

IN THE TENNESSEE REGULATORY AUTHORITY
AT NASHVILLE, TENNESSEE

IN RE:)	
)	
PETITION OF TENNESSEE)	
WASTEWATER SYSTEMS, INC. TO)	DOCKET NO. 15-00025
AMEND ITS CERTIFICATE OF)	
CONVENIENCE AND NECESSITY)	

MOTION FOR LEAVE TO FILE SUPPLEMENTAL DISCOVERY REQUESTS

The Consumer Advocate and Protection Division of the Office of the Attorney General (“Consumer Advocate”), pursuant to TRA Rule 1220-1-2-.11, hereby submits this Motion requesting permission to issue a supplemental discovery request to Tennessee Wastewater Systems, Inc. (“TWSI”). The supplemental discovery request that the Consumer Advocate seeks involves a single question regarding the environmental compliance of TWSI’s affiliates and/or entities that TWSI proposes to provide services at The Enclave at Dove Lake. TWSI’s affiliates include Adenus Group, LLC, which wholly owns TWSI, and Adenus Operations, LLC, which is TWSI’s “certified operator.” (TWSI’s *Data Response* filed Feb. 5, 2015, p. 3.) Because one and maybe more affiliates and/or entities are connected to the operations of TWSI’s wastewater system, consumers and the Authority have an interest in investigating the environmental compliance of those affiliates and/or entities. The Proposed Supplement Discovery Request is attached hereto.

If one or more of the affiliates and/or entities had an environmental problem, then the same problem may also occur at the proposed facility at The Enclave. For example, if the Tennessee Department of Environmental Conservation (“TDEC”) cited Adenus Solutions Group, LLC, for

construction problems, that information would be relevant because Adenus Solutions Group is proposed to construct the system at The Enclave. Likewise, if Adenus Operations, LLC, had environmental problems, that would be relevant because Adenus Operations is described by TWSI as its “certified operator.” Finally, if Adenus Group, LLC, had environmental problems, then that would be relevant because Adenus Group wholly owns TWSI. If the owner has not been careful regarding environmental issues, then that same behavior is likely to carry over to the management of the company that it wholly owns. So TWSI is clearly impacted by Adenus Group’s actions.

As the supplemental discovery request involves a single question, the Consumer Advocate does not expect any delay in the Procedural Schedule. The Consumer Advocate proposes the following additions to the Procedural Schedule indicated in bold below, while maintaining all other deadlines:

DUE DATE	FILING/ACTION
May 26, 2015	Consumer Advocate’s Discovery Requests (Copies of all discovery exchanged between the parties shall be filed with the Authority within 3 days of the exchange of information. All spreadsheets shall be filed in Excel format with working formulae.)
June 5, 2015	Petitioner’s Discovery Responses
June 8, 2015	Consumer Advocate’s Supplemental Discovery Request
June 15, 2015	Petitioner’s Supplemental Discovery Response
June 25, 2015	Consumer Advocate’s Testimony and/or Statement of Position
July 2, 2015	TWSI Pre-filed Rebuttal Testimony
July 7, 2015	Pre-Hearing Telephone Conference, 10:00 a.m. (CDT)
July 20, 2015	Target Hearing Date

RESPECTFULLY SUBMITTED,

Erin Merrick

ERIN MERRICK (BPR# 033883)
Assistant Attorney General
Office of the Attorney General
Consumer Advocate and Protection Division
P.O. Box 20207
Nashville, Tennessee 37202-0207
(615) 741-8722
(615) 741-1026 FAX

Dated: June 3, 2015.

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:

Henry Walker
Bradley Arant Boult Cummings, LLP
1600 Division Street, Suite 700
Nashville, TN 37203
hwalker@babco.com

This the 3rd day of June, 2015.



ERIN MERRICK

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PROPOSED SUPPLEMENTAL DISCOVERY REQUEST

To: Tennessee Wastewater Systems, Inc.
c/o Henry Walker
Bradley Arant Boult Cummings, LLP
1600 Division Street, Suite 700
Nashville, TN 37203

This Discovery Request is hereby served upon Tennessee Wastewater Systems, Inc., (“TWSI” or “Company”), pursuant to Rules 26, 33, 34 and 36 of the Tennessee Rules of Civil Procedure and Tenn. Comp. R. & Reg. 1220-1-2-.11. We request that full and complete responses be provided pursuant to the Tennessee Rules of Civil Procedure. The responses are to be produced at the Office of the Tennessee Attorney General and Reporter, Consumer Advocate and Protection Division, 425 Fifth Avenue North, Nashville, Tennessee 37243, c/o Erin Merrick, on or before 4:00 p.m. (CDT), June 15, 2015.

PRELIMINARY MATTERS AND DEFINITIONS

These Supplement Discovery Requests incorporate the same Preliminary Matters And Definitions as set forth in *Request of the Consumer Advocate and Protection Division of the Attorney General’s Office for Interrogatories and Production of Documents*, filed on May 26, 2015, and are to be considered continuing in nature, and are to be supplemented from time to time

as information is received by TWSI that would make a prior response inaccurate, incomplete, or incorrect.

SUPPLEMENTAL DISCOVERY REQUEST

1. Please identify whether any of your affiliates, including but not limited to Adenus Group, LLC, the Adenus family of companies, and/or entities you propose to provide services at The Enclave have been cited for violating any environmental laws or regulations within the past five years. If any affiliates or entities were so cited, please provide the names of the affiliates or entities that were cited, each of the notifications of violation or other communications from the enforcement entities describing the nature of the violations, and the end result or current status of each of the enforcement actions.

RESPONSE:

RESPECTFULLY SUBMITTED,



ERIN MERRICK (BPR# 033883)
Assistant Attorney General
Office of the Attorney General
Consumer Advocate and Protection Division
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