

not presented enough evidence to "demonstrate" that these facts are correct. That is not the applicable legal standard. This is a motion to intervene, not a motion for summary judgment. TWS is not yet a party and is not required to prove facts – only to allege them -- in order to satisfy the statutory standard for intervention. TWS will prove these facts at the hearing and demonstrate that IRM's application must be denied.³

Second, TWS "qualifies as an intervenor" under another "provision of the law." The provision is T.C.A. §65-4-203 which grants a right to intervene to a wastewater utility "operating in the . . . territory affected" by the application. IRM does not dispute that TWS already has facilities a mile and one-half from Arrington Vineyards.

For both reasons, the motion to intervene should be granted.

Respectfully submitted,

Bradley Arant Boult Cummings LLP

By: _____


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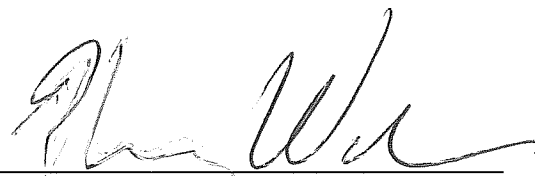
³ The record will show that TWS is authorized to serve the Milcrofton Utility District except for a portion of the District that is served by the City of Franklin. See Docket 97-01393 at p.2. IRM does not dispute that TWS has facilities near Arrington but questions whether those facility can be used to serve Arrington. TWS is willing and able to serve Arrington. How that can best be done is an issue for the hearing, not argument to be resolved in a petition to intervene.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document has been served upon the following person by hand delivery or by United States Mail, postage prepaid.

C. Corum Webb
Charles B. Welch, Jr. BPR No. 005593
Farris Mathews Bobango PLC
618 Church Street, Suite 300
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This the 27 day of June, 2011.


A handwritten signature in dark ink, appearing to read 'Henry Walker', is written over a horizontal line.

HENRY WALKER