

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION  
NASHVILLE, TENNESSEE**

**PETITION OF SUPERIOR  
WASTEWATER SYSTEMS, LLC TO  
AMEND ITS EXISTING SERVICE  
TERRITORY IN WILLIAMSON  
COUNTY**

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**DOCKET NO. 20-00109**

**DIRECT TESTIMONY  
of  
JOHN POWELL**

**ON BEHALF OF SUPERIOR WASTEWATER SYSTEMS, LLC**

*September 21, 2020*

1    ***Q1.   PLEASE STATE YOUR NAME AND BUSINESS ADDRESS FOR THE***  
2                   ***RECORD.***

3    ***A1.***    My name is John Powell and my business address is 9539 Mullens Road,  
4                   Arrington, TN 37014.

6    ***Q2.   BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?***

7    ***A2.***    I am the owner and president of Superior Wastewater Systems, LLC (“SWS”) a  
8                   provider of wastewater utility service, regulated by this Commission.

10   ***Q3.   WHAT ARE YOUR RESPONSIBILITIES FOR SWS?***

11   ***A3.***    I am responsible for the day-to-day operation, permitting, and long-term planning.  
12                   Among other things, this includes supervision of the system; review and approval  
13                   of expenditures; reviewing and resolving customer issues; scoping and obtaining  
14                   proposals for maintenance work; establishment of contracts; contact with  
15                   regulatory personnel on existing and future permit requirements and issues;  
16                   preparation of portions of and review of tariff documents; investigation of  
17                   physical and operational conditions of the distribution systems; and evaluation of  
18                   proposals for plant upgrades and replacement.

20   ***Q4.   WHAT IS THE PURPOSE OF YOUR TESTIMONY IN THIS***  
21                   ***PROCEEDING?***

22   ***A4.***    The purpose of my testimony is to present information to the Tennessee Public  
23                   Utility Commission on the managerial, financial, and technical capabilities of

1 SWS in order to amend our Certificate of Convenience & Necessity to allow SWS  
2 to provide wastewater service to the Fox property.

3

4 ***Q5. PLEASE DESCRIBE THE FOX PARCEL SERVICE AREA.***

5 ***A5.*** The proposed service territory for encompasses the Fox property in Williamson  
6 County and is immediately adjacent to our existing service territory as shown on  
7 Exhibit 1 to our Petition. SWS ultimately anticipates providing wastewater  
8 service to 78 single family homes in this area.

9

10 ***Q6. DOES A NEED PRESENTLY EXIST FOR WASTEWATER SERVICE IN***  
11 ***THIS AREA?***

12 ***A6.*** Yes. Currently there is no provider of wastewater service in this area. Therefore,  
13 in order to address the need for adequate and timely wastewater service to the Fox  
14 Property, SWS is asking the TPUC to amend our existing Certificate of  
15 Convenience & Necessity.

16

17 ***Q7. WHAT TYPE OF WASTEWATER COLLECTION AND WASTEWATER***  
18 ***TREATMENT IS SWS PROPOSING TO PROVIDE SEWER SERVICE***  
19 ***TO THIS AREA?***

20 ***A7.*** Wastewater service to the Fox Parcel will be provided by collection tanks at each  
21 home. Wastewater from the collection tanks will be gravity fed to force mains  
22 sending wastewater to the existing wastewater treatment system. An Orenco Ax

1 Max system will be used as outlined in the permit application. After being treated  
2 the affluent will be sent to drip fields.

3

4 **Q8. WHAT IS THE CURRENT STATUS OF THE FOX PARCEL**  
5 **DEVELOPMENT?**

6 **A8.** The civil engineering design of the development is underway. The design  
7 includes soil analysis and many studies approved by the state and Williamson  
8 County the wastewater collection treatment and disposal systems. Construction  
9 activity will not commence until Williamson County and TDEC approval is  
10 granted to the overall development. The County and State permitting and  
11 approval process will continue through this year with site construction in late  
12 2021.

13

14 **Q9. DOES SWS POSSESS THE MANAGERIAL CAPABILITIES TO**  
15 **OPERATE A WASTEWATER DISTRIBUTION SYSTEM?**

16 **A9.** Yes. As the Commission is aware, I have managed the operations of SWS since  
17 its inception in 2004. I am very proud that SWS has the lowest wastewater rates  
18 of any privately-owned utility in Tennessee. In addition, to my knowledge, the  
19 Commission has never had a customer complaint regarding SWS's operations.  
20 Finally, SWS has engaged legal, accounting and regulatory experts to advise and  
21 assist it with the managerial responsibilities of operating a wastewater distribution  
22 system.

23

1     ***Q10. DOES SWS POSSESS THE FINANCIAL CAPABILITIES TO OPERATE***  
2     ***A WASTEWATER DISTRIBUTION SYSTEM?***

3     ***A10.*** Yes. However, the entire cost of the Fox Property wastewater system will be  
4     funded by the developer of the subdivision. Therefore, I do not expect that  
5     SWS's provision of wastewater service to this area to result in any drain on the  
6     financial resources of SWS. SWS will review and approve the wastewater system  
7     design and will field inspect and approve the construction. Upon completion and  
8     passing final inspection, the collection system will become the responsibility of  
9     SWS for ownership and operation.

10

11    ***Q11. DOES SWS POSSESS THE TECHNICAL CAPABILITIES TO OPERATE***  
12    ***A WASTEWATER DISTRIBUTION SYSTEM?***

13    ***A11.*** Yes. SWS has engaged a qualified engineer to be its wastewater distribution  
14    operator and to monitor and test the wastewater distribution system of SWS on a  
15    regular basis in compliance with TDEC rules.

16

17    ***Q12. WHAT RATES AND CHARGES WILL BE USED FOR THE FOX***  
18    ***PARCEL DEVELOPMENT?***

19    ***A12.*** SWS intends to apply its existing wastewater rates to new customers in the Fox  
20    Parcel development.

21

22    ***Q13. DOES SWS, ANY OF ITS AFFILIATES, OR YOURSELF HAVE ANY***  
23    ***FINANCIAL INTEREST IN THE PROPOSED DEVELOPMENT, THE***

1           ***CONSTRUCTION OF THE PROPOSED WASTEWATER SYSTEM, OR***  
2           ***THE PROVISION OF MATERIALS & SUPPLIES FOR THE***  
3           ***CONSTRUCTION OF THE PROPOSED WASTEWATER SYSTEM?***

4   **A13.** John Powell is the sole member of Superior Wastewater Systems, LLC. He is  
5           also the sole member of Ashby Communities, LLC.

6           Ashby Communities will be developing this contiguous project and building all of  
7           the infrastructure which will include the additions to the Wastewater Facility now  
8           operated by Superior Wastewater Systems.

9

10   ***Q14. WHY DOES SWS WANT TO SERVE THIS NEW DEVELOPMENT AND***  
11       ***WHAT BENEFIT IS IT TO THE EXISTING SEWER CUSTOMERS?***

12   **A14.** SWS wants to provide service to the Fox Parcel development because it is  
13           immediately adjacent to our existing service territory, meaning that it can be  
14           served with relatively few incremental resources. In addition, this increase in our  
15           customer base will provide SWS with a greater economy of scale to maintain low  
16           rates to our existing customers.

17

18   ***Q15. WILL SWS ABIDE BY THE ORDERS AND RULES OF THE***  
19       ***COMMISSION?***

20   **A15.** Yes.

21

22   ***Q16. IS SWS AWARE OF RULE 1220-04-13-.09 (7) WHICH REQUIRES THE***  
23       ***CONSTRUCTION OF THE WASTEWATER SYSTEM TO BE***

1           ***COMPLETED WITHIN 3 YEARS OF TPUC'S WRITTEN APPROVAL***  
2           ***OF THE CCN?***

3   ***A16.***   Yes.

4

5   ***Q17. DOES THIS COMPLETE YOUR TESTIMONY?***

6   ***A17.***   Yes, it does.