



TROUTMAN & TROUTMAN, P.C.

ATTORNEYS AT LAW

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CONRAD E. TROUTMAN, JR.
RETIRED CIRCUIT JUDGE

JODY RODENBORN TROUTMAN,
OF COUNSEL

CONRAD MARK TROUTMAN

REID TROUTMAN

October 25, 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

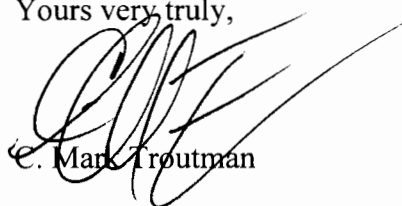
Re: Docket No. 13-00017

Dear Ms. Dillon:

Attached to the email please find the Rebuttal Testimony of George L. Potter to be filed on behalf of Emerson Properties, LLC. 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 of the Rebuttal Testimony to counsel for Tennessee Wastewater Systems, Inc. and to the Consumer Advocate.

Thank you for your assistance.

Yours very truly,



C. Mark Troutman

Cc: George L. Potter
Henry Walker, Esq.
Charlena S. Aumiller, CPA

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BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

EMERSON PROPERTIES, LLC
Petitioner

v.

TENNESSEE WASTEWATER SYSTEMS, INC.
Respondent

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No. 13-00017

REBUTTAL TESTIMONY OF GEORGE L. POTTER
ON BEHALF OF EMERSON PROPERTIES, LLC.

October 25, 2013

1 Q. **Please state your name and address for the record.**

2 A. My name is George L. Potter, and my business address is 10325 Yellow Pine, Knoxville,
3 Tennessee 37932.

4 Q. **Are you providing this rebuttal testimony on behalf of Emerson and in rebuttal to the direct**
5 **testimony submitted on behalf of Tennessee Wastewater Systems, Inc in this matter?**

6 A. Yes.

7 Q. **What fees is Emerson collecting from anyone in relation to the sewer system that will service**
8 **the subdivision known as the Villages at Norris Lake?**

9 A. None. I do understand that the home owners association for the subdivision did begin collecting
10 a \$150.00 annual fee per lot in late 2012 or early 2013 in anticipation of the sewer system being
11 completed and functioning in 2013. However, once the letter from TDEC was received,
12 construction and installation of the facility ceased. My understanding is that the home owners
13 association is not going to collect further fees until this matter is resolved and all funds received
14 by it are being held in escrow pending resolution of this matter.

15 Q. **Has Emerson ever sought to collect or collected any tap fees or any other fees from any land**
16 **owner in the subdivision in any way related to the sewer system?**

17 A. No. And other than the \$150.00 annual fee earlier referenced, neither has the home owner
18 association to the best of my knowledge.

19 Q. **Once Emerson acquired the subdivision property and proceeded with its development plans,**
20 **why has it not entered into any agreements with Tennessee Wastewater Systems, Inc. or**
21 **Utility Capacity Corporation?**

1 A. After the conversation with Mr. Hines as discussed in my direct testimony, we did not feel it was
2 appropriate to transact any business with them. Also, we did not feel that we were on equal
3 bargaining position or in a position to expect fair dealings from them.

4 Q. **Does this end your rebuttal testimony?**

5 A. Yes.