

**IN THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE:

**PETITION OF AQUA GREEN INC. TO
IMPLEMENT TAP FEES**

DOCKET NO. 12-00004

PETITION TO INTERVENE FOR PURPOSES OF SERVICE AND NOTICE

Robert E. Cooper, Jr., Attorney General and Reporter for the State of Tennessee, by and through the Consumer Advocate and Protection Division of the Office of the Attorney General ("Consumer Advocate"), pursuant to Tenn. Code Ann. § 65-4-118, respectfully petitions the Tennessee Regulatory Authority ("TRA" or "Authority") to grant the Consumer Advocate's intervention for purposes of notice and service in this proceeding on behalf of the public interest. For cause, Petitioner would show as follows:

1. The Consumer Advocate is authorized by Tenn. Code Ann. § 65-4-118 to represent the interests of Tennessee consumers of public utility services by initiating and intervening as a party in proceedings before the Authority in accordance with the Uniform Administrative Procedures Act and Authority rules.

2. Aqua Green, Inc. ("Aqua Green") is a public utility regulated by the Authority and provides wastewater service to consumers located in Jefferson County, Tennessee. Aqua Green's place of business is 3350 Galts Road in Acworth, Georgia.

3. In TRA Docket 10-00145, Aqua Green was authorized by the Authority to serve customers of the Stonebridge residential housing development ("Stonebridge") located in Jefferson County. The developer of Stonebridge, Stonebridge on Douglas Lake LLC, had

entered into a contract to fund the construction of a wastewater facility intended to serve the households of Stonebridge which Aqua Green would then take control of and manage.

3. On January 23, 2012, Aqua Green filed in the Authority a Petition requesting permission to implement tap fees of \$4250.00 per lot owner in an effort to raise the capital necessary to complete a wastewater facility to serve Stonebridge. Based on the information in the record, the developer of Stonebridge has failed to fully fund the construction of a wastewater facility as required by contract. Without the construction of the wastewater facility, the households of Stonebridge are without wastewater service. Aqua Green and the home owners association of Stonebridge had reached an accord which, in part, called for the implementation of tap fees of \$4,250 per lot.

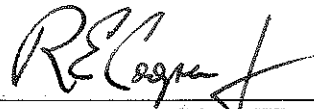
4. On February 27, 2012, the matter came before the Authority and the initial proposal of Aqua Green for the implementation of tap fees was discussed and concerns were raised by the TRA hearing panel. Mr. Dart Kendall of Aqua Green and Mr. Michael Sorrells of the Stonebridge home owners association participated in the discussion with the TRA hearing panel. No formal decision on Aqua Green's proposal has been made. Since the time of the initial hearing, the Authority staff, Aqua Green and the home owners association have been in communication in an effort to resolve the matter.

5. In this docket, the Consumer Advocate does not request a contested case, but rather seeks intervention in order to receive notice and service in order to monitor the developments of this docket and assist, if possible, in a resolution of this matter.

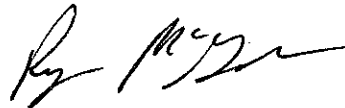
6. Only by participating in this proceeding can the Consumer Advocate work adequately to protect the interests of consumers.

WHEREFORE, Petitioner respectfully asks the Authority to grant the Petition to Intervene.

RESPECTFULLY SUBMITTED,



ROBERT E. COOPER, JR. (BPR #010934)
Attorney General and Reporter
State of Tennessee



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(615) 532-5512

Dated: April - 3, 2012.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via U.S. Mail or electronic mail upon:

Mr. Dart Kendall
Aqua Green Utility Inc.
3350 Galts Road
Acworth, Georgia 30102

This the 3rd day of April, 2012.



RYAN L. MCGEHEE