

STATE OF TENNESSEE

Office of the Attorney General



HERBERT H. SLATERY III
ATTORNEY GENERAL AND REPORTER

P.O. BOX 20207, NASHVILLE, TN 37202
TELEPHONE (615)741-3491
FACSIMILE (615)741-2009

July 21, 2015

Attn: Sharla Dillon, Dockets & Records Manager
Monica Smith-Ashford, Hearing Officer
Tennessee Regulatory Authority
502 Deaderick Street, 4th Floor
Nashville, TN 37243

*In Re: Petition of Tennessee Wastewater
Systems, Inc. to Amend their CCN to Expand
Its Service Area to Include a Portion of
Williamson County in Tennessee, Known as
The Enclave at Dove Lake, Docket 15-00025*

Hearing Officer Smith-Ashford:

The Consumer Advocate has previously requested that the Tennessee Regulatory Authority take official notice of the transcript of the Authority Conference on August 11, 2014, that relates to Docket 14-00006. Enclosed with this letter is the relevant portion of the transcript.

The Consumer Advocate appreciates your indication by email that you intend to grant its Amended Request for Official Notice pending the filing of the enclosed transcript portion.
Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Erin Merrick".

Erin Merrick
Assistant Attorney General

Enclosure

CC: Henry Walker, Esq.

In The Matter Of:
Tennessee Regulatory Authority
Authority Conference

Transcript of Proceedings
August 11, 2014

Donna J. McWhorter, LCR, RPR, CCR
Nashville Court Reporters 615.885.5798

Transcript of Proceedings - August 11, 2014

TRANSCRIPT OF AUTHORITY CONFERENCE 08/11/2014

BEFORE THE TENNESSEE REGULATORY AUTHORITY

TRANSCRIPT OF AUTHORITY CONFERENCE

MONDAY, AUGUST 11, 2014

APPEARANCES:

For Berry's Chapel
Utility, Inc. and for
Cartwright Creek, LLC.:

Mr. Henry Walker

For the Consumer Advocate:

Mr. Wayne Irvin
Mr. Vance L. Broemel

For TRA Staff:

Ms. Sharla Dillon
Mr. Shiva Bozarth
Mr. David Foster
Ms. Jean Stone

1 DIRECTOR BENNETT: Second and vote aye.

2 DIRECTOR HILL: Vote aye.

3 MS. DILLON: Next we have Section 5,
4 Directors Hill, Hilliard, and Allison. Cancellation of
5 Certification Per Company Request, Docket No. 90-05121.

6 CHAIRMAN HILLIARD: I move cancella-
7 tion, per company request.

8 DIRECTOR ALLISON: Second and vote aye.

9 DIRECTOR HILL: Vote aye.

10 MS. DILLON: Next we have Section 6,
11 Directors Hilliard, Allison, and Jones, Docket No.
12 14-00006, Tennessee Wastewater Systems, Inc.; Petition
13 of Tennessee Wastewater Systems, Inc. to Amend Their
14 Certificate of Convenience and Necessity to Service a
15 Portion of Williamson County in Tennessee, Currently
16 Known as The Scales Project. Hear and Consider
17 Petition.

18 CHAIRMAN HILLIARD: We'll call this
19 hearing to order. This matter was duly noticed for
20 hearing on August 1st, 2014 and is being conducted in
21 accordance with the Uniform Administrative Procedures
22 Act.

23 will the company please come forward
24 and please identify yourselves for the record.

25 MR. PICKNEY: My name is Matt Pickney,

1 and I'm the operations manager for Tennessee Wastewater
2 Systems, Incorporated.

3 CHAIRMAN HILLIARD: Are you represented
4 by counsel today?

5 MR. PICKNEY: Counsel is in the room if
6 needed.

7 CHAIRMAN HILLIARD: Okay. All right.
8 Are you prepared to testify at this time?

9 MR. PICKNEY: I am.

10 CHAIRMAN HILLIARD: Please raise your
11 right hand.

12 (Witness sworn.)

13 CHAIRMAN HILLIARD: State your full
14 name and business address, please.

15 MR. PICKNEY: My name is Matthew
16 Pickney, 851 Aviation Parkway in Smyrna, Tennessee.

17 CHAIRMAN HILLIARD: What is your
18 position with the company?

19 MR. PICKNEY: Operations manager.

20 CHAIRMAN HILLIARD: Okay. Did you
21 prepare the application in this docket and are you
22 familiar with its contents?

23 MR. PICKNEY: I did and I am.

24 CHAIRMAN HILLIARD: And did you prefile
25 testimony in this docket?

1 MR. PICKNEY: I did.

2 CHAIRMAN HILLIARD: And do you have any
3 corrections to the application of your prefiled
4 testimony?

5 MR. PICKNEY: I do not.

6 CHAIRMAN HILLIARD: Okay. With that,
7 without objection, we'll admit the application and the
8 prefiled testimony into the record. Please present
9 your petition.

10 MR. PICKNEY: Tennessee Wastewater
11 Systems, Incorporated, is petitioning the TRA to amend
12 our CCN to expand our service area to include a portion
13 of Williamson County known as The Scales Project. This
14 project is located off of Clovercroft Road in William-
15 son County. The parcel encompasses approximately
16 171 acres, and we seek to serve approximately 80
17 residential lots with this project, with a system that
18 would be built to serve approximately 24,000 gallons of
19 wastewater per day.

20 The TDEC application for a state
21 operating permit was submitted, and we have a public
22 hearing on August 18th on the status of that SOP. And
23 the developer, Nicky Wells of Turnberry Homes, is the
24 one that requested that we serve, and all the
25 appropriate documents requesting our service and the

Transcript of Proceedings - August 11, 2014

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1 other providers in the area that passed on the service
2 are included in the petition.

3 CHAIRMAN HILLIARD: Okay. Does the
4 staff have any questions?

5 Do my fellow directors have any
6 questions of this witness?

7 DIRECTOR ALLISON: No.

8 CHAIRMAN HILLIARD: Okay. You are
9 excused.

10 At this time I would like to invite any
11 member of the public who wishes to speak concerning the
12 petition to come forward at this time.

13 Let the record reflect that no one has
14 come forward to comment.

15 If we are ready to deliberate, I have a
16 motion.

17 Based on the administrative record and
18 testimony given today, I move that the petition be
19 approved contingent upon Tennessee Wastewater's
20 satisfactory filing of the following documents in this
21 docket: Deed and/or easements for all the land of the
22 wastewater system; final copy of the state operating
23 permit issued by TDEC; all final signed contracts
24 between Tennessee Wastewater, the builder of the
25 wastewater system, and Turnberry Homes; a copy of the

1 final signed plat from Williamson County; and a
2 detailed cost itemization of the complete wastewater
3 system transferred from the builder to Tennessee
4 Wastewater.

5 With this motion, I would also like to
6 note that I do have certain reservations about
7 extending Tennessee Wastewater's CCN in light of the
8 Maple Green and Cedar Hill wastewater facilities which,
9 according to the Tennessee Department of Environment
10 and Conservation, are in need of major repairs. I want
11 to strongly emphasize my concerns related to these
12 matters and direct staff to continue working with the
13 Department of Environment and Conservation to closely
14 monitor these situations and any others should they
15 arise.

16 Therefore, I further move that
17 Tennessee Wastewater file detailed monthly reports to
18 explain all repairs and improvements made at Maple
19 Green and Cedar Hill, as well as the company's plans
20 for financing these projects. These monthly reports
21 should detail all projects that are won, that are
22 planned, in progress, and completed. For repairs that
23 are planned and in progress, Tennessee Wastewater
24 should provide a projected completion date and
25 estimated cost to complete the repair. For repairs and

1 improvements that have been completed, the completion
2 date and actual cost of the project should be included
3 in the report.

4 Should other compliance issues arise,
5 cited by the Department of Environment and Conservation
6 or any other regulatory entity or agency, concerning
7 any of its wastewater system, Tennessee Wastewater
8 should provide the Authority, on a timely basis,
9 similar information concerning its plans for repairing
10 those systems.

11 The first report should be filed
12 September the 1st, 2014, with each subsequent update
13 due the first of each month thereafter until the
14 facilities are completely repaired.

15 As a final note, I want to encourage
16 Tennessee Wastewater to prioritize its available
17 resources to repair these troubled systems. I so move.

18 VICE CHAIRMAN JONES: I second and vote
19 yes.

20 DIRECTOR ALLISON: I vote yes.

21 MS. DILLON: Next we have Cancellation
22 of Certification Per Company Request, Docket No.
23 01-00194.

24 CHAIRMAN HILLIARD: I move
25 cancellation, per company request.