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**TROUTMAN & TROUTMAN, P.C.**

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ATTORNEYS AT LAW

CONRAD MARK TROUTMAN

REID TROUTMAN

CONRAD E. TROUTMAN, JR.  
RETIRED CIRCUIT JUDGE

JODY RODENBORN TROUTMAN,  
OF COUNSEL

April 9, 2013

VIA Electronically: sharla.dillon@tn.gov

Chairman, Tennessee Regulatory Authority  
c/o Sharla Dillon, Dockets and Records Manager  
460 James Robertson Parkway  
Nashville, Tennessee 37243

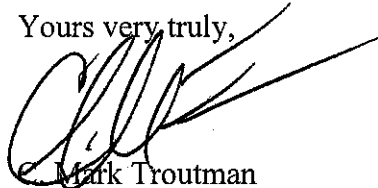
Re: Docket No. 13-00017

Dear Ms. Dillon:

Attached to the email please find the Response of Emerson Properties, LLC to the Motion to Continue filed by TWSI. We are also submitting via overnight delivery the original and 4 copies. By cover of a copy of this letter, we are providing an electronic (PDF) version to counsel for Tennessee Wastewater Systems, Inc., and to the Consumer Advocate.

Thank you for your assistance.

Yours very truly,



Conrad Mark Troutman

Cc: George L. Potter  
Henry Walker, Esq.  
Vance L. Broemel, Senior Counsel

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**  
**NASHVILLE, TENNESSEE**

**IN RE:**

**PETITION OF EMERSON PROPERTIES, LLC.**

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**Docket #13-00017**

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**RESPONSE OF EMERSON PROPERTIES, LLC TO THE MOTION TO CONINTUE  
FILED BY TENNESSEE WASTEWATER SYSTEMS, INC.**

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Comes the original Petitioner, Emerson Properties, LLC, and in response to the Motion to Continue Hearing filed by Tennessee Wastewater Systems, Inc., (TWSI”) would say as follows:

1. As grounds for its request to continue, TWSI asserts that it must conduct discovery relating to the bond funds received by Emerson and relating to the involvement of Caryville-Jacksboro Utility Commission in terms of future management of the wastewater treatment facility. However, the issues now before the Authority relate to TWSI’s failure to comply with the statutes, rules and regulations applicable to this matter over at a period of time now exceeding 5 years. This purported discovery of these other matters has nothing to do with the issues now before the Authority.

2. The Authority announced its decision orally at its meeting on January 13, 2013. No explanation is offered as to why such discovery could not have been conducted shortly thereafter even if the ultimate written opinion was not issued until later.

3. The only activity TWSI has conducted with this project since Emerson acquired the property in February of 2009 is to litigate to delay and hinder the development of the project and wastewater treatment facility. Emerson and the homeowners in the subdivision have been stifled


in the conclusion of this development for years as a result of the actions and inaction of TWSI. The record confirms that the only funds that TWSI has expended in this matter in the past 5 years were for legal expenses of the litigation opposing the development instead of actually working on the system with the Developer. The homeowners remain without a wastewater treatment facility. For TWSI to now assert that it is mindful of the harm this delay imposes upon Emerson and the homeowners in the subdivision is disingenuous at best.

4. Contrary to the arguments set forth in the Motion to Continue, the 12 page Order Initiating the Show Cause Proceeding, dated March 25, 2014 clearly sets forth the factual and legal basis for the Authority's action and provides sufficient notice of the proceedings to TWSI. The Order is consistent with the oral announcement made at the January 13, 2014 meeting.

5. The purported information now sought through discovery was readily available prior to the hearing in this matter held on November 25, 2013 and prior to that hearing TWSI purposefully elected to not conduct any such discovery.

WHEREFORE, Emerson respectfully requests that the Motion to Continue Hearing filed by TWSI be denied and matter proceed as scheduled.

Respectfully submitted this 9th day of April, 2014.




C. Mark Troutman (BPR No. 011712)  
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(423) 566-6001  
*Attorney for Emerson Properties, LLC*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and exact copy of the foregoing documents have been served Henry Walker, Bradley Arant Boult Cummings LLP, 1600 Division Street, Suite 700, Nashville, TN 37203, counsel of record for the Respondent and to Vance L. Broemel, Senior Counsel, Consumer Advocate and Protection Division, Office of the Tennessee Attorney General, 425 Fifth Avenue North, Nashville, Tennessee 37243-3400, via email and/or United States mail addressed to said counsel at his office with sufficient postage thereon to carry it to its destination.

This is 9th day of April, 2014.

By:   
Mark Troutman