

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE JUNE 17, 2011

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

DOCKET NO: _1000145_____

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

Aqua Green Utility Inc. would like add the enclosed document to our petition requesting to add the Stonebridge subdivision to our service area.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Dart Kendall', with a stylized flourish at the end.

Dart Kendall
Aqua Green Utility Inc.



AquaGreen Utility Inc.

June 17, 2011

To: David Foster,

In response to your data request dated June 13, 2011 received June 16, 2011:

1. Mr. Leonard has many companies, I have been told 60. I do not know why he used that letter head, perhaps it is a company that owns The Stonebridge on Douglas Lake LLC. When he used that letter head I did not catch it being different from my contract, that was a mistake on my part. However, it has almost been a year now. What you requested was a contract between RPM Group LLC and Aqua Green Utility Inc., there is none. My contract is with The Stonebridge on Douglas Lake LLC. I do not know the corporate structure of Mr. Leonard's other companies, including RPM Group LLC. Though I have recently been told he owns RPM Group LLC.
2. Your original comment was The Stonebridge on Douglas Lake LLC was not registered in Tennessee, so I went to the state web site and copied their registration. Now you want to know if the Stonebridge on Douglas Lake LLC is active. I have no evidence showing whether they are active are not. I do know it is very common for an LLC that is no longer being actively used to go inactive. When I enter into a contract with a company to do work, checking to see if they paid their annual corporate registration is not something I check.
3. My contract is with The Stonebridge on Douglas Lake LLC. Mr. Leonard was part of the corporation that built The Peninsulas. As we built the Peninsulas, according to our contract which is basically the same contract used with Stonebridge, I billed Mr. Leonard and I was paid. That project is complete and paid in full. To date Mr. Leonard has paid for The Stonebridge on Douglas Lake project. Mr. Leonard even paid a late charge with the last payment. I doubt that he would have paid \$42,480.00 if he was not going to pay the rest. If Mr. Leonard does not pay as agreed, I will turn the contract over to my attorney. I remind you Mr. Leonard paid for The Peninsulas in full. If I am not paid and some other source of funding is needed to complete the project, I will forward that information to the TRA for their approval before proceeding forward.

4. Aqua Green does not have a performance bond from the developer. Aqua Green has no way of acquiring a performance bond from the developer. During the construction of the Peninsulas a performance bond was not required.

5. I do not have access to the developers financial statements, I have never received financial statements from any one I have built a treatment facility for.

6. My attorney drew up that deed after he researched and found that Mr. Pinner had signed land deeds when lots were sold to the homeowners. Mr. Berryhill, my attorney, is a well respected real estate attorney and I have confidence that the deed was executed correctly. This deed to the land is registered in the court house of Jefferson County and I have sent you a copy of that deed.

Additionally, I would request you consider that this process has been going on about a year now and I am doing everything possible to help the homeowners at Stonebridge. It seems we keep needing new information. Each time a homeowner buys \$5.00 worth of water, they pay \$125.00 to have their sewage hauled away. Aqua Greens stands ready to provide wastewater service and relieve the homeowners of this burden as soon as the TRA adds Stonebridge to our territory.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Dart Kendall', with a stylized, cursive flourish extending to the right.

Dart Kendall
Aqua Green Utility Inc.