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March 17, 2017

David Jones, Chairman
Tennessee Regulatory Authority
502 Deaderick Street
Nashville, TN 37243

Re: Docket No. 17-00013

Dear Chairman:

This letter concerns the Complaint dated January 26, 2017, filed by the Milcrofton Utility District, which was received by your office on February 8, 2017, and registered thereafter as Docket No. 17-00013 ["the Complaint"].

The Complaint alleges that John Powell, the owner of Ashby Communities, LLC and also of Kings Chapel Capacity, LLC, are distributing irrigation water without a Certificate of Public Convenience and also, in derivation of Milcrofton's operating authority.

To provide context, let me first identify the relevant parties. The critical players in relation to the Ashby Community are as follows:

- Developer: Ashby Communities, LLC
- Subdivision: Kings Chapel
- Sewer Service Provider: Kings Chapel Capacity, LLC

The Complaint identifies Mr. Powell, individually, and also two of his companies (Ashby Communities, LLC and Kings Chapel Capacity, LLC). However, Mr. Powell is not a public utility. And, he is not providing public utilities. Additionally, the irrigation system that is the subject of the Complaint is not owned and/or operated by Mr. Powell, Ashby Communities, LLC or Kings Chapel Capacity, LLC. Thus, the Complaint is procedurally misplaced.

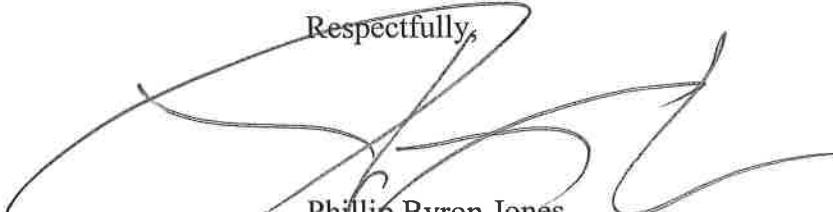
David Jones, Chairman
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The irrigation system is actually owned and controlled by Non-Potable Well Water, Inc. However, the Complaint does not mention or otherwise identify that entity.

Nonetheless, this letter will serve as my Notice of Appearance as counsel for the following:

- John Powell, Individually;
- Ashby Communities, LLC;
- Kings Chapel Capacity, LLC; and
- Non-Potable Well Water, Inc.

My clients look forward to working with the TRA, voluntarily and in good faith, to address the issues raised by the Complaint.

Respectfully,

Phillip Byron Jones

PBJ/sj

c: Kelly Cashman-Grans, General Counsel (TRA)
Monica Smith-Ashford (TRA)
Mr. John Powell