

ATTACHMENT 2

Mr. Herb Hilliard
Tennessee Regulatory Authority
502 Deaderick Street
4th Floor
Nashville, TN 37243

Reference: TRA Docket 14-00136

As a homeowner in the Summit View community at 2251 Upper Middle Creek Road, Sevierville, Tennessee, I am very concerned about the conduct of our wastewater system installer and operator, TNWastewater/Adenus. My specific concerns are in regard to their billing, installation, maintenance, and operation of our wastewater system.

My monthly wastewater bill and rate allocation of \$70/month for a 1-bedroom unit is very unfair, and I feel this is price gouging and grossly inflated. In 2006 the approved rate used for obtaining the utility license was only \$35. Therefore, it's doubled in nine (9) years when the rate of inflation averaged only 2% and wages have been stagnant. This appears to me to be nothing more than profiteering and price gouging.

Also I question the accuracy of the documents, data, recommendations and costs submitted by TNWastewater/Adenus. One simple example of this that I noticed is that the sizes of all the homes was overstated and incorrect or false as submitted as the official record. For example, TNWastewater/Adenus figures submitted show 1920 sq ft for my home, while it is only 1,154 sq ft. I am basing this 1,154 sq ft figure on the "State of Tennessee Real Estate Appraisal Card" (see attached photo). This is a 40% overstatement of the square footage.

As shown on the appraisal card, here is the correct square footage for my home: **Area Description** [base (main living area) **100% of 888 sq ft.**; USL (upstairs loft) **30% of 888 sq ft**] for a total conditioned living area square footage of 1,154 sq ft. I have notified TNWastewater/Adenus of this situation, and they informed me that if I wanted it corrected I needed to correct it myself. They should be responsible for this errors in their submittals, not me as the homeowner. That TNWastewater/Adenus is expecting someone else to correct and pay for all their mistakes or misrepresentations is representative of this entire TNWastewater/Adenus wastewater debacle from the day they started submitting for approvals regarding our wastewater system.

Below are just a few of the issues and questions that need to be asked by the State in reference to **TRA Docket 14-00136**. The accuracy of cost estimates submitted by TNWastewater/Adenus. Current rates homeowners are paying. Why was the system installed incorrectly? Why has the system not been properly maintained? Also if our current system drainage field is functioning properly and not exceeding reported capacity, why is it not being utilized in the new recommended design by Adenus? I do not understand why the system TNWastewater/Adenus had designed, installed and is supposed to inspect, operate, and maintain does not function properly and why they did not use the septic tanks or other tanks to hold and control and release wastewater over an extended period to avoid any limited high usage system usage concerns. TNWastewater now raises this as an excuse to avoid responsibility when they should have included that in their original design and installation plan. Why is TNWastewater/Adenus wanting to purchase additional land and move and build a entire new system? Why is available property that Summit View HOA currently owns not being utilized? Has a repair option been considered? Has a new system

operator and contractor to bring the system into compliance been considered by the State of Tennessee? Have conservation measures been considered? Why is TNWastewater/Adenus allowed to design, bid and oversee a wastewater system they built and operate and then pass the cost on to rate payers and homeowners not responsible or profiting from the design, installation, monthly utility rates, etc.?

All of these items listed above, along with the lack of checks and balances, drive the price sky high for the homeowner, and costs in general are unfairly and unreasonably forced upon the homeowner who has limited recourse or alternatives.

Given all the issues and questionable documents submitted, I recommend, as a concerned homeowner and utility customer in a small rural community in the mountains of East Tennessee, that all systems operated by TNWastewater/Adenus be reviewed and their licenses on all facilities not designed, installed and functioning properly be considered for fines, and license revoked. Also that monthly rate cost over-charges be clawed back and refunded to the customers. The licenses of TNWastewater/Adenus should be revoked if these issues are not immediately corrected at TNWastewater/Adenus' expense since this has been allowed to go on for almost a year now. The damages should be unlimited, and punitive fines and damages should be applied at a rate to have this matter addressed immediately. The following should be included in damages: homeowners' attorney fees, monthly rate over-charges, maintenance costs that Summit View incurred, environmental fines for HOA property damage, environment clean-up costs of HOA property, property devaluations, and loss of income.

If you need additional information or have any questions, please do not hesitate to contact me.

Very respectfully,
Rick Tucker

2251 Upper Middle Creek Rd. Unit # 21-U
Sevierville, TN 37876
404-996-3795

Mr. Herb Hilliard
Tennessee Regulatory Authority
502 Deaderick Street
4th Floor
Nashville, TN 37243

Reference: TRA Docket 14-00136

Mr. Hilliard,

We are homeowners in the Summit View community at 2251 Upper Middle Creek Road, Sevierville, Tennessee. We are very concerned about the conduct of our wastewater system installer and operator, TNWastewater/Adenus. We have lost business due to the stench of sewer around our property in Summit View. Unfortunately, we purchased this property unaware of this \$430k sewer problem in our resort, only to be informed that the company who installed this system was negligent.

We find it ridiculous that TNWastewater/Adenus expects us to pay for wastewater system repairs, so that they can provide us with waste services. It appears that they were negligent in their business practices from the beginning; why would TNWastewater/Adenus be expecting us to correct and pay for all their mistakes. These misrepresentations are indicative of this entire TNWastewater/Adenus wastewater debacle from the day they started submitting for approvals regarding our wastewater system. We do not believe we should be responsible for their inept business practices.

Given all the issues and questionable documents submitted we feel it is the best interest to uphold ethical business practices that all systems operated by TNWasterwater/Adenus be reviewed and their licenses on all facilities not designed, installed and functioning properly be considered for fines, and license revoked. This has been an ongoing issue that is hazardous to the environment and needs to be resolved; this is also an ecological and sustainable accountability issue that is long overdue for correction.

We believe your organization which provides regulatory oversight is needed to enforce ethical practices; TNWastewater/Adenus should be held accountable for damages as well as homeowners' attorney fees, monthly rate over-charges, maintenance costs that Summit View incurred, environmental fines for HOA property damage, environment clean-up costs of HOA property, property devaluations, and loss of income.

If you need additional information or have any questions, please do not hesitate to contact us.

Sincerely,
Timothy and Meshelle Kidd

2251 Upper Middle Creek Rd. Unit # 10-J
Sevierville, TN 37876
423-240-2670
423-716-2551

Mr. Herb Hilliard
Tennessee Regulatory Authority
502 Deaderick Street
4th Floor
Nashville, TN 37243

Attn: TRA Consumer Services Division
Lisa Cooper, Chief
lisa.cooper@tn.gov
615-770-6868

RE; TRA 14-00136

Dear Ms. Cooper,

In TRA 14-00136, Tennessee Wastewater (TWSI) put forth its position that Summit View property owners should be responsible for what TDEC (see WPC 14-0092) states are TWSI errors in installing drip lines incorrectly, and perhaps in not installing a holding tank to remedy any overages. It does not seem to be before the TRA to consider the fault or financial responsibility of TWSI, but to look only at granting a rate hike to property owners who have already had their monthly septic rates almost doubled (\$36-\$70). TWSI is seeking \$330k..perhaps \$430k from only thirty odd property owners for what appear to be their misdeeds.

My property is in Summit View in Sevierville, but many other TN property owners have been negatively affected by TWSI. Please see TRA 15-00025 for a summary. I believe we are due a thorough investigation and that TWSI should be held accountable for their errors. TWSI treatment has caused our Resort pond to become septic, and resulted in our wastewater system being out of compliance and needing repair. Thank you for your assistance in helping to get a fair and just resolution.

Sincerely,

Dane and Jamie Roth
Summit View, Unit 20
Sevierville, TN 37876

Mr. Herb Hilliard
Tennessee Regulatory Authority
502 Deaderick Street
4th Floor
Nashville, TN 37243

Alameda House
Alameda Walk
Amphill
Bedfordshire
UK, MK45 2JX

29 May 2015

RE: TRA 14-00136

Dear Mr. Hillard,

My wife and I own Cabin #34 on the Summit View Resort, 2251 Upper Middle Creek Road. We have owned the cabin since it was constructed in 2007 and are therefore fully appraised on the history of the resort.

We are writing to register our dissatisfaction with the provision of sewer management services provided by TN Wastewater/Adenus and the potential health risks of waste water running off the filter bed and onto the access road as a result of their mismanagement. Our concerns have been raised and discussed at length and over a prolonged period of time with TN Wastewater but the problem remains unresolved and the situation has become untenable. It is worth noting that whilst the sewer service provision has deteriorated, the monthly bill has risen from \$55 per month in 2007 to \$72 per month in 2015, an increase of 31%.

TDEC has inspected the sewer system and filter bed on two separate occasions producing two reports finding that the drip lines were inappropriately installed leading to sewage draining into the pond and onto the access road. The excessive sewer run off produces algae blooms costing hundreds of dollars to the HOA in an effort to reduce and prevent this secondary problem. We are also very concerned about the environmental affects the run off could have on the health of visitors, owners and service staff visiting Summit View.

Despite the faulty sewer system being attributed to the design flaws, TN Wastewater/Adenus's has requested that the Summit View cabin owners pay as much as \$430,000 for an entirely new system on land adjacent to our resort. This issue has been stressful and beyond comprehension as a home owner. We feel a thorough investigation of TN Wastewater / Adenus's business practices is warranted on behalf of their customers and for public safety.

We respectfully request your assistance in holding TN Wastewater /Adenus accountable for the repair and maintenance of their wastewater systems.

Yours sincerely,

Jane and Roger Dickinson
Summit View property owner
2251 Upper Middle Creek rd, Unit 34
Sevierville, TN. 37876

Mr. Herb Hilliard

Tennessee Regulatory Authority

502 Deaderick Street

4th Floor

Nashville, TN 37243

RE: TRA 14-00136

Dear Mr. Hillard,

We purchased our cabin in October of 2008 and encountered no problems with the sewer at any time during approximately the first 4 years of ownership. In 2013 the lawn maintenance company reported they were unable to properly maintain the grass area in and around the drain field due to the saturated ground. Our HOA manager contacted TN Wastewater making them aware of the situation. After several delays and excuses to repair the problem they now state that the problem is due to an over use issue caused by the home owners of Summit View. The system was designed for a maximum of 8,000 gallons per day and the monthly operating reports submitted to TDEC indicate we are within those limitations. Daily reports of sewer usage aren't available, but Tennessee Wastewater (TWSI) contends we overuse the system on the weekends even though the average may be well below it. Since Tennessee Wastewater was well aware the development was built as a vacation rental resort this type of situation could have been easily prevented by installing holding tanks, which I understand is the norm for these types of developments.

According to two separate inspections performed by TDEC, their report indicates the drip lines were inappropriately installed leading to sewage draining into our fishing pond rendering it unusable to resort guest and owners. The excessive sewer runoff contributes to massive algae blooms costing hundreds of dollars to the HOA in an effort to reduce and prevent the excessive blooms. We are also concerned about the environmental affects the run off could have on our resort and the surrounding area. After a Knoxville News Sentinel reporter received information of the sewer situation an article was printed about our resort causing negative attention, which we feel is due to TWSI's improper installation, negligence, and lack of oversight of their systems. (See link to article below)

Due to their faulty system, as well as design flaws, their reply to the petition requests that the Summit View cabin owners pay as much as \$430,000 for an entirely new system on land adjacent to our resort for their use. This issue has been stressful and beyond comprehension as a home owner. I feel a thorough investigation of TWSI's business practices is warranted on behalf of their customers and for public safety.

We respectfully request your assistance in holding TWSI accountable for the repair and maintenance of their wastewater systems.

Respectfully,

James and Brandy Vaughn

Property Owner Unit 35, Summit View

Sevierville, TN. 37876

On 9/30/2014 12:00 PM, Heather Duncan wrote:

http://www.knoxnews.com/news/local-news/sewer-system-overload-troubles-sevierville-rental-cabins_24766858

Heather Duncan
for The Knoxville News Sentinel

Richard P. Pence D.V.M.
654 Blue Prince Rd.
Bluefield, WV 24701

Mr. Herbert Hilliard
Tennessee Regulatory Authority
502 Dedrick St.
4th Floor
Nashville, Tennessee 37243

Ref Docket # 14-00136

Dear Mr. Hilliard,

This letter is issued in regard to Adenus/TNWastewater and their conduct of business with Summit View Properties at 2251 Upper Middle Creek Rd. in Sevierville, Tennessee. As an owner of a daily rental property in the community, we depended on the wastewater management to be handled in a professional and ethical manner by the company contracted to provide their services by the homeowners association. Obviously they have not acted in an appropriate manner. The flaws in the design of the system should have been apparent to the professionals at Adenus/TNWastewater and these issues should have been breached with the homeowners association at the onset of their services. Failure to appropriate design and institute a proper system with adequate drainage field and catch basin for controlling runoff from the system, should have been addressed by the wastewater management system at the onset of services. The issues involved should be issues that are standards of design for such systems.

Now, due to no fault of the homeowners who depend on professional services from a company that is in the business of "managing wastewater", we are faced a community expense of 300 to 400 thousand dollars to remedy a situation that should have been addressed at the conceptual stage of the design of the system.

The problems that existed were not disclosed by anyone associated with the property prior to our purchase. Adenus/TNWastewater should have been aware and disclosed these problems to the management of the community. Subsequently these issues should have been disclosed to us prior to purchase.

We ask the your agency find that Adenus/TNWastewater responsible for the deficits that exist. Your decision on the matter will not only dress a problem that affects innocent owners but also addresses an ethical issue involving conduct of business by companies that design and manage wastewater systems in the state of Tennessee. As an out of state owner of property we depend on ethical practices of businesses in the state of Tennessee.

Your attention to this matter is greatly appreciated.

Sincerely,

Richard P. Pence D.V.M.

cc.Brandy Vaughn

Mr. Herb Hilliard
Tennessee Regulatory Authority
502 Deaderick St.
4th Floor
Nashville, TN 37243

June 3, 2015

RE TRA 14-00136

Dear Mr. Hilliard

My wife and I own cabin 11 in Summit View Resort, 2251 Upper Middle Creek Rd., Sevierville, Tennessee. We purchased the cabin as our personal vacation property in February 2013 and planned on spending 8 to 10 weeks a year there. We were pleased, after purchasing the cabin, when we received our welcome packet from TWSI stating "your home is connected to an AdenusRWastewater Treatment System, which means that your family is being served by the decentralized industry leader. Our systems are designed and built to last, and we have a Quality Control/Quality Assurance (QA/QC) Program in place in the event problems do arise". However, as we began spending time at our cabin, we noticed a foul sewer odor and noticed when walking around the resort pond the ground was saturated. There was also runoff crossing the road near the pond.

As time passed we were disappointed to learn the sewer system had design flaws that were causing these odors and that there was an ongoing dialog between our HOA manager and TWSI as to what needed to be done but no action was being taken. At this point we certainly began to be concerned about the environmental effects and became stressed as to how this issue would be resolved.

To add to the stress and frustration of this situation, in October 2014 a tree fell on our sewer tank causing damage which was deemed our responsibility through conversations with the HOA manager and TWSI. In December 2014 we paid a TWSI recommended and approved contractor a \$5,000.00 deposit towards a \$10,000.00 estimate for installing a new tank, pumps and plumbing at a location closer to our cabin, per their recommendation. Presently this work has not been completed and as of June 2nd 2015 there still seems to be confusion between contractor and TWSI as to how and when it will be completed.

While not having this issue resolved, we received the notice from the Attorney General's Office about a proposed assessment to us by TWSI of \$8,592.00 to rebuild their system that was "designed and built to last". As home owners we certainly do not feel that we should have to bear this financial responsibility and respectfully ask your assistance resolving this issue.

Very Respectfully

Barry and Ferrollyn Yoes
Summit View Property Owners
2251 Upper Middle Creek Rd. Unit 11
Sevierville TN. 37876

Mr. Herb Hilliard
Tennessee Regulatory Authority
502 Deaderick Street
4th Floor
Nashville, TN 37243

Reference: TRA Docket 14-00136 .

As a Homeowner in the Summit View I am deeply concerned and troubled by the situation that has been brought to light regarding TNWastewater/Adenus and their business practices. Having recently purchased our property in October of this past year, I am trying to catch up on past dealings with this company as well as the current situation. One glaring point that was immediately evident was the exorbitant monthly cost charged to homeowners for their services. \$70 per month is about double that of normal wastewater costs on similarly sized properties. Even more concerning is the fact that we have apparently been dealing with improperly installed drip lines by this company from the beginning as well as an oversight on their part regarding the appropriate system installed based on their prior knowledge of the land usage as a rental/vacation home complex. Please see the below account of a resident that has been in possession of property in the complex here since 2008:

“In 2013 the lawn maintenance company reported they were unable to properly maintain the grass area in and around the drain field due to the saturated ground. Our HOA manager contacted TN Wastewater making them aware of the situation. After several delays and excuses to repair the problem they now state that the problem is due to an over use issue caused by the home owners of Summit View. The system was designed for a maximum of 8,000 gallons per day and the monthly operating reports submitted to TDEC indicate we are within those limitations. Daily reports of sewer usage aren't available, but Tennessee Wastewater (TWSI) contends we overuse the system on the weekends even though the average may be well below it. Since Tennessee Wastewater was well aware the development was built as a vacation rental resort this type of situation could have been easily prevented by installing holding tanks, which I understand is the norm for these types of developments. According to two separate inspections performed by TDEC, their report indicates the drip lines were inappropriately installed leading to sewage draining into our fishing pond rendering it unusable to resort guest and owners. The excessive sewer runoff contributes to massive algae blooms costing hundreds of dollars to the HOA in an effort to reduce and prevent the excessive blooms. We are also concerned about the environmental affects the run off could have on our resort and the surrounding area. After a Knoxville News Sentinel reporter received information of the sewer situation an article was printed about our resort causing negative attention, which we feel is due to TWSI's improper installation, negligence, and lack of oversight of their systems.”

Apparently we (the property owners) are now being asked to pay for a new system to the order of \$430k due to TNwastewater/Adenus's oversight and negligence. I am beyond troubled by this and ask for swift resolution and action by your office to hold this company accountable for their actions and said negligence. To be asked to pay the aforementioned exorbitant monthly fee for a system that had been not only been installed incorrectly but was not the correct system to begin with, and then asked to pay for a replacement, is not only inexcusable, but is unlawful. I

appreciate your time and consideration on this matter and trust a swift and appropriate judgement will be made.

Sincerely,

Dr's Todd and Trisha East
Summit View Property Owners
2251 Upper Middle Creek Dr. Unit 2

Mr. Herb Hilliard
Tennessee Regulatory Authority
502 Deaderick Street
4th Floor
Nashville, TN 37243

RE: TRA 14-00136

28 May 2015

Dear Mr. Hilliard,

I disagree to the petition of Tennessee Wastewater Systems, Inc (TWSI) found in Tennessee Regulatory Authority (TRA) Docket # 14-00136 concerning the capital improvement of the wastewater system at the Summit View Resort.

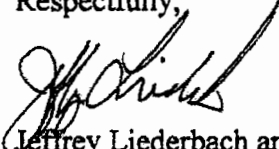
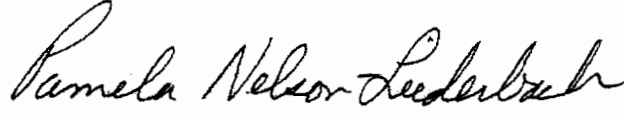
Tennessee Department of Environment and Conservation (TDEC) conducted 2 Summit View Resort site investigations in 2014 and their findings from the investigations found that TWSI was in violation of Tennessee Code Annotated (TCA) 69-3-108 & 69-3-114. TDEC states in their findings that the wastewater system was not installed correctly with errors in drip lines installation as well as a lack of holding tanks.

In response to the violation, TWSI has filed petition TRA 14-00136 to build a new wastewater system at the Summit View Resort and they propose that the property owners pay assessments to fund this capital improvement.

I object to TWSI proposal that the property owners pay assessments to fund the new wastewater system. I believe that the wastewater system at the Summit View Resort was installed incorrectly. TWSI claims that the property owners at Summit View are exceeding the limits that the wastewater system was originally designed for. TWSI designed the Summit View wastewater system for 8,000 gallons a day. TWSI claims that the property owners use as much as 18,000 gallons a day. TDEC reviewed monthly operating reports concerning Summit View and found the monthly average flows did NOT exceed the permitted design flow of 8,000 gallons a day.

I request a fair and thorough investigation on the wastewater system at the Summit View Resort. I believe TWSI should be held accountable for the violations and should be responsible to repair and fund the required capital improvements.

Respectfully,

Jeffrey Liederbach and Pamela Nelson-Liederbach
Summit View Property Owners
2251 Upper Middle Creek Road, Unit 19
Sevierville, TN 37876

Mr. Herb Hilliard
Tennessee Regulatory Authority
502 Deaderick Street
4th Floor
Nashville, TN 37243

June 1, 2015

RE: TRA 14-00136

Dear Mr. Hillard,

In TRA 14-00136, Tennessee Wastewater (TWSI) put forth its position that Summit View property owners should be responsible for repairs to a faulty system. According to two separate inspections performed by the Tennessee Department of Environment and Conservation (TDEC) (see WPC 14-0092), their report indicates the drip lines were inappropriately installed leading to sewage draining into our fishing pond rendering it unusable to resort guest and owners. The excessive sewer runoff contributes to massive algae blooms costing hundreds of dollars to the HOA in an effort to reduce and prevent the excessive blooms. We are also concerned about the environmental affects the run off could have on our resort and the surrounding area.

It does not seem to be before the TRA to consider the fault or financial responsibility of TWSI, but to look only at granting a rate hike to property owners who have already had their monthly septic rates almost doubled (\$36-\$70). TWSI is seeking \$330k to \$430k from only thirty odd property owners for what appear to be their misdeeds.

My property is Summit View Unit 36 in Sevierville, but many other TN property owners have been negatively affected by TWSI. Please see TRA 15-00025 for a summary. I believe we are due a thorough investigation and that TWSI should be held accountable for their errors. TWSI treatment has caused our Resort pond to become septic, and resulted in our wastewater system being out of compliance and needing repair.

I respectfully request your assistance in holding TWSI accountable for the repair and maintenance of their wastewater systems.

Respectfully,

Diego Alvarado
618 Banks St.
College Station, TX 77840

Mr. Herb Hilliard
Tennessee Regulatory Authority
502 Deaderick Street
4th Floor
Nashville, TN 37243

June 1, 2015

RE: TRA 14-00136

Dear Mr. Hillard,

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By their own admission in TRA 14-00136, TWSI designed the system to hold 8,000 gallons per day but claims Summit View has sewage as high as 18,000 gallons per day. I do not have supporting documentation for either of these values; however, I see a major flaw in the system design. I have a Ph.D. in Industrial and Systems engineering so I can attest to the well-known design criterion in which the system design should be capable of supporting the worst-case, peak demands. TWSI knew this was a vacation rental community, thus there would be high variation in the demand of the system with peak demand occurring during the weekends and summer. If these values are correct, TWSI poorly estimated the sewage demands of Summit View and is trying to pass the financial strain of their design flaw on to their customers, the Summit View property owners.

It does not seem to be before the TRA to consider the fault or financial responsibility of TWSI, but to look only at granting a rate hike to property owners who have already had their monthly septic rates almost doubled (\$36-\$70). TWSI is seeking \$330k to \$430k from 37 property owners for what appears to be their misdeeds.

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I feel a thorough investigation of TWSI's business practices is warranted on behalf of their customers. I respectfully request your assistance in holding TWSI accountable for the repair and maintenance of their wastewater systems.

Respectfully,

Michelle Alvarado, PhD
618 Banks St.
College Station, TX 77840

Mr. Herb Hilliard
Tennessee Regulatory Authority
502 Deaderick Street
4th Floor
Nashville, TN 37243

June 1, 2015

RE: TRA 14-00136

Dear Mr. Hillard,

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I respectfully request your assistance in holding TWSI accountable for the repair and maintenance of their wastewater systems.

Respectfully,

David and Sharron McGaha
401 Frasier Lane
Albertville, AL 35951