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January 31, 2020

Mr. David Salyers, P.E. – Commissioner
Tennessee Department of Environment and Conservation
312 Rosa Parks Avenue
Nashville, TN 37243

19-00049
19-00097

Robin L. Morrison
Chair, Tennessee Public Utility Commission
502 Deaderick Street – 4th Floor
Nashville, TN 37243

Re: NPDES Permit No. TN0027278
Cartwright Creek, LLC
Franklin, Williamson County, Tennessee

In Re: Petition of Cartwright Creek, LLC to Increase Tap Fees to Address
Environmental Issues Raised by the Tennessee Department of Environment and
Conservation,
TN Public Utilities Commission Docket No. 19-00034
August 19, 2019

Dear Commissioner Salyers and Chairman Morrison,

Thank you for taking the time to read this letter. I am writing to convey my disappointment regarding the State's approval for expanding the number of sanitary sewer taps granted to the Cartwright Creek treatment plant owner and operator, Cartwright Creek, LLC, and I want to explain why I feel this way.

I filed comments during the review process expressing my objections and therefore received a copy of the decision via the Harpeth Conservancy.

Our community is distraught that Cartwright Creek has continually fallen short of compliance with its obligations regarding discharge water quality. We hear that the treatment plant requires a significant capital expenditure to fund deferred maintenance. This monetary need seems to be the basis for the State granting additional taps, i.e. to allow additional revenue to be available to the operator. In fact, this seems to be the only reason why the department would allow the expansion of what appears to be a sub-standard operator.

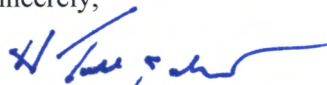
What is so concerning to us is that, without any transparency as to the historic and current financials of Cartwright Creek LLC, we are unable to understand whether the owners effectively stripped cash, in contravention of their duty to maintain and reinvest into the physical plant, and shirked their obligations to the captive customers of this monopoly. At a minimum, the community, and especially the captive customers, should have visibility into detailed current and historical financials to enable an accurate judgment regarding the fiscal prudence, or lack thereof, in the financial and physical management of the plant and LLC assets.

How can we understand (i) the lack of financial oversight which allowed the owner to become the deteriorated, non-compliant, perhaps insolvent operation that it is today and (ii) what future financial oversight will prevent a repeat performance?

I apologize if the tone of this letter is perceived as being harsh. It is not intended to be. These are clear, reasonable and simple questions that Williamson County residents and captive residents are entitled to have respectfully answered. To date, we have no such answers; we are simply being asked to trust your agency. Based on the history of this plant, that's a hard ask.

I look forward to discussing this with you.

Sincerely,



H. Todd Kaestner

cc: Justin P. Wilson, Comptroller
Blake Harris - Chief of Staff for Governor Lee