

IN THE TENNESSEE PUBLIC UTILITY COMMISSION
AT NASHVILLE, TENNESSEE

IN RE:)	
)	
PETITION OF TENNESSEE)	
WASTEWATER SYSTEMS, INC., TO)	DOCKET NO. 18-00107
AMEND ITS CERTIFICATE OF)	
CONVEIENCE AND NECESSITY)	

PETITION TO INTERVENE

Herbert H. Slatery III, Attorney General and Reporter for the State of Tennessee, by and through the Consumer Advocate Group 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., to Amend its Certificate of Convenience and Necessity (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 3,000 customers in Tennessee. The Company's principal office is

located in 851 Aviation Parkway, Smyrna, Tennessee 37167.

3. On October 16, 2018, TWSI filed its *Petition* requesting the approval to amend its Certificate of Convenience and Necessity to include a community in Montgomery County known as Warrioto Hills.¹

4. In its *Petition*, TWSI includes a Letter of Understanding between TWSI and the Developer of Warrioto Hills that references fee payments from the developer and to TWSI.²

5. On November 16, 2018, TPUC Staff issued a number of Discovery Requests to the Company. These requests cover a variety of issues and are of interest to the Consumer Advocate. Issues that may arise in this Docket and could also have an impact in future dockets include the following:

- Why the designs for the system provide for 60% more capacity than the stated size of the community;
- How the company plans to book revenue associated with fees charged to the developer and the lot owners;
- Whether the Company requires the developer to “gross up” the contributed assets and land for Federal Income Taxes as calculated under the recently passed Tax Cut and Job Act (2018); and
- Why the Petition fails to include support for depreciation expense, property taxes, and warranties.

6. The interests of consumers may be affected by the determinations and orders made by the TPUC with respect to TWSI’s Petition.

7. 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.

¹ *Petition*, page 1.

² *Petition*, page 27.

WHEREFORE, Petitioner respectfully asks the Commission to grant this Petition to Intervene in TPUC Docket No. 18-00107.

RESPECTFULLY SUBMITTED,



HERBERT H. SLATTERY III (BPR #09077)
Attorney General and Reporter
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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
Tennessee Wastewater Systems, Inc.
851 Aviation Parkway
Smyrna, TN 37169
Jeff.Riden@adenus.com

This the 7th day of December 2018.

Karen H Stachowski
KAREN STACHOWSKI