

**IN THE TENNESSEE REGULATORY AUTHORITY  
AT NASHVILLE, TENNESSEE**

|                                    |   |                            |
|------------------------------------|---|----------------------------|
| <b>IN RE:</b>                      | ) |                            |
|                                    | ) |                            |
| <b>PETITION OF TENNESSEE</b>       | ) |                            |
| <b>WASTEWATER SYSTEMS, INC.,</b>   | ) | <b>DOCKET NO. 16-00139</b> |
| <b>FOR APPROVAL OF ADJUSTMENT</b>  | ) |                            |
| <b>OF ITS RATES AND NEW TARIFF</b> | ) |                            |

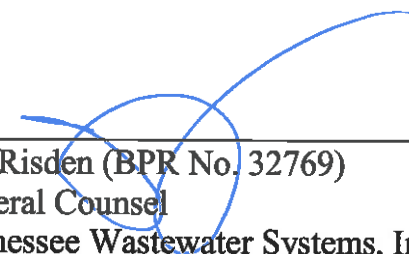
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**TWSI'S SUPPLEMENTAL RESPONSE TO SECOND DISCOVERY REQUESTS OF  
THE CONSUMER PROTECTION AND ADVOCATE DIVISION**

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Tennessee Wastewater Systems, Inc. ("TWSI") files this supplemental response to the Consumer Protection and Advocate Division's *Second Discovery Requests of the Consumer Protection and Advocate Division to Tennessee Wastewater Systems, Inc.* producing the credit card processing agreement in responsive to CPAD request 2-120.

RESPECTFULLY SUBMITTED,



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Jeff Riden (BPR No. 32769)  
General Counsel  
Tennessee Wastewater Systems, Inc.  
851 Aviation Parkway  
Smyrna, TN 37167  
(615) 220-7171  
[jeff.riden@adenus.com](mailto:jeff.riden@adenus.com)

Henry Walker (BPR No. 000272)  
Bradley  
Roundabout Plaza  
1600 Division St., Suite 700

Nashville, TN 37203  
(615) 252-2363  
hwalker@bradley.com

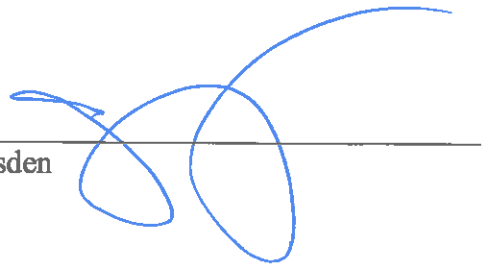
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via U.S. Mail or electronic mail upon:

Karen H. Stachowski  
Vance Broemel  
Office of the Tennessee Attorney General  
Consumer Protection and Advocate Division  
P.O. Box 20207  
Nashville, Tennessee 37202-0207  
[Karen.Stachowski@ag.tn.gov](mailto:Karen.Stachowski@ag.tn.gov)  
[Vance.Broemel@ag.tn.gov](mailto:Vance.Broemel@ag.tn.gov)

This the 21st day of April, 2017.

Jeff Ridsen





**CAPITAL**  
PAYMENTS

Capital Payments, LLC.  
1050 Crowne Point Parkway, Suite 720  
Atlanta, GA 30338

**Merchant Application**  
800-675-6573 Toll-Free 312-640-0284 Fax

NOTE: Failure to provide accurate information may result in a withholding of merchant funding per IRS regulations. (See Part III, Section A 3 of your Program Guide for further information.)

Sales Representative  
**Brad Dent**

Phone

## 01. Business Information

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|                                                                  |                            |                                     |                                                                           |                                                                   |                     |
|------------------------------------------------------------------|----------------------------|-------------------------------------|---------------------------------------------------------------------------|-------------------------------------------------------------------|---------------------|
| Legal Business Name<br><b>TENNESSEE WASTEWATER SYSTEMS, INC.</b> |                            |                                     | Doing Business As (DBA) Name<br><b>TENNESSEE WASTEWATER SYSTEMS, INC.</b> |                                                                   |                     |
| Billing Address<br><b>851 AVIATION PARKWAY</b>                   |                            |                                     | Street Address (No P.O. Boxes)<br><b>851 AVIATION PARKWAY</b>             |                                                                   |                     |
| Billing City<br><b>SMYRNA</b>                                    | Billing State<br><b>TN</b> | Billing Zip<br><b>37167</b>         | City<br><b>SMYRNA</b>                                                     | State<br><b>TN</b>                                                | Zip<br><b>37167</b> |
| Business Phone<br><b>(615) 220-7200</b>                          |                            | Fax Number<br><b>(615) 220-7207</b> | Website Address<br><b>tennesseewastewater.com</b>                         |                                                                   |                     |
| Mobile Phone                                                     |                            | Customer Service Phone              |                                                                           |                                                                   |                     |
| Number of Locations<br><b>1</b>                                  |                            | Years in Business<br><b>18</b>      |                                                                           | Contact Person (if different than the owner)<br><b>[REDACTED]</b> |                     |
|                                                                  |                            |                                     |                                                                           | Federal Tax ID<br><b>[REDACTED]</b>                               |                     |

## 02. Merchant Profile

## 03. Visa®, MasterCard® & Discover® Information

|                                                                                                                                                                                                                                                                                                                                             |     |                                               |                                                                                                                                                                                                                                                |                                                  |                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|----------------|
| <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> LLC <input type="checkbox"/> Non-Profit<br><input type="checkbox"/> Government Agency <input type="checkbox"/> Association/Estate/Trust <input type="checkbox"/> Political Committee |     |                                               | Merchant Type                                                                                                                                                                                                                                  | Card Swiped                                      | <b>0.00 %</b>  |
| Goods or Services Sold<br><b>WASTEWATER</b>                                                                                                                                                                                                                                                                                                 | MCC | State Incorporated                            | <input checked="" type="checkbox"/> Retail<br><input type="checkbox"/> Restaurant<br><input type="checkbox"/> Lodging<br><input type="checkbox"/> Service<br><input type="checkbox"/> Mail & Phone Order<br><input type="checkbox"/> eCommerce | Manual Key w/imprint<br>Card Present w/Signature | <b>0.00 %</b>  |
| Do you currently accept Visa, MasterCard or Discover? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                                                                                                                                                                                   |     | If Yes, Processor<br><b>MONERIS SOLUTIONS</b> |                                                                                                                                                                                                                                                | Mail & Telephone Order                           | <b>20.00 %</b> |
| Has merchant or any principal filed for or been subject to bankruptcy? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                                                                                                                                                                                  |     | If Yes, Date                                  |                                                                                                                                                                                                                                                | Internet & eCommerce                             | <b>80.00 %</b> |
|                                                                                                                                                                                                                                                                                                                                             |     |                                               |                                                                                                                                                                                                                                                |                                                  |                |

## 04. Average Ticket & Monthly Volume

|                                       |                                  |                                                                                                                                                                                                                                               |
|---------------------------------------|----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Average Ticket Sales<br><b>125.00</b> | Monthly Volume<br><b>5000.00</b> | Each person certifies that the average ticket size and monthly volume indicated is accurate and agrees that any transaction or monthly volume that exceeds either of the amounts could result in delayed and/or withheld settlement of funds. |
|---------------------------------------|----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## 05. Additional Information

|                                                                                                                                               |                                   |                                                                                                                 |                    |                  |              |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|-----------------------------------------------------------------------------------------------------------------|--------------------|------------------|--------------|
| Refund Policy<br><input checked="" type="checkbox"/> All sales final <input type="checkbox"/> 30 days <input type="checkbox"/> Exchange only  | % of Deposit Required<br><b>0</b> |                                                                                                                 |                    |                  |              |
| Do you use any third party to store, transmit or process cardholder data? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | If Yes, Name                      | Premises <input type="checkbox"/> Retail Store <input checked="" type="checkbox"/> Office Building              | If Other           |                  |              |
| Do you use software for storing, transmitting or processing transactions? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | If Yes, Name                      | <input type="checkbox"/> Shopping Center <input type="checkbox"/> Residence <input type="checkbox"/> Commercial |                    |                  |              |
| Do you use any third party fulfillment? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No                                   | If Yes, Name                      | Previous Processor                                                                                              | Reason for Leaving | Termination Date |              |
|                                                                                                                                               |                                   | Percent of Orders<br>Delivered In                                                                               | 7 Days<br>100      | 14 Days<br>0     | 30 Days<br>0 |
|                                                                                                                                               |                                   |                                                                                                                 |                    | 30 +<br>0        |              |

|                                                   |                            |                                             |                                 |                                                   |                            |                                             |                                 |
|---------------------------------------------------|----------------------------|---------------------------------------------|---------------------------------|---------------------------------------------------|----------------------------|---------------------------------------------|---------------------------------|
| 06. Owner 1                                       |                            | Ownership %                                 | <b>25</b>                       | 07. Owner 2                                       |                            | Ownership %                                 | <b>25</b>                       |
| Name<br><b>ROBERT PICKNEY</b>                     |                            | Title<br><b>OTHER</b>                       |                                 | Name<br><b>CHARLES PICKNEY</b>                    |                            | Title<br><b>OWNER</b>                       |                                 |
| Home Address (No P.O. Boxes)<br><b>[REDACTED]</b> |                            |                                             |                                 | Home Address (No P.O. Boxes)<br><b>[REDACTED]</b> |                            |                                             |                                 |
| City<br><b>[REDACTED]</b>                         | State<br><b>[REDACTED]</b> | Zip<br><b>[REDACTED]</b>                    |                                 | City<br><b>[REDACTED]</b>                         | State<br><b>[REDACTED]</b> | Zip<br><b>[REDACTED]</b>                    |                                 |
| Home Phone Number<br><b>[REDACTED]</b>            |                            | Social Security Number<br><b>[REDACTED]</b> |                                 | Home Phone Number<br><b>[REDACTED]</b>            |                            | Social Security Number<br><b>[REDACTED]</b> |                                 |
| Drivers License Number<br><b>[REDACTED]</b>       | D.L. State<br><b>TN</b>    | Date of Birth<br><b>[REDACTED]</b>          | Years at Residence<br><b>50</b> | Drivers License Number<br><b>[REDACTED]</b>       | D.L. State<br><b>TN</b>    | Date of Birth<br><b>[REDACTED]</b>          | Years at Residence<br><b>50</b> |

## 08. Service Fee Schedule

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Accept ALL Visa®, MasterCard® &amp; Discover® Transactions (Presumed, unless any selections below are checked)

Discount Fees based on gross sales volume

|                                                                                                                                                               |  |                                                                                                                                                                                 |                                     |                                                                                                                                                                           |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <b>Visa Acceptance</b><br><input type="checkbox"/> Accept Visa Credit transaction only<br><input type="checkbox"/> Accept Visa Non-PIN Debit transaction only |  | <b>MasterCard Acceptance</b><br><input type="checkbox"/> Accept MasterCard Credit transaction only<br><input type="checkbox"/> Accept MasterCard Non-PIN Debit transaction only |                                     | <b>Discover Acceptance</b><br><input type="checkbox"/> Accept Discover Credit transaction only<br><input type="checkbox"/> Accept Discover Non-PIN Debit transaction only |  |
| <input type="checkbox"/> Pass Through I/C: Includes Dues & Assessments (See Program Guide)                                                                    |  |                                                                                                                                                                                 | <b>Pass Through Rate</b><br>0.500 % |                                                                                                                                                                           |  |
| <b>Visa, MasterCard &amp; Discover CREDIT Qualified Discount Rate</b><br>0.00 %                                                                               |  | <b>Visa, MasterCard &amp; Discover DEBIT Qualified Discount Rate</b><br>0.00 %                                                                                                  |                                     |                                                                                                                                                                           |  |
| <b>CREDIT Mid-Qualified Rate</b><br>+ 0.00 %                                                                                                                  |  | <b>DEBIT Mid-Qualified Rate</b><br>+ 0.00 %                                                                                                                                     |                                     |                                                                                                                                                                           |  |
| <b>CREDIT Non-Qualified Rate</b><br>+ 0.00 %                                                                                                                  |  | <b>DEBIT Non-Qualified Rate</b><br>+ 0.00 %                                                                                                                                     |                                     |                                                                                                                                                                           |  |
| <b>Setup Fee</b><br>\$ 0.00                                                                                                                                   |  | <b>Term Agreement</b><br>0 year(s)                                                                                                                                              |                                     |                                                                                                                                                                           |  |
| <b>Monthly Statement Fee</b><br>\$ 10.00                                                                                                                      |  | <b>Annual Fee</b><br>\$ 0.00                                                                                                                                                    |                                     |                                                                                                                                                                           |  |
| <b>Monthly Minimum</b><br>\$ 0.00                                                                                                                             |  | <b>Early Termination Fee</b><br>\$ 0.00                                                                                                                                         |                                     |                                                                                                                                                                           |  |
| <b>Authorization Fee</b><br>\$ 0.3000 per item                                                                                                                |  | <b>Return/NSF Fee</b><br>\$ 15.00 per item                                                                                                                                      |                                     |                                                                                                                                                                           |  |
| <b>Authorization Surcharge Fee</b><br>\$ 0.00 per item                                                                                                        |  | <b>Pin-Based Debit Transactions</b><br><input type="checkbox"/> Pass Through Network & Switch Fees                                                                              |                                     |                                                                                                                                                                           |  |
| <b>Other Item Fee</b><br>\$ 0.00 per item                                                                                                                     |  | <b>PIN Debit Transaction Fee</b><br>\$ 0.00 per item                                                                                                                            |                                     |                                                                                                                                                                           |  |
| <b>Non-Bankcard Authorization Fee</b><br>\$ 0.30 per item                                                                                                     |  | <b>Visa Settlement Network Access &amp; Usage Fee</b><br>\$ 0.0195 per item                                                                                                     |                                     |                                                                                                                                                                           |  |
| <b>Voice AVS/Authorization Fee</b><br>\$ 0.75 per item                                                                                                        |  | <b>MasterCard Settlement Network Access &amp; Usage Fee</b><br>\$ 0.0185 per item                                                                                               |                                     |                                                                                                                                                                           |  |
| <b>Voice Response (IVR/VRU) Fee</b><br>\$ 0.75 per item                                                                                                       |  | <b>Discover Settlement Network Access &amp; Usage Fee</b><br>\$ 0.0075 per item                                                                                                 |                                     |                                                                                                                                                                           |  |
| <b>Batch Header Fee</b><br>\$ 0.00 per item                                                                                                                   |  | <b>MICROS Transaction Fee</b><br>\$ 0.00 per item                                                                                                                               |                                     |                                                                                                                                                                           |  |
| <b>AVS Surcharge</b><br>\$ 0.00 per item                                                                                                                      |  | <b>Additional Fees (If Applied For)</b>                                                                                                                                         |                                     |                                                                                                                                                                           |  |
| <b>Chargeback Fee</b><br>\$ 15.00 per item                                                                                                                    |  | <b>E-Merchant View Monthly Fee</b><br>\$ 0.00                                                                                                                                   |                                     |                                                                                                                                                                           |  |
| <b>Retrieval Fee</b><br>\$ 0.00 per item                                                                                                                      |  | <b>Internet Gateway Monthly Fee</b><br>\$ 10.00                                                                                                                                 |                                     |                                                                                                                                                                           |  |
| <b>PCI Compliance Fee</b><br>\$ 11.95                                                                                                                         |  | <b>Internet Gateway Transaction Fee</b><br>\$ 0.00 per item                                                                                                                     |                                     |                                                                                                                                                                           |  |
| <b>Regulatory Product Bundle Monthly Fee</b><br>\$ 5.95                                                                                                       |  | <b>ACH Discount Rate</b><br>0.00 %                                                                                                                                              |                                     |                                                                                                                                                                           |  |
| <b>Pass ACQ ISA Fee?</b><br><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No                                                               |  | <b>ACH Transaction Fee</b><br>\$ 0.00 per item                                                                                                                                  |                                     |                                                                                                                                                                           |  |
| <b>Pass Visa Misuse of Auth Fee</b><br><input type="checkbox"/> Yes <input type="checkbox"/> No                                                               |  | <b>Wireless Monthly Access Fee</b><br>\$ 0.00                                                                                                                                   |                                     |                                                                                                                                                                           |  |
| <b>Pass MasterCard Processing Integrity Fee</b><br><input type="checkbox"/> Yes <input type="checkbox"/> No                                                   |  | <b>Wireless Transaction Fee</b><br>\$ 0.00 per item                                                                                                                             |                                     |                                                                                                                                                                           |  |
|                                                                                                                                                               |  | <b>TIN/TFN Fees</b>                                                                                                                                                             |                                     |                                                                                                                                                                           |  |
|                                                                                                                                                               |  | <b>TIN/TFN Invalid</b><br>\$ monthly                                                                                                                                            |                                     |                                                                                                                                                                           |  |

## 09. American Express® Acceptance

Enter Existing MID Numbers on Deployment Form

☐ YES, I wish to apply for an American Express merchant account.  
☒ NO, I do not wish to accept American Express at this time.

Existing American Express Merchant Account

Rate:

NOTE: American Express rates are subject to review directly by American Express. By signing below, I represent that I have read and am authorized to sign and submit this application for the above entity which agrees to be bound by the American Express® Card Acceptance Agreement ("Agreement"), and that all information provided herein is true, complete and accurate. I authorize Capital Payments, LLC ("Capital Payments, LLC") and American Express Travel Related Services Company, Inc. ("AXP") and AXP's agents and Affiliates to verify the information in this application and receive and exchange information about me personally, including by requesting reports from consumer reporting agencies, and disclose such information to their agent, subcontractors, Affiliates and other parties for any purpose permitted by law. I authorize and direct Capital Payments, LLC and AXP and AXP agents and Affiliates to inform me directly, or through the entity above, of reports about me that they have requested from consumer reporting agencies. Such information will include the name and address of the agency furnishing the report. I also authorize AXP to use the reports from consumer reporting agencies for marketing and administrative purposes. I understand that upon AXP's approval of the Application, the entity will be the Agreement and materials welcoming it, either to AXP's program for Capital Payments, LLC to perform services for AXP or in AXP's standard Card acceptance program, which has different servicing terms (e.g., different speeds of pay). I understand that if the entity does not qualify for the Capital Payments, LLC servicing program, the entity may be enrolled in AXP's standard Card acceptance program, and the entity may terminate the Agreement. By accepting the American Express Card for the purchase of goods and/or services, or otherwise indicating its intention to be bound, the entity agrees to be bound by the Agreement. \*Capital Payments, LLC, does not guaranty account approval OR rates by American Express.

## 10. Bank Information

|                                                                |  |                                            |  |                          |                    |
|----------------------------------------------------------------|--|--------------------------------------------|--|--------------------------|--------------------|
| <b>Name on Checking Account</b><br>TENNESSEE WASTEWATER SYSTEM |  | <b>Bank Name</b><br>PINNACLE NATIONAL BANK |  | <b>Bank Address</b>      |                    |
| <b>Account Number</b><br>[REDACTED]                            |  | <b>ABA/Transit Number</b><br>[REDACTED]    |  | <b>City</b><br>NASHVILLE | <b>State</b><br>TN |
|                                                                |  |                                            |  | <b>Zip</b>               |                    |

## 11. Sales Representative Information

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I hereby certify that I have inspected the business premises as described herein. I further represent and warrant that the information set forth in this Application is true, complete and not misleading in any way and that inventory/services are consistent in type, quantity and quality with this Application. I have confirmed the identity of the individual signing this document. The Merchant appears to be conducting business as represented and I am not in possession of any knowledge to the contrary.

Sales Representative Signature

Sales Representative Name

Date

Brad Dent

02/20/2012

## 12. Acknowledgement &amp; Agreement

Client certifies that all information set forth in this completed Merchant Processing Application is true and correct and that Client has received a copy of the Program Guide (Version CP1206) and Confirmation Page, which is part of this Merchant Processing Application, and by this reference incorporated herein.

Client authorizes Capital Payments, LLC ("Capital Payments, LLC") and Wells Fargo Bank, N.A. ("Bank") and their agents to investigate the references, statements and other data contained herein and to obtain additional information from credit bureaus and other lawful sources, including persons and companies names in this Merchant Processing Application. Client authorizes Capital Payments, LLC and Bank and their agents (a) to procure information from any consumer reporting agency bearing his/her personal credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living, and (b) to contact all previous employers, personal references and educational institutions. It is our policy to obtain certain information in order to verify your identity while processing your account application.

Client agrees to all the terms of this Merchant Processing Application and Agreement. This Merchant Processing Application and Agreement shall not take effect until Client has been approved and this Agreement has been accepted by Capital Payments, LLC and Bank. Client further acknowledges and agrees that he/she will not use the merchant account and/or the services for illegal transactions, for example, those prohibited by the Unlawful Internet Gambling Enforcement Act, 31 U.S.C. Section 6361 et seq, as may be amended from time to time.

Signature No.1



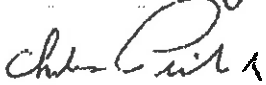
Title

Date

OTHER

02/20/2012

Signature No.2



Title

Date

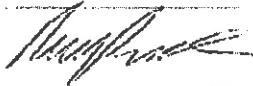
OWNER

02/20/2012

## 13. Personal Guaranty

**Personal Guarantee:** The undersigned guarantees to Capital Payments, LLC and Bank the performance of this Agreement, if applicable, and any addendum thereto by Client, including payment of all sums due and owing and any costs associated with enforcement of the terms thereof. Capital Payments, LLC and Bank shall not be required to first proceed against Client or enforce any other remedy before proceeding against the undersigned individual. This is a continuing guarantee and shall not be discharged or affected by the death of the undersigned and shall bind the heirs, administrators, representatives and assigns and be enforced by or for the benefit of any successor of Capital Payments, LLC and Bank. The term of this guarantee shall be for the duration of the Merchant Processing Application and Agreement and any addendum thereto and shall guarantee all obligations which may arise or occur in connection with my activities during the term thereof through enforcement shall be sought subsequent to any termination.

Signature No.1



Printed Name

Date

ROBERT PICKNEY

02/20/2012

Signature No.2



Printed Name

Date

CHARLES PICKNEY

02/20/2012

Capital Payments, LLC  
1050 Crowne Point Parkway, Suite 720  
Atlanta, GA 30338

Wells Fargo Bank, N.A.  
1200 Montego Way  
Walnut Creek, CA 94598

Approved/Accepted By:

Date

Approved/Accepted By:

Date