

AquaGreen Utility Inc.

3350 Galts Road . Acworth, Georgia . 30102

July 16, 2010

filed electronically in docket office on 07/16/10

Docket No. 10-00145

Honorable Mary W. Freeman
Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

RE: Petition to amend Certificate of Convenience and Necessity

Dear Chairman Freeman:

Aqua Green Utility Inc. desires to expand its service area to include a portion of Jefferson County in Tennessee, known as Stonebridge on Douglas Lake. The attached Petition is in support of our request. The proposal updated tariff sheets accompanying this petition are for informational purposes only.

Sincerely,

Dart Kendall, President
Aqua Green Utility Inc.

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

_____, 2010

IN RE: PETITION OF AQUA GREEN UTILITY INC. TO AMEND ITS CERTIFICATE OF
CONVENIENCE AND NECESSTIY

DOCKET NO: _____

Petition of Aqua Green Utility Inc. to amend its Certificate of Convenience and Necessity

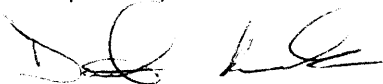
Aqua Green Utility Inc. ("AGUI") petitions the Tennessee Regulatory Authority ("TRA") to amend AGUI's Certificate of Convenience and Necessity to expand its service area to include a portion of Jefferson County known as Stonebridge on Douglas Lake. The project is located off of Tranquility Trail in Jefferson County. The property is shaded yellow on the enclosed Tax Map 78 (see attached "Exhibit A"). This property encompasses approximately 140 acres.

We are proposing to provide wastewater service to approximately 107 residential properties at Stonebridge on Douglas Lake subdivision. Residential customers will be charge according to residential Rate Class 1, currently set at \$44.53 as of the date of this submittal. The wastewater system will be designed and constructed to serve approximately 107 residential properties (approximately 15,515 gallons per day) and can be expanded if additional soil for drip field is acquired. The TDEC application for a permit was submitted on July 16, 2010. It is the intention of the parties that AGUI will own the collection, treatment and dispersal system and will own a permanent easement on the property that the system occupies.

Enclosed is a letter from Shady Grove Utility District and Jefferson County Mayor stipulating they will not provide sewer service for this property. We have also received phone confirmation from White Pine Water System and Newport Utilities stipulating they will not be providing sewer service for this property. Enclosed also is a letter from the developer, Chip Leonard of RPM Group LLC, requesting AGUI to be the public sewer utility provider for this property.

After approval, the construction of the system, which is comprised of watertight effluent collection, fixed film treatment, and subsurface drip dispersal, will take approximately 60 days to complete. The estimated value of the contribution in aid of construction is approximately \$405,000.

Respectfully Submitted,



Dart Kendall
Aqua Green Utility Inc.

1. BEFORE THE TENNESSE REGULATORY AUTHORITY

2. NASHVILLE, TENNESSEE

3.

4. JULY 14 ,2010

5.

6. IN RE:)

7.)

8. PETITION OF AQUA GREEN UTILITY INC. TO AMEND) DOCKET NO: _____

9. ITS CERTIFICATE OF PUBLIC CONVENIENCE AND)

10. NECESSITY FOR THE SERVICE PART OF JEFFERSON)

11. COUNTY, TENNESSEE KNOWN AS STONEBRIDGE ON)

12. DOUGLAS LAKE.)

13.

14. THE PENINSULA

15. PRE-FILED DIRECT TESTIMONY OF DART KENDALL

16.

17. Q. State your name for the record and your position with the Petitioner, Aqua Green
18. Utility Inc.

19. A. Dart Kendall. I am the president of the Aqua Green Utility Inc.

20. Q. What is the business of Aqua Green Utility Inc.?

21. A. To provide environmentally friendly and affordable wastewater service to communities
22. where wastewater service is not currently available.

23. Q. When did the Company receive its first certificate from the Authority to operate a
24. sewer system in Tennessee?

25. A. July 31, 2009

26. Q. How many certificates has the Company received from the Authority to provide sewer
27. service in the State of Tennessee?

28. A. One, The Peninsula.

29. Q. **Does Aqua Green Utility Inc. have the technical, managerial, and financial capability**
30. **to provide wastewater service to Stonebridge on Douglas Lake?**

31. A. Yes, Aqua Green Utility Inc. staff and associates have all the necessary technical,
32. managerial, and financial capability to provide wastewater service to Stonebridge on
33. Douglas Lake.

34. Q. **Is there a stated public need for wastewater service in this area?**

35. A. Yes, we have been requested to provide wastewater service by Stonebridge on
36. Douglas Lake LLC. I have included a copy of a letter requesting that the service be
37. provided. I have contacted the other utilities in the area and they have no plans to
38. service this area. Additionally most of the soils in this development are not suitable for
39. septic systems.

40. Q. **Will Aqua Green Utility Inc. abide by all applicable Tennessee statutes and TRA**
41. **rules governing wastewater utilities?**

42. A. Yes, Aqua Green Utility Inc. will abide by all applicable Tennessee statutes and TRA
43. rules governing wastewater utilities.

44. Q. **How many customers will be served in this development?**

45. A. Aqua Green Utility Inc. will service 107 residential wastewater customers.

46. Q. **Identify any complaints filed with any state regulatory agency involving Aqua**
47. **Green Utility Inc.**

48. A. There have never been any complaints filed against Aqua Green Utility Inc.

49. Q. **Does this conclude your pre-filed testimony?**

50. A. Yes.

51.

52.

53.

54.

55.

56.

57.

58.

59.

60.

61. I swear that the foregoing testimony is true and correct to the best of my knowledge and belief.

62.

63.

64. Dart Kendall

65. President

66. Aqua Green Utility Inc.

67.

68. Subscribed and sworn to me this 14 day of July

69.

70. Notary Public

71.

72. County of

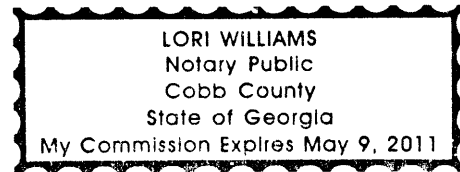
73.

74. My Commission Expires

Lori Williams

Cobb

5-9-11



CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above and foregoing Pre-Filed Direct Testimony of Dart Kendall has been served upon the Tennessee Regulatory Authority, 460 James Robertson Parkway, Nashville, Tennessee 37243. By the method of hand delivered.

On this 16 day of July 2010

Dart Kendall

Dart Kendall


RPM Group LLC
9131 Cross Park Drive Suite 100
Knoxville, TN 37923

RE: Septic

Mr. Kendall,

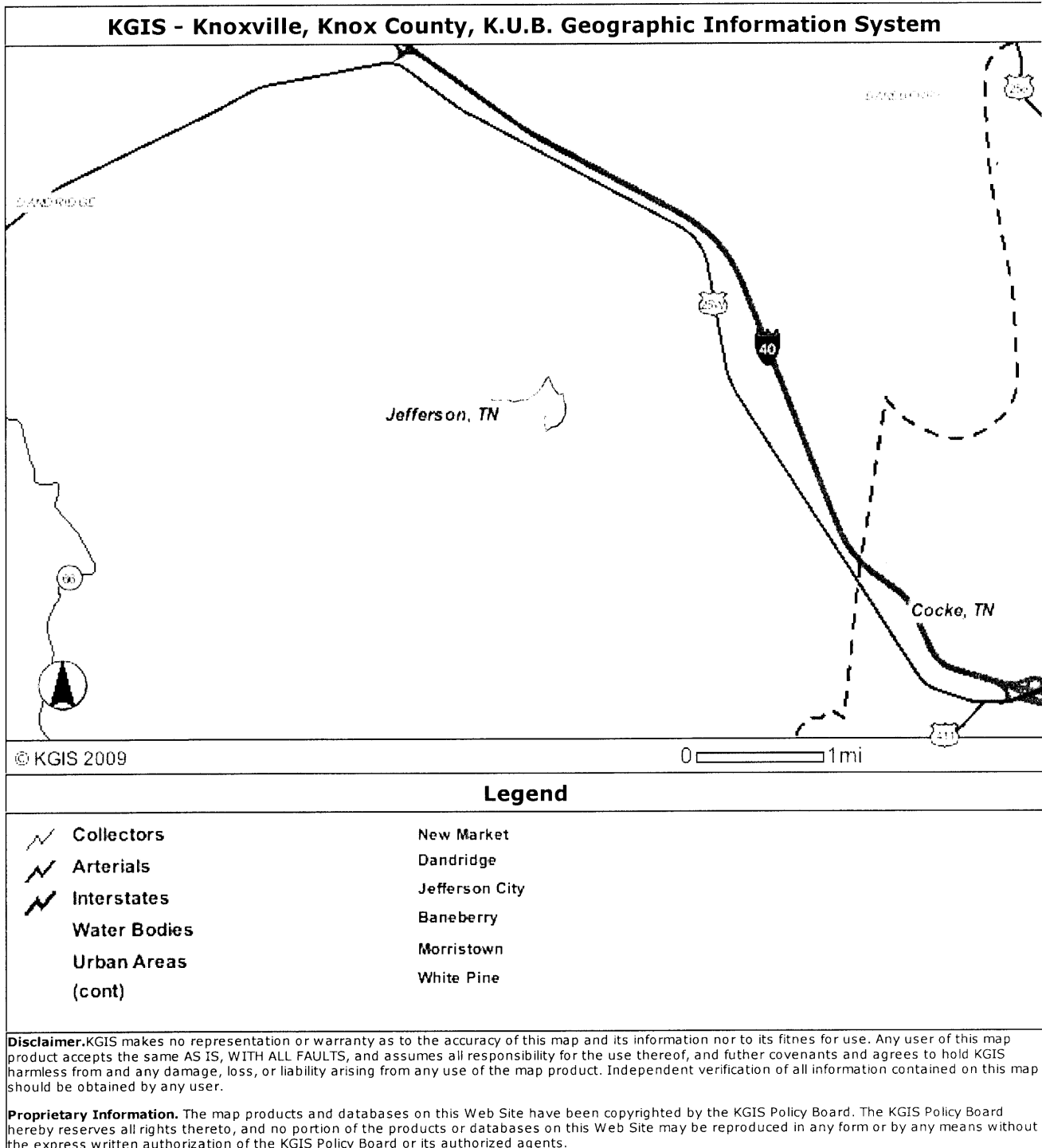
We would like for Aqua Green Utility Inc. to be the provider for the service at Stonebridge on Douglas Lake. If you have any questions, you may contact me at 865-963-0590.

Best Regards,



Chip Leonard
President

RPM Group LLC
9131 Cross Park Drive Suite 100
Knoxville, TN 37923
Phone: (865) 963-0590
Fax: (865) 963-0597
Email: chip@rpmiland.com



KGIS - Knoxville, Knox County, K.U.B. Geographic Information System



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Legend

Subdivision Names



911 Centerlines



Interstates



Railroads

Water Bodies

Parcels

Urban Areas

New Market

Dandridge

Jefferson City

Baneberry

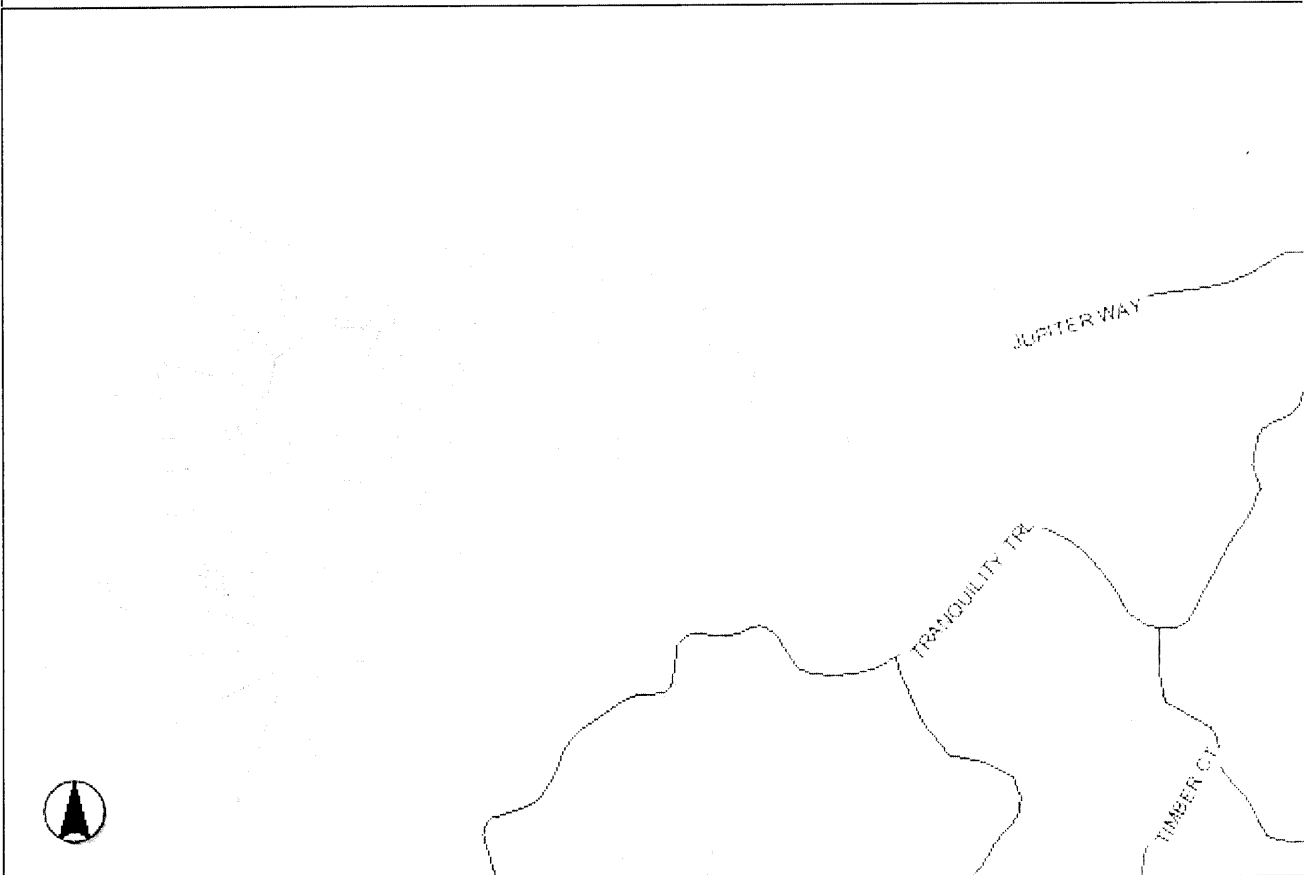
Morristown

White Pine

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




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Legend

Subdivision Names

-  911 Centerlines
-  Edge of Pavement
-  Railroads
-  Water Bodies
-  Parcels

Urban Areas

-  New Market
-  Dandridge
-  Jefferson City
-  Baneberry
-  Morristown
-  White Pine

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Business Services Online > Entity Detail

Entity Detail

Entity details cannot be edited. This detail reflects the current state of the filing in the system.
Click Here to return to the [Business Information Search](#)

000589191: Corporation For-Profit - Domestic

Name: AQUA GREEN UTILITY, INC.
Old Name:

Business Type:
Status: Active
Initial Filing: 10/24/2008
Formed in: Sevier County
Delayed Effective Date:
Fiscal Year Close: December
AR Due Date: 04/01/2011
Term of Duration: Perpetual
Inactive Date:
Principal Office: 3350 GALTS RD
ACWORTH, GA 30102 USA
Annual Report: 3350 GALTS RD
Mailing Address: ACWORTH, GA 301020000 USA
AR Exempt: No
Shares of Stock: 1,000

Assumed Names

History

Registered Agent

Name	Status	Date	Expires
No Assumed Names Found...			

Printer Friendly Version

Division of Business Services
312 Rosa L. Parks Avenue, Snodgrass Tower, 6th Floor
Nashville, TN 37243
615-741-2286

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SHADY GROVE UTILITY DISTRICT
Of Jefferson & Sevier Counties, Tennessee
P.O. Box 830
DANDRIDGE, TN 37725-0830

July 7, 2010

Aqua Green Utility Inc.
3350 Galts Road
Acworth, GA 30102

Dear Aqua Green Utility Inc.;

We are writing to inform you that Shady Grove Utility District does not currently provide sewer to the subdivision located in Jefferson County on Tranquility Trail. We do not have any plans in the next 12 months to provide sewer to this subdivision.

If you should need further assistance please feel free to contact us.

Sincerely,

A handwritten signature in black ink that reads "Mike Jones".

Mike Jones
Manager

MJ/lr

COMMISSIONERS

Nancy Humbard
Joe Soward
John Orr

MANAGER

Mike Jones



Jefferson County

Office of the Mayor

Alan Palmieri
County Mayor

P. O. Box 710 • Dandridge, Tennessee 37725

July 7, 2010

Mr. Dart Kendall, President
AquaGreen Utility Inc.
3350 Galts Road
Acworth, Georgia 30102

Dear Mr. Kendall:

In response to your letter of June 30, 2010 please be advised Jefferson County does not have nor does it operate a wastewater utility service in our county. I also know of no plans for the county to provide this service to The Stonebridge Subdivision.

If I can be of additional assistance please do not hesitate to contact me.

Sincerely,

Alan Palmieri
Mayor

WASTEWATER UTILITY SERVICE

SECTION 4

RESIDENTIAL RATE SHEET

<u>RATE CLASS 1</u>	<u>Total</u>	<u>Escrow*</u>
Fixed Film Treatment, Drip Dispersal	\$44.53	10.13

Fees: Non-Payment: 5% of total bill amount

Disconnection: \$40

Reconnection: \$50

Returned Check (NSF Fee): \$25

Access Fee: \$120.00/yr (See Rules and Regulations for Explanation)

*Escrow amount is included in the Total: \$4.17 for pumping septic tank and \$5.96 for septic pump and alarm replacement.

Issued: April 17, 2009

Effective: September 1, 2009

Issued by: Dart Kendall
President

Stonebridge on Douglas Lake
Projected Subdivision Build Out

Total # of Customers

<u>Year</u>	<u>Residential</u>
2011	5 customers
2012	8 customers
2013	12 customers
2014	16 customers
2015	20 customers

The expected build out when the subdivision is completed is 107 residential customers.

Estimated System Costs and Revenues for Five Years

	2011	2012	2013	2014	2015
Cost	\$13,718.86	\$14,862.49	\$ 16,387.33	\$17,912.18	\$19,437.02
Revenue	\$14,911.80	\$16,154.88	\$17,812.32	\$19,469.76	\$21,127.20

Class C Water Annual Report
for the
Tennessee Regulatory Authority

Aqua Green Utility Inc.

2009

Prepared for
The Energy and Water Division

Name of Respondent Aqua Green Utility Inc		This Report is: (1) <u> X </u> An Original (2) <u> </u> A Resubmission		Date of Report (Mo, Da, Yr) 12/31/2009	Year of Report 2009
INCOME STATEMENT					
Account Name (a)	Ref Page (b)	Water (c)	Sewer (d)	Other (e)	Total (f)
Gross Revenue:					
Residential		-	6,637	-	6,637
Commercial		-	-	-	-
Industrial		-	-	-	-
Multi-Family		-	-	-	-
Residential - Measured		-	81	-	81
Other (Please Specify)		-	-	-	-
Other (Please Specify)		-	-	-	-
Other (Please Specify)		-	-	-	-
Total Gross Revenue		-	6,718	-	6,718
Operating Expenses:					
Operation & Maint. Expense	W3/S3	-	1,432	-	1,432
Depreciation Expense	F-5	-	-	-	-
Amortization Expense		-	-	-	-
Office expense		-	2,516	-	2,516
Telephone		-	738	-	738
Taxes Other Than Income	F-7	-	62	-	62
Income Taxes	F-7	-	630	-	630
Total Operating Expenses		-	5,378	-	5,378
Net Operating Income					
		-	1,340	-	1,340
Other Income:					
Nonutility Income		-	-	-	-
Other (Please Specify)		-	-	-	-
Other (Please Specify)		-	-	-	-
Other (Please Specify)		-	-	-	-
Other (Please Specify)		-	-	-	-
Total Other Income		-	-	-	-
Other Deductions:					
Misc. Nonutility Expenses		-	-	-	-
Other (Please Specify)		-	-	-	-
Other (Please Specify)		-	-	-	-
Other (Please Specify)		-	-	-	-
Other (Please Specify)		-	-	-	-
Total Other Deductions		-	-	-	-
Net Income					
		-	1,340	-	1,340

Name of Respondent Aqua Green Utility Inc		This Report is: (1) <u>X</u> An Original (2) A Resubmission	Date of Report (Mo, Da, Yr) 12/31/2009	Year of Report 2009
COMPARATIVE BALANCE SHEET				
Account Name (a)		Ref Page (b)	Current Year (c)	Previous Year (d)
ASSETS				
Utility Plant in Service (101-105)	F5/W1/S1	0	0	
Accum. Depreciation and Amortization (108)	F5/W2/S2	0	0	
Net Utility Plant		0	0	
Cash		3,959	0	
Customer Accounts Receivable (141)		81	0	
Client Escrow		300	0	
Other Assets (Please Specify)		0	0	
Other Assets (Please Specify)		0	0	
Other Assets (Please Specify)		0	0	
Total Assets		4,340	0	
LIABILITIES AND CAPITAL				
Common Stock Issued (201)	F-6	0	0	
Preferred Stock Issued (204)	F-6	0	0	
Other Paid-In Capital (211)		0	0	
Retained Earnings (215)	F-6	0	0	
Capital (Proprietary & Partnership-218)	F-6	0	0	
Total Capital		0	0	
Long-Term Debt (224)	F-6	0	0	
Accounts Payable (231)		0	0	
Notes Payable (232)		0	0	
Customer Deposits (235)		0	0	
Accrued Taxes (236)		0	0	
Notes Payable D Kendall		23,000	0	
Other Liabilities (Please Specify)		0	0	
Other Liabilities (Please Specify)		0	0	
Other Liabilities (Please Specify)		0	0	
Other Liabilities (Please Specify)		0	0	
Advances for Construction		0	0	
Contributions In Aid Of Const.-Net (271-2)	F-8	0	0	
Total Liabilities		23,000	0	
Total Liabilities & Capital		23,000	0	

Name of Respondent Aqua Green Utility Inc	This Report is: (1) <u>X</u> An Original (2) A Resubmission	Date of Report (Mo, Da, Yr) 12/31/2009	Year of Report 2009
NET UTILITY PLANT			
Plant Accounts (101-107) Inclusive (a)	Water (c)	Sewer (d)	Other (e)
			Total (f)
Utility Plant in Service (101)	0	0	0
Construction Work in Progress (105)	0	0	0
Other (Please Specify)	0	0	0
Other (Please Specify)	0	0	0
Other (Please Specify)	0	0	0
Other (Please Specify)	0	0	0
Other (Please Specify)	0	0	0
Other (Please Specify)	0	0	0
Other (Please Specify)	0	0	0
Total Utility Plant	0	0	0
ACCUMULATED DEPRECIATION AND AMORTIZATION OF UTILITY PLANT			
Account 108 (a)	Water (c)	Sewer (d)	Other (e)
			Total (f)
Balance First of Year	0	0	0
Credits During Year:			
Accruals charged to Depreciation Account	0	0	0
Salvage	0	0	0
Other Credits (Please Specify):	0	0	0
Other Credits (Please Specify):	0	0	0
Other Credits (Please Specify):	0	0	0
Other Credits (Please Specify):	0	0	0
Total Credits	0	0	0
Debits During Year:			
Book/Historical Cost of Plant Retired	0	0	0
Cost of Removal	0	0	0
Other Debits (Please Specify):	0	0	0
Other Debits (Please Specify):	0	0	0
Other Debits (Please Specify):	0	0	0
Other Debits (Please Specify):	0	0	0
Total Debits	0	0	0
Balance End of Year	0	0	0

Name of Respondent Aqua Green Utility Inc	This Report is: (1) <input checked="" type="checkbox"/> An Original (2) <input type="checkbox"/> A Resubmission	Date of Report (Mo, Da, Yr) 12/31/2009	Year of Report 2009
CAPITAL STOCK (201 - 204)			
	Common Stock	Preferred Stock	
(a)	(b)	(c)	
Par or stated value per share	-	-	
Shares Authorized	-	-	
Shares issued and outstanding	-	-	
Total par value of stock issued	-	-	
Dividends declared per share for year	0	0	
RETAINED EARNINGS (215)			
	Appropriated	Unappropriated	
(a)	(b)	(c)	
Balance first of year	-	-	
Changes during year NET INCOME/(NET LOSS)	1,340	-	
Changes during year (Please Specify)	-	-	
Changes during year (Please Specify)	-	-	
Changes during year (Please Specify)	-	-	
Changes during year (Please Specify)	-	-	
Changes during year (Please Specify)	-	-	
Balance end of year	1,340	0	
PROPRIETARY CAPITAL (218)			
	Proprietor	Partner	
(a)	(b)	(c)	
Balance first of year	-	-	
Changes during year (Please Specify)	-	-	
Changes during year (Please Specify)	-	-	
Changes during year (Please Specify)	-	-	
Changes during year (Please Specify)	-	-	
Changes during year (Please Specify)	-	-	
Changes during year (Please Specify)	-	-	
Balance end of year	0	0	
LONG-TERM DEBT (224)			
Obligation including Issue & Maturity Dates	Interest Rate	Year End Balance	
(a)	(b)	(c)	
Debt #1	0.00%	-	
Debt #2	0.00%	-	
Debt #3	0.00%	-	
Debt #4	0.00%	-	
Debt #5	0.00%	-	
Debt #6	0.00%	-	
Debt #7	0.00%	-	
Debt #8	0.00%	-	
Debt #9	0.00%	-	
Debt #10	0.00%	-	
Debt #11	0.00%	-	
Debt #12	0.00%	-	
Total Long-Term Debt		0	

[illegible]

Name of Respondent Aqua Green Utility Inc	This Report is: (1) <u>X</u> An Original (2) <u> </u> A Resubmission	Date of Report (Mo, Da, Yr) 12/31/2009	Year of Report 2009
CONTRIBUTIONS IN AID OF CONSTRUCTION (271)			
Description (a)	Water (b)	Sewer (c)	Total (d)
Balance First of Year	-	-	-
Add Credits During Year	-	-	-
Less Charges During Year	-	-	-
Balance End of Year	0	0	0
Less Accumulated Amortization	-	-	-
Net Contributions in Aid of Construction	0	0	0
CONDITIONS TO CONTRIBUTIONS IN AID OF CONSTRUCTION DURING YEAR (CREDITS)			
Report below all developers or contractors agreements from which cash or property was received during the year (a)	Indicate "Cash" or "Property" (b)	Water (c)	Sewer (d)
Contractor or Developer #1		-	-
Contractor or Developer #2		-	-
Contractor or Developer #3		-	-
Contractor or Developer #4		-	-
Contractor or Developer #5		-	-
Contractor or Developer #6		-	-
Contractor or Developer #7		-	-
Contractor or Developer #8		-	-
Contractor or Developer #9		-	-
Contractor or Developer #10		-	-
Contractor or Developer #11		-	-
Contractor or Developer #12		-	-
Contractor or Developer #13		-	-
Contractor or Developer #14		-	-
Contractor or Developer #15		-	-
Contractor or Developer #16		-	-
Contractor or Developer #17		-	-
Contractor or Developer #18		-	-
Contractor or Developer #19		-	-
Contractor or Developer #20		-	-
Contractor or Developer #21		-	-
Contractor or Developer #22		-	-
Contractor or Developer #23		-	-
Contractor or Developer #24		-	-
Contractor or Developer #25		-	-
Contractor or Developer #26		-	-
Contractor or Developer #27		-	-
Contractor or Developer #28		-	-
Contractor or Developer #29		-	-
Contractor or Developer #30		-	-
Total Credits During Year		0	0



Form of Letter of Credit Notice

SunTrust Banks, Inc
3340 Cobb Pkwy
Acworth, GA 30101

RE: Irrevocable Letter of Credit No. 21230553

Dear Sir or Madam:

You are hereby notified, and the undersigned hereby certifies, that the undersigned is an official designated and duly authorized by the Tennessee Regulatory Authority to deliver this notice and that a monetary obligation in the amount of twenty-thousand dollars (\$20,000) has been imposed against Aqua Green Utility, Inc, its representatives, successors or assigns, in a contested case proceeding brought under Title 65 of Tennessee Code Annotated by or on behalf of the Authority.

Pursuant to the Irrevocable Letter of Credit referenced above, we hereby request that you deliver payment of the Draw Amount to the bank account listed below by wire transfer of immediately available funds:

Certificate of Deposit
Account number: 17542957510
ABA Routing Number: 061000104
Reference: Aqua Green Utility, Inc
Name of Contact: A. Kessler
Telephone Number: (770) 529-9673
Facsimile Number: (770) 917-0136

Please confirm receipt of this Notice and the Federal Reserve wire confirmation number of the delivery of the Draw Amount by sending a facsimile to the person at the number listed above.

Sincerely,

TENNESSEE REGULATORY AUTHORITY

Name:
Title:

April 16th 2009

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the above and foregoing Pre-Filed Direct Testimony of Dart Kendall has been served upon the Tennessee Regulatory Authority, 460 James Robertson Parkway, Nashville, TN 37243-0505 on this 16th day of July 2010 and delivered by hand.



DART KENDALL