

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

April 28, 2025

IN RE:)	
)	
PETITION OF AQUA GREEN UTILITY INC. TO)	DOCKET NO.
AMEND ITS CERTIFICATE OF PUBLIC)	18-00122
CONVENIENCE AND NECESSITY FOR THE SERVICE)	
PART OF MAURY COUNTY, TENNESSEE KNOWN AS)	
FLAT CREEK SUBDIVISION AT THE CORNER OF)	
HIGHWAY 431 AND WILL BROWN ROAD AND THE)	
CORNER OF 431 AND TOBE ROBERTSON ROAD)	

ORDER GRANTING THE COMPANY'S REQUEST TO CANCEL CCN
FOR THE FOREST TRAILS SUBDIVISION

This matter came before Chairman David F. Jones, Commissioner Herbert H. Hilliard, Commissioner Robin L. Morrison, Commissioner Clay R. Good, and Commissioner Kenneth C. Hill of the Tennessee Public Utility Commission (the “Commission” or “TPUC”), the voting panel assigned to this docket, during a regularly scheduled Commission Conference held on February 18, 2025. The panel convened to consider the *Aqua Green Utility Inc. Request to Withdraw the Forest Trails Subdivision from its Certificate of Convenience and Necessity* (“Request”) filed on December 27, 2024, by Aqua Green Utility Inc. (“Aqua Green” or the “Utility”). In its *Request*, Aqua Green requested the Commission’s approval for the removal of the Forest Trails subdivision (*aka Flat Creek Treatment Plant or Trace Side*) from its Certificate of Convenience and Necessity (“CCN”).

BACKGROUND AND REQUEST

Aqua Green holds a CCN, granted by the Commission on July 31, 2009, authorizing it to operate wastewater treatment plants and provide wastewater service to specific areas in Tennessee. Aqua Green’s principal office is in Acworth, Georgia.

On March 2, 2020, Aqua Green filed an amended Petition, requesting to expand the existing service area to include Trace Side Subdivision in Maury County, Tennessee.¹ A hearing in this matter was held before the voting panel of Commissioners during the regularly scheduled Commission Conference on June 15, 2020. The panel found that Aqua Green demonstrated that it possessed the requisite managerial, financial, and technical capabilities to provide wastewater services to the Trace Side Subdivision in Maury County, Tennessee, and a public need existed for such services at that time. The panel voted unanimously to grant the Petition, contingent upon filing certain documents that could not be completed without the issuance of a CCN order.² Aqua Green has filed periodic updates on the progress of the project and documents required by the Commission order.³

On December 27, 2024, Aqua Green filed a letter with the Commission requesting the removal of Forest Trails subdivision from its Certificate of Convenience and Necessity. In the letter, Aqua Green informed the Commission that no work on the actual dwelling units of the development has been performed. Further, Aqua Green maintains that no land has been cleared, no homes have been built, and no other infrastructure has been constructed in the Forest Trails development. Lastly, Aqua Green stated that the property has been sold and there are no plans to develop the neighborhood.⁴ In addition, Aqua Green stated that it has requested that the Tennessee Department of Environment and Conservation (“TDEC”) cancel the State Operating Permit that has been issued for the project.⁵

The voting panel convened a hearing in this matter during its regularly scheduled conference on February 18, 2025. The panel found no current customers, no plans to develop the subdivision,

¹ *Request*, p. 1 (March 2, 2020).

² *Order Approving Petition to Amend Certificate of Public Convenience and Necessity* (August 11, 2020).

³ *Id.* See also Aqua Green Utility Inc. Update Re: *Progress with the Flat Creek Subdivision* (October 11, 2021); Aqua Green Utility Inc. Update to the Commission Re: *Progress with the Flat Creek Subdivision. The Plant Construction Is Complete and Has Passed All Necessary Inspections* (December 27, 2023); and Aqua Green Utility Inc. Update to the Commission Re: *Flat Creek Subdivision Easement* (June 17, 2024).

⁴ *Aqua Green Utility, Inc. Request to Remove the Forest Trails Subdivision from its Certificate of Convenience and Necessity* (December 27, 2024).

⁵ *Id.*

and no continuing public need for the wastewater system. Therefore, the panel voted unanimously to cancel Aqua Green's Certificate of Convenience and Necessity for the Forest Trails Subdivision.

IT IS THEREFORE ORDERED THAT:

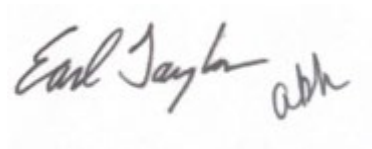
1. The *Aqua Green Utility Inc. Request to Withdraw the Forest Trails Subdivision from its Certificate of Convenience and Necessity* filed by Aqua Green Utility Inc., is approved.
2. Any person(s) aggrieved by the Commission's decision in this matter may file a Petition for Reconsideration with the Commission within fifteen (15) days from the date of this Order.
3. Any person(s) aggrieved by the Commission's decision in this matter has the right to judicial review by filing a Petition for Review in the Tennessee Court of Appeals, Middle Section, within sixty (60) days from the date of this Order.

FOR THE TENNESSEE PUBLIC UTILITY COMMISSION:

**Chairman David F. Jones,
Commissioner Herbert H. Hilliard,
Commissioner Robin L. Morrison,
Commissioner Clay R. Good, and
Commissioner Kenneth C. Hill, concurred.**

None dissented.

ATTEST:

A handwritten signature in dark ink, appearing to read "Earl Taylor" with a stylized flourish or initials "abh" at the end.

Earl R. Taylor, Executive Director