BEFORE THE TENNESSEE REGULATORY AUTHORITY NASHVILLE, TENNESSEE

IN RE:)	
)	
PETITION OF INTEGRATED RESOURCE)	Docket No. 11-00059
MANAGEMENT, INC. d/b/a/ IRM UTILITY)	
INC. TO AMEND ITS CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY)	
TO SERVE AN AREA IN WILLIAMSON)	
COUNTY, TENNESSEE KNOWN AS)	
ARRINGTON VINEYARDS)	

REPLY OF TENNESSEE WASTEWATER SYSTEMS, INC.

Tennessee Wastewater Systems, Inc. ("TWS") filed a timely motion to intervene in this docket on May 19, 2011. Approximately one month later (and three weeks late), Integrated Resource Management, Inc., ("IRM") filed a response opposing the motion.

Because motions to intervene are rarely opposed, TWS asks leave to make this short reply.

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TWS has a statutory right to intervene if the motion to intervene states facts which demonstrate that the legal rights of TWS "may" be determined in the proceeding or if TWS "qualifies as a intervenor under any provision of law." T.C.A. § 4-5-310(2). TWS is entitled to intervene under both provisions.

First, TWS has alleged the following facts: (1) the proposed operation of IRM is within the service area of TWS and (2) TWS has facilities located one and one half miles from the proposed operation. IRM does not say that these facts are wrong but argues that TWS has

¹ TRA Rule 1220-1-2-.06 (2) requires "Any party opposing a motion shall file and serve a response within seven (7) days after service of the motion."

² TRA Rule 1220-1-2-.06(3) states that no reply shall be filed "except upon leave given."

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

Bv:

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Nashville, TN 37203

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 Nashville, TN 37219

This the 2 day of June, 2011.

HENRY WALKER