

**IN THE TENNESSEE PUBLIC UTILITY COMMISSION  
AT NASHVILLE, TENNESSEE**

<b>IN RE:</b>	)	
	)	
<b>PETITION OF CARTWRIGHT CREEK, LLC</b>	)	
<b>TO AMEND SERVICE TERRITORY TO</b>	)	<b>Docket No. 19-00042</b>
<b>INCLUDE THE WILSON PARCEL AND</b>	)	
<b>GARRETT PARCEL FOR THE</b>	)	
<b>TROUBADOUR DEVELOPMENT IN</b>	)	
<b>WILLIAMSON COUNTY</b>	)	

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**PETITION TO INTERVENE**

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Herbert H. Slatery III, Attorney General and Reporter for the State of Tennessee, by and through the Consumer Advocate Unit in the Financial 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 Cartwright Creek, LLC to Amend Service Territory to Include the Wilson Parcel and Garrett Parcel for the Troubadour Development in Williamson County (Petition)* filed in this Docket. 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 utility services by initiating and intervening as a party in any matter or proceeding before the TPUC in accordance with the Uniform Administrative Procedures Act, Tenn. Code Ann. § 4-5-101 *et seq.*, and TPUC rules.

2. Cartwright Creek, LLC (Company) is a Tennessee limited liability company. Its principal office and place of business is at 800 Roosevelt Road, Suite A120, Glen Ellyn, Illinois, 60137-5846.

3. The Company filed this *Petition* on March 26, 2019. This *Petition* is the third TPUC filing by the Company since mid-March 2019. Recently, the Company filed two separate, initial pleadings resulting in two other dockets: TPUC Docket Nos. 19-00034<sup>1</sup> and 19-00035.<sup>2</sup> The Consumer Advocate filed petitions to intervene in these two dockets also.<sup>3</sup> In light of these recent filings, the Consumer Advocate reviewed this *Petition* in the context of all three dockets due to concerns of the possible impacts these dockets may have on each other.

4. In TPUC Docket No. 19-00035, the Company states that it “provides wastewater service to customers through three separate wastewater systems located in the following communities in Williamson County, Tennessee: Arrington Retreat, The Grasslands, and The Hideaway.”<sup>4</sup> In this *Petition*, the Company clarifies that the development previously called The Hideaway at Arrington is now called the Troubadour development.<sup>5</sup>

5. Through this *Petition*, the Company seeks to include two proposed parcels of property called “Wilson Parcel” and “Garrett Parcel” into the existing Troubadour development, which is located in Williamson County, Tennessee.<sup>6</sup> Although the “existing wastewater treatment system, an aerated lagoon system, currently has capacity to treat the wastewater from the Wilson and Garrett properties . . . plans are underway for expansion of the existing treatment system to accommodate additional homes at Troubadour development.”<sup>7</sup>

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<sup>1</sup> On March 13, 2019, the Company filed its *Petition of Cartwright Creek, LLC to Increase Tap Fees to Address Environmental Issues Raised by the Tennessee Department of Environment and Conservation*, TPUC Docket No. 19-00034.

<sup>2</sup> On March 14, 2019, the Company filed a *Joint Application of Cartwright Creek, LLC and Limestone Water Utility Operating Company, LLC for Authority to Sell or Transfer Title to the Assets Property, and Real Estate of a Public Utility for a Certificate of Public Convenience and Necessity*, TPUC Docket No. 19-00035.

<sup>3</sup> The Consumer Advocate filed a Petition to Intervene on April 2, 2019 in TPUC Docket No. 19-00034, and a Petition to Intervene on April 3, 2019 in TPUC Docket No. 19-00035.

<sup>4</sup> *In Re: Joint Application of Cartwright Creek, LLC, and Limestone Water Utility Operating Company, LLC, for Authority to Sell or Transfer Title to the Assets, Property, and Real Estate of a Public Utility and for a Certificate of Public Convenience and Necessity*, pg. 3, ¶4, TPUC Docket No. 19-00035 (March 14, 2019).

<sup>5</sup> *Petition* at pg. 1.

<sup>6</sup> *Petition* at pg. 1.

<sup>7</sup> Bruce Meyer Direct Testimony, pgs. 2-3 (not including title page), TPUC Docket No. 19-00042 (March 21, 2019).

6. The Company explains that construction activity at the Wilson Parcel will not commence until approval is granted by Williamson County and the Tennessee Department of Environment and Conservation (TDEC).<sup>8</sup>

7. The Consumer Advocate sought further clarification on the status of the Company's wastewater permit through other available public information. Specifically, the Consumer Advocate accessed TDEC's Water Resources Permit Dataviewer (TDEC Dataviewer).<sup>9</sup> According to the information in the TDEC Dataviewer, the Company submitted an application to modify its existing permit on March 15, 2019.<sup>10</sup> A draft permit was issued by TDEC on April 2, 2019, which authorizes the Hideaway Wastewater Treatment Facility to provide service to 375 homes and one clubhouse with a system design capacity of 0.1175 MGD pursuant to the specified terms and conditions.<sup>11</sup> The current permit, which became effective February 1, 2018, authorizes the Hideaway Wastewater Treatment Facility to serve 203 homes and a clubhouse with a system with a design capacity of .06 MGD pursuant to the specified terms and conditions.<sup>12</sup>

8. During its review of this *Petition*, in the context of all the recent TPUC filings by the Company, the Consumer Advocate noted that the Company refers to a "new Hardeman Springs development"<sup>13</sup> in addition to three wastewater systems previously identified in TPUC Docket No. 19-00035. In its testimony in support of this *Petition*, the Company's witness explains that the "wastewater treatment system for another development that Cartwright Creek will serve,

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<sup>8</sup> Bruce Meyer Direct Testimony, pg. 3 (not including title page), TPUC Docket No. 19-00042 (March 21, 2019). Mr. Meyer also explained that the Garrett parcel is unlikely to be developed due to its small size, 0.2 acres. *Id.*

<sup>9</sup> The TDEC Dataviewer can be accessed at [http://environment-online.tn.gov:8080/pls/enf\\_reports/f?p=9034:34001:0](http://environment-online.tn.gov:8080/pls/enf_reports/f?p=9034:34001:0).

<sup>10</sup> The current permit for the Hideaway Wastewater Treatment Facility is SOP-07090. A copy of the application to modify the existing permit is attached as Exhibit CA-1. Also, this document and related documents for SOP-07090 can be accessed at [http://environment-online.tn.gov:8080/pls/enf\\_reports/f?p=9034:34051::NO:34051:P34051 PERMIT\\_NUMBER:SOP-07090](http://environment-online.tn.gov:8080/pls/enf_reports/f?p=9034:34051::NO:34051:P34051 PERMIT_NUMBER:SOP-07090).

<sup>11</sup> A copy of the draft permit, SOP-07090, is attached as Exhibit CA-2.

<sup>12</sup> A copy of the current permit, SOP-07090, is attached as Exhibit CA-3.

<sup>13</sup> *Petition* at pg. 1.

Hardeman Springs, is complete and awaiting final approvals.”<sup>14</sup> The Company’s witness also refers to “an upcoming system owned and operated by Cartwright Creek” but does not provide a name of this particular system.<sup>15</sup>

8. In light of the identification of a new development in this *Petition*, the Consumer Advocate once again utilized the TDEC Dataviewer, but this time for clarification on the number of permitted wastewater systems operated by the Company. According to the TDEC Dataviewer, the Company holds four permits for wastewater treatment systems, which are as follows: (1) SOP-17002<sup>16</sup>, Hardeman Springs Treatment Facility; (2) SOP-07090<sup>17</sup>, Hideaway Wastewater Treatment Facility; (3) SOP-04019<sup>18</sup>, Arrington Retreat; and (4) TN0027278<sup>19</sup>, Grasslands STP. This appears to correlate with the three wastewater systems listed by the Company in TPUC Docket No. 19-00035 and by the Hardeman development listed in this *Petition*.<sup>20</sup>

9. This *Petition* requests approval by the Commission of the inclusion of additional property and homes to the existing Troubadour development resulting in an expansion of the existing wastewater system. An expansion of the existing wastewater system, in turn, requires a

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<sup>14</sup> Bruce Meyer Direct Testimony, pg. 2 (not including title page), TPUC Docket No. 19-00042 (March 21, 2019). It is unclear what “final approvals” are pending for this system.

<sup>15</sup> *Id.* at pg. 4 (not including title page). It is unclear if Mr. Meyer is referring to the Hardeman Springs development with this language of “upcoming system.”

<sup>16</sup> This permit became effective May 31, 2017 and states that the Hardeman Springs Development is to serve 120 homes. A copy of this permit is attached as Exhibit CA-4. Also, the permit and related documents for SOP-17002 can be accessed at [http://environment-online.tn.gov:8080/pls/enf\\_reports/f?p=9034:34051::NO:34051:P34051\\_PERMIT\\_NUMBER:SOP-17002](http://environment-online.tn.gov:8080/pls/enf_reports/f?p=9034:34051::NO:34051:P34051_PERMIT_NUMBER:SOP-17002).

<sup>17</sup> See Exhibit CA-3.

<sup>18</sup> The current permit became effective December 1, 2014 and states that the Arrington Retreat is to serve 233 homes. A copy of this permit is attached as Exhibit CA-5. Also, the permit and related documents for SOP-04019 can be accessed at [http://environment-online.tn.gov:8080/pls/enf\\_reports/f?p=9034:34051::NO:34051:P34051\\_PERMIT\\_NUMBER:SOP-04019](http://environment-online.tn.gov:8080/pls/enf_reports/f?p=9034:34051::NO:34051:P34051_PERMIT_NUMBER:SOP-04019).

<sup>19</sup> The current permit authorizing discharge of treated wastewater into the Harpeth River became effective November 1, 2010. A copy of this permit is attached as Exhibit CA-6. Also, the permit and related documents for TN0027278 can be accessed at [http://environment-online.tn.gov:8080/pls/enf\\_reports/f?p=9034:34051::NO:34051:P34051\\_PERMIT\\_NUMBER:TN0027278](http://environment-online.tn.gov:8080/pls/enf_reports/f?p=9034:34051::NO:34051:P34051_PERMIT_NUMBER:TN0027278).

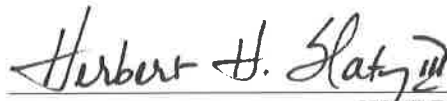
<sup>20</sup> The Consumer Advocate could not conduct research in the TDEC Dataviewer on the unnamed “upcoming system owned and operated by Cartwright Creek” referred to by Mr. Meyer in his testimony due to the lack of information. Bruce Meyer Direct Testimony, pg. 4, TPUC Docket No. 19-00042 (March 21, 2019).

modification to its existing TDEC permit authorizing a corresponding increase for treating additional wastewater.<sup>21</sup> With these aforementioned activities, the rights, duties or privileges of consumers may be affected by determinations and orders made by the TPUC in this Docket.

10. Along with its concerns regarding the specific impact to consumers due to the addition of properties and homes to the existing Troubadour development, the Consumer Advocate also has concerns on the potential impacts these three dockets may have on each other and ultimately on Tennessee consumers. Only by participating as a party to this proceeding can the Consumer Advocate adequately carry out its statutory duty to represent the interests of Tennessee consumers.

Wherefore, the Consumer Advocate requests TPUC grant this *Petition to Intervene*.

RESPECTFULLY SUBMITTED,



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<sup>21</sup> As noted previously, a draft permit addressing the requested modification has been issued by TDEC. However, the draft permit is not yet final and effective. See Exhibit CA-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:

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This the 1 day of May, 2019.

  
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Karen H. Stachowski