

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

April 6, 2011

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

DOCKET NO: 10-00145

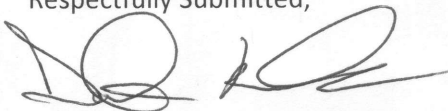
---

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

---

Aqua Green Utility Inc. would like to amend our pre filed direct testimony of Dart Kendall  
originally dated November 16, 2010.

Respectfully Submitted,

A handwritten signature in black ink, appearing to be 'Dart Kendall', written over a horizontal line.

Dart Kendall  
Aqua Green Utility Inc.

1.  
2.  
3.  
4.  
5.  
6.  
7.  
8.  
9.  
10.  
11.  
12.  
13.  
14.  
15.  
16.  
17.  
18.  
19.  
20.  
21.  
22.  
23.  
24.  
25.  
26.  
27.  
28.  
29.  
30.  
31.  
32.

**BEFORE THE TENNESSE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**APRIL 6, 2011**

**IN RE: )**  
**)**  
**PETITION OF AQUA GREEN UTILITY INC. TO AMEND ) DOCKET NO: 10-00145**  
**ITS CERTIFICATE OF PUBLIC CONVENIENCE AND )**  
**NECESSITY FOR THE SERVICE PART OF JEFFERSON )**  
**COUNTY, TENNESSEE KNOWN AS STONEBRIDGE ON )**  
**DOUGLAS LAKE. )**

**PRE-FILED DIRECT TESTIMONY OF DART KENDALL**

**State your name for the record and your position with the Petitioner, Aqua Green Utility Inc.**  
**A. Dart Kendall. I am the president of the Aqua Green Utility Inc.**  
**What is the business of Aqua Green Utility Inc.?**  
**To provide environmentally friendly and affordable wastewater service to communities where wastewater service is not currently available.**  
**When did the Company receive its first certificate from the Authority to operate a sewer system in Tennessee?**  
**A. July 31, 2009**  
**How many certificates has the Company received from the Authority to provide sewer service in the State of Tennessee?**  
**A. One, The Peninsula.**  
**What services will Aqua Green Utility Inc. provide to The Stonebridge community?**  
**Aqua Green Utility will provide wastewater service: Including pumping and maintenance of the step systems at individual homes. Maintaining the community main lines. Maintaining and operating the treatment plant and drip field. All operation**

33. and maintenance will be done in a manner as to meet all requirements of the state  
34. operating permit.

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

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

40. I currently own and operate Advanced Septic Inc. located in North Georgia. Advanced  
41. Septic will be the company constructing the wastewater system at Stonebridge. This  
42. company designs, installs, services and maintains advanced wastewater systems.  
43. Advanced Septic Inc. currently services, operates and maintains forty plus advanced  
44. wastewater systems in North Georgia. These systems are of various types: single  
45. family, strip mall, convenience store, golf resort community and warehouse type  
46. commercial systems. Advanced Septic has been in business since August 12, 1985

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

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

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

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

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

58. A. Aqua Green Utility Inc. will service up to 50 residential wastewater customers at first.  
59. Fifty homes out of 107 lots are approved under the current SOP. TDEC has concerns on  
60. over half of the available soils, having conflicting expert opinions on the soils  
61. wastewater handling abilities. TDEC has approved an in depth soils test to be done on  
62. the remaining soils, this test will be run on a temporary treatment system while the  
63. main system is constructed. Aqua Green Utility Inc. will only allow 50 customers to hook  
64. onto the treatment system. It is expected that the test will take about 10 months.



65. Professor Buchanan from the University of Tennessee has agreed to run the test.  
66. While the test is being run, Aqua Green Utility Inc. will bill our Class 1 residential rate to  
67. customers that are hooked onto the treatment system and providing sewage  
68. flows to be treated. When any customer in Stonebridge acquires a building permit, they  
69. will be billed the annual access fee, up to 50 total customers. After the test is complete  
70. and the flow rate for the soils is determined, if additional land is needed, the developer  
71. will be required to purchase land as needed per the original contract with Aqua Green  
72. Utility Inc. Only after the full 107 lots are approved by TDEC, will all non residents be  
73. billed the annual access fee. There are currently 6 residents in Stonebridge paying  
74. pump and haul fees on a permit acquired by the developer. Once our CCN is approved  
75. by the Tennessee Regulatory Authority and Aqua Green Utility Inc starts billing, the  
76. homeowners will no longer pay this pump and haul fee.

77. Q. Identify any complaints filed with any state regulatory agency involving Aqua  
78. Green Utility Inc.

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

80. Q. Does this conclude your pre-filed testimony?

81. A. Yes.

82.

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

84.

85.

86. Dart Kendall

87. President

88. Aqua Green Utility Inc.

89.

90. Subscribed and sworn to me this 6<sup>th</sup> day of April 2011

91.

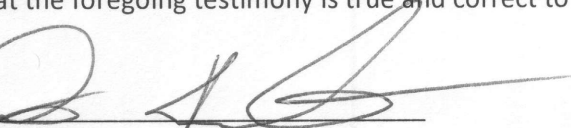
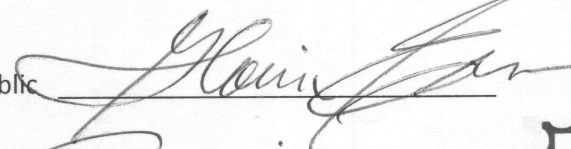
92. Notary Public

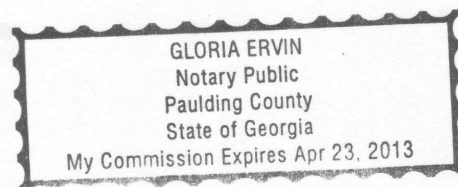
93.

94. County of

95.

96. My Commission Expires

  
  
Paulding

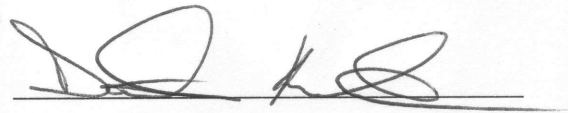


4/23/2013

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 US Mail.

On this 6th day of April 2011

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

Dart Kendall