sewage.

Q. WHAT IS GREENEVILLE SEEKING IN ITS *PETITION* IN THIS DOCKET?

A. Greeneville is seeking a transfer of the certificate of public convenience and necessity ("CCN") granted to HC Sewage by the Tennessee Regulatory Authority ("TRA" or "Authority") in 2002 to Greeneville.¹ As is evident from the record in TRA Docket No. 08-00222, Greeneville and HC Sewage have previously submitted to the Tennessee Department of Environment and Conservation a Notice of Intent to Transfer Ownership of NPDES Permit Number TN0075094, commonly referred to as the TDEC Permit.

¹ See *In re: Application of HC Sewage Treatment, LLC for a Certificate of Convenience and Necessity*, TRA Docket No. 00-00667, Initial Order Granting Certificate of Public Convenience and Necessity (Jan. 2, 2002) ("*HC's CCN Order*").

Further, Greeneville and HC Sewage have previously submitted to the Authority in this docket an executed Asset Purchase Agreement.

Q. WHY IS GREENEVILLE SEEKING THIS TRANSFER?

A. Greeneville is seeking the transfer because HC Sewage has informed the Authority that it is insolvent and is unable to continue operations of its wastewater services. These services are vital to the community that HC Sewage serves.

Q. DOES GREENEVILLE MEET THE STATUTORY REQUIREMENTS SET FORTH IN TENN. CODE ANN. § 65-4-113?

A. Yes. Greeneville has the managerial, technical, and financial capabilities to operate this wastewater utility. As I noted earlier, HC Sewage was granted a CCN by the Authority in January of 2002. Initially, upon assuming the operations of the system, Greeneville Oil and Petroleum, Inc retained the experienced HC Sewage technical staff, Mr. Hugh Thomason, to continue operating the wastewater utility. As shown in **EXHIBIT 1** attached hereto, Greeneville has retained the services of Mr. Robert Scotty Street to replace Mr. Thomason as the certified operator of the system. Mr. Street's license number is #5897. Mr. Street provides Greeneville with the foundation necessary to provide the proposed wastewater services. Given my years of managerial experience and Mr. Street's technical knowledge, Greeneville is managerially qualified to provide wastewater services. Attached as **EXHIBIT 2** to hereto is a list of the names of the Applicant's principal company officers and staff and a description of each officer's background and experience. As shown in this exhibit, the company has substantial managerial experience suitable to the area of utility operations.

Greeneville is financially qualified to provide the proposed wastewater services.

In support of such qualification, Greeneville relies upon its parent, Greeneville Oil and Petroleum, Inc. and **CONFIDENTIAL EXHIBIT E** to the *Petition*.

Before issuing *HC's CCN Order*, the Authority reviewed and evaluated HC Sewage's technical abilities. The TRA granted the requested authority in 2002 based, in part, upon finding that HC Sewage possessed the requisite technical qualifications to provide wastewater services in Tennessee. Since that time, HC Sewage's staff has successfully serviced HC Sewage's wastewater customers. Greeneville has retained an equally qualified, certified engineer to operate the plant. This experience provides Greeneville with the foundation necessary to provide the proposed wastewater service. Hence, Greeneville is technically qualified to offer wastewater services.

Q. WILL GREENEVILLE CONTINUE TO COMPLY WITH THE TRA'S POLICIES, RULES, AND ORDERS?

A. Yes.

Q. WILL GREENEVILLE COMPLY WITH STATE LAW IN RELATION TO ITS REQUEST FOR TRANSFER?

A. Yes.

Q. WILL THE GRANTING OF THE *PETITION* SERVE THE PUBLIC INTEREST?

A. Yes. The Authority issued *HC's CCN Order* based, in part, upon finding that granting the same was in the public interest. The granting of this *Petition* will further the public interest by permitting and authorizing the continuation of essential wastewater services.

Q. IS THE *PETITION* TRUE AND CORRECT TO THE BEST OF YOUR KNOWLEDGE, INFORMATION AND BELIEF?

A. Yes.

Q. DOES THIS CONCLUDE YOUR PRE-FILED TESTIMONY?

A. Yes, it does. Thank you.

VERIFICATION

STATE OF TENNESSEE)
COUNTY OF Greene)

I, Allen Johnson, being first duly sworn, make oath that I am the President of Greenville Sewage LLC and that my Pre-filed Testimony on behalf of Greenville Sewage LLC in support of the *Petition to Transfer Certificate of Public Convenience and Necessity of HC Sewage Treatment, LLC to Greenville Sewage LLC* submitted to the Tennessee Regulatory Authority, and is true, accurate and correct to the best of my knowledge, information and belief.



Allen Johnson
President
Greenville Sewage LLC

Sworn to and subscribed before me this 9 day of April, 2009.



Notary Public

My Commission Expires: 3-23-2011

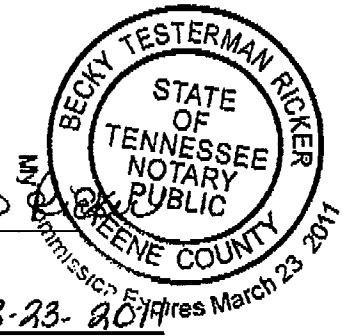


EXHIBIT 1



ATTORNEYS AT LAW

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March 3, 2009

VIA FACSIMILE AND U.S. MAIL

Mr. Bryan B. Carter
Environmental Protection Specialist
Tennessee Department of Environment and Conservation
Johnson City Environmental Field Office
2305 Silverdale Road
Johnson City, Tennessee 37601

RE: Notice of Violation
Hampton Carter Commercial Center
NPDES Permit TN0075094
Carter County

Dear Mr. Carter:

This letter is in response to the Tennessee Department of Environment and Conservation's letter of February 18, 2009, notifying Mr. Jack Strickland of a violation of NPDES permit TN0075094. Although Greeneville Oil and Petroleum, Inc. ("Greeneville") is not the permit holder, Greeneville is nonetheless responding in good faith and in the public interest. In fact, as set forth more fully below, Greeneville has been operating the HC Sewage LLC wastewater treatment plant (the "system") since October 10, 2008.

On September 23, 2008, HC Sewage LLC surrendered the system to the Tennessee Regulatory Authority ("TRA" or "Authority"). In cooperation with the Authority and HC Sewage LLC, and in the public interest, Greeneville offered to take over the system, assuming certain conditions were appropriately met. Since taking over operations of the system, Greeneville has been working to have ownership of the system transferred from HC Sewage LLC to its affiliate, Greeneville Sewage LLC. The Petition to transfer HC Sewage's authority to provide wastewater utility services to Greeneville Sewage LLC is currently pending before the Authority. A copy of the Petition is attached hereto as Exhibit A. Additionally, Mr. Strickland and Greeneville have been working to transfer the NPDES permit from Mr. Strickland to Greeneville. A copy of the Joint Agreement to transfer the NPDES permit is attached as Exhibit B.

As the operator of the system, Greeneville has worked tirelessly to find a replacement for Mr. Hugh Thomason since his departure and, after a extensive search, has been successful. Mr. Robert Scotty Street will replace Mr. Thomason as the certified operator of the system. Mr. Street's license number is #5897.

March 3, 2009
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Although Greeneville is not in a position to respond to the notice of violation on behalf of Mr. Strickland, Greeneville, in good faith, desired to notify the Department that a new engineer has been retained. If we can be of further service or provide any additional information to the Department, please let us know.

Sincerely,


Sarah Lodge Tally

SLT/sc

Enclosure

cc: Mr. T. Arthur Scott, Jr.
130 Nevermore Lane
Kingsport, TN 37664

Mr. Allen Johnson
Greeneville Oil & Petroleum, Inc.
860 West Andrew Johnson Highway
Greeneville, TN 37745

Mr. Dennie Matthes
Greeneville Oil & Petroleum, Inc.
860 West Andrew Johnson Highway
Greeneville, TN 37745

Mr. Richard Collier
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243

Mr. Patrick Parker
Enforcement and Compliance Section
Tennessee Division of Water Pollution Control
L&C Annex, 1st Floor
401 Church Street
Nashville, TN 37243

Mr. Jeffrey Horton
Tennessee Division of Water Pollution Control
Johnson City Environmental Field Office
2305 Silverdale Road
Johnson City, Tennessee 37601

EXHIBIT 2

STAFF OF GREENEVILLE SEWAGE LLC

Allen Johnson – President

Dennie Mathes – Secretary and Operations

Nickie Rhoads – Certified Public Accountant

Robert Street – Certified Engineer

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy has been forwarded via U.S. Mail to the following on this the 9th day of April 2009.

T. Arthur Scott, Jr.
Attorney at Law
130 Nevermore Lane
Kingsport, TN 37664

Mr. Daniel Morrison
Ms. Cheryl Morrison
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Timothy Phillips
Office of the Attorney General, Consumer Advocate Division
P.O. Box 20207
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Melvin J. Malone