

IN THE TENNESSEE PUBLIC UTILITY COMMISSION
AT NASHVILLE, TENNESSEE

IN RE:)	
)	
PETITION OF TENNESSEE)	
WASTEWATER SYSTEMS, INC.,)	DOCKET NO. 18-00037
FOR APPROVAL OF A SPECIAL)	
CONTRACT)	
)	

PETITION TO INTERVENE

Herbert H. Slatery III, Attorney General and Reporter for the State of Tennessee, by and through the Consumer Protection and Advocate Division of the Office of the Attorney General (Consumer Advocate), pursuant to Tenn. Code Ann. § 65-4-118, respectfully petitions the Tennessee Public Utility Commission (TPUC or Commission) to grant the Consumer Advocate's intervention into this proceeding because consumers' interests, rights, duties or privileges may be determined or affected by the *Petition of Tennessee Wastewater Systems, Inc., for Approval of a Special Contract (Petition)* filed in this TPUC Docket by Tennessee Wastewater Systems, Inc. (TWSI or Company). For cause, the Consumer Advocate would show as follows:

1. The Consumer Advocate is authorized by Tenn. Code Ann. § 65-4-118 to represent the interests of Tennessee consumers of public utilities services by initiating and intervening as a party in any matter or proceeding before the Commission in accordance with the Uniform Administrative Procedures Act, Tenn. Code Ann. § 4-5-101 *et seq.*, and Commission rules.

2. TWSI is a public utility regulated by the Commission and provides wastewater service to approximately 2800 customers in Tennessee. The Company's principal office is located in 851 Aviation Parkway, Smyrna, Tennessee 37167.

3. On March 29, 2018, TWSI filed its *Petition* requesting the approval of a special contract between TWSI and ABS Properties, LLC (ABS) regarding wastewater service to a commercial property in Williamson County, Tennessee.¹

4. ABS is developing a commercial gas station and convenience store, but it does not have sufficient land to construct an on-site wastewater system.²

5. Due to the proximity to TWSI's existing Clovercroft Treatment Facility (Clovercroft) which currently serves a residential development, TWSI proposes to tie ABS' commercial property to Clovercroft.³

6. However, in order to connect ABS's commercial property to Clovercroft a connection line must be installed under a CSX railroad line. For this, CSX requires TWSI to maintain a five million dollar insurance policy as a condition for the easement and line installation, which would be an increase from TWSI's current insurance policy.⁴ TWSI and ABS have agreed that ABS will be responsible for paying the difference in premium price as set out in Paragraph 2b of the developer agreement.⁵ While the *Petition* addresses the commercial general liability coverage requirement, it does not address other insurance requirements⁶ listed in Exhibit B to the *Petition*. Additionally, TWSI provides only one page of a fourteen page agreement with CSX in its attachment to the *Petition* so other terms and conditions set out in the agreement are unknown to the Commission and Consumer Advocate.

7. In Charles Hyatt's Direct Testimony, Mr. Hyatt states that TWSI is not selling

¹ *Petition*, page 1. A copy of the executed contract is attached to the Company's *Petition* and labeled as Exhibit A.

² *Id.*

³ *Id.*

⁴ *Id.* See also Exhibit B attached to the *Petition* for one page of TWSI's agreement with CSX containing the requirement for commercial general liability coverage of five million dollars.

⁵ *Id.* See also Exhibit A attached to the *Petition* which contains the provision for the "CSX Insurance Premium Pass-Through."

⁶ Other insurance requirements include: (1) Statutory Worker's Compensation and Employer Liability Insurance of available limits of not less than one million dollars; (2) Business Automobile Liability Insurance with available limits of not less than one million dollars; and (3) if certain conditions are met, Railroad Protective Liability Insurance. *Id.* at 10.1(i),(iii)-(iv) and 10.5.

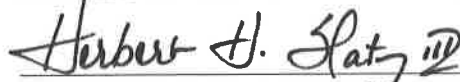
any capacity to ABS for its connection to Clovercroft since Adenus Solutions Group, LLC is the entity that owns excess capacity at the system owned by TWSI.⁷ Mr. Hyatt provided no copy of the agreement or details of the agreement between TWSI and Adenus resulting in Adenus owning the excess capacity.

8. The interests of consumers, including without limitation, the terms and conditions of the agreement with CSX Transportation, Inc., the increase of commercial general liability insurance, and the interest of TWSI's existing consumers regarding Adenus' ownership of the excess capacity of TWSI's Clovercroft Treatment facility as set out in the *Petition*, may be affected by determinations and orders made by the Commission in this matter.

9. Only by participating as a party in this proceeding can the Consumer Advocate adequately carry out its statutory duty to represent the interests of Tennessee consumers.

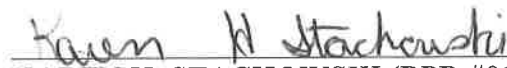
WHEREFORE, Petitioner respectfully asks the Commission to grant this Petition to Intervene.

RESPECTFULLY SUBMITTED,



HERBERT H. SLATTERY III (BPR #09077)

Attorney General and Reporter
State of Tennessee



KAREN H. STACHOWSKI (BPR #019607)

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⁷ Charles Hyatt Direct Testimony, page 2.

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:

Jeff Riden
General Counsel
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Smyrna, TN 37169
Jeff.Riden@adenus.com

This the 10th day of April 2018.

Karen H Stachowski
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