## BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

## NASHVILLE, TENNESSEE

## October 21, 2022

IN RE:	)	
	)	
STAFF COMPLIANCE AUDIT OF SUPERIOR	)	DOCKET NO.
WASTEWATER SYSTEMS, LLC'S COMPLIANCE	)	21-00086
WITH COMMISSION RULES 1220-04-1307 AND	)	
1220-04-1308 REGARDING FINANCIAL	)	
<b>SECURITY AND RULE 1220-04-1316</b>	)	
REGARDING AFFILIATE TRANSACTIONS	)	

## ORDER REQUIRING SUPERIOR TO OBTAIN COUNSEL

This matter is before the Hearing Officer, duly appointed by the voting panel of Commissioners of the Tennessee Public Utility Commission ("Commission" or "TPUC") and designated by General Counsel, to administer certain preliminary issues that may arise during the preparation of this matter for hearing before the Commission. On September 15, 2021, the Commission ordered that a Compliance Audit be conducted for Superior Wastewater Systems, LLC ("Superior"). Superior's President, John Powell, responded to Commission Staff Data Requests for Superior on October 22, 2021 and February 10, 2022. The Consumer Advocate Division of the Office of the Tennessee Attorney General filed a Petition to Intervene on October 5, 2022. To date, there has been no filing made by an attorney indicating they are counsel of record for Superior.

Mr. Powell has been informed on many occasions that an attorney is required for proceedings before the Commission. As was pointed out in the Attorney General's Office letter to Earl Taylor dated January 9, 2017, "Mr. Powell's acts of drafting, signing, and filing a Petition on

behalf of a business entity to initiate a hearing before the Tennessee Public Utility Commission

(TPUC) constitutes the practice of law because the drafting of court pleadings requires a lawyer's

professional judgment." Further, the Hearing Officer stated in his Order in TPUC Docket No. 08-

00202 that "...because Mr. Powell is not an attorney, his participation does not allow him to

perform any act that requires the professional judgment of a lawyer." Mr. Powell was mailed a

copy of the Attorney General's letter and should be aware of the Order issued in Docket No. 08-

00202, as well as other Hearing Officer filings in Docket Nos. 17-00120, 20-00109, and 21-00001

requiring Superior to obtain counsel.

Therefore, the Hearing Officer concludes that Superior is required to obtain representation

by legal counsel in this docket. An attorney for Superior must file a letter of representation with

the Tennessee Public Utility Commission in Docket No. 21-00086 by November 4, 2022.

IT IS THEREFORE ORDERED THAT:

Superior Wastewater Systems, LLC is required to obtain legal representation in this docket,

and the attorney representing Superior in this matter must file a letter of representation in Docket

No. 21-00086 by **November 4, 2022**.

Monica Smith-Ashford, Hearing Officer

Monica Smith-Ashford

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