

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

June 24, 2026

IN RE:)
)
PETITION OF AQUA GREEN UTILITY, INC.)
TO AMEND ITS CERTIFICATE OF)
CONVENIENCE AND NECESSITY TO EXPAND) DOCKET NO.
ITS SERVICE AREA TO INCLUDE A PORTION) 22-00028
OF SEVIER COUNTY IN TENNESSEE)
)

ORDER ON JUNE 23, 2026, STATUS CONFERENCE
AND ESTABLISHING DEADLINE FOR AMENDED PETITION

This matter came before the Administrative Judge during a Status Conference held via videoconference on June 23, 2026, on the *Request to Remove the Thunder Mountain Subdivision From Its Certificate of Convenience and Necessity* (“*Petition*”) filed by Aqua Green Utility, Inc. (“Aqua Green” or “Company”) on March 20, 2026. The Status Conference was held to discuss the status of the docket, including identifying the issue(s) to be addressed and the procedure and schedule for the progress of this docket.

The following were present for the Status Conference:¹

Aqua Green – Charles B. Welch, Esq., Phelps Dunbar, LLP, 414 Union St., Ste. 1105, Nashville, TN; Dart Kendall, President of Aqua Green.

Sapp Investments, LLC (“Sapp Investments”) – Melvin Malone, Esq., Luke Gill, Butler Snow, LLP, 1320 Adams Street, Suite 1400, Nashville, TN; Jason Sapp and Logan Sapp, Members of Sapp Investments.

Consumer Advocate Division of the Attorney General’s Office (“Consumer Advocate”) – Karen Stachowski, Esq., P.O. Box 20207, Nashville, TN.

¹ Sapp Investments has entered an appearance in this docket but has not requested to intervene. The Consumer Advocate has not intervened but requested to attend the status conference.

The Administrative Judge gave a brief history of proceedings in the docket and stated that the issue for the Commission to determine in a request to relinquish a Certificate of Public Convenience and Necessity (“CCN”) is whether it is in the public interest to grant the request to relinquish. Aqua Green described its request to surrender the CCN for Thunder Mountain because the CCN for the project had been issued four years prior and the project is not completed. Sapp Investments stated that there is a cooperative resolution that does not involve withdrawing the CCN and that the status of the development makes withdrawal of the CCN not in the public interest. Aqua Green and Sapp Investments discussed delays in the development and the challenges brought about by the delays and the scope of the development.

Following the presentations by Aqua Green and Sapp Investments, the Administrative Judge reiterated that the ultimate issue to be determined by the Commission is whether it serves the public interest to cancel the CCN issued to Aqua Green for the Thunder Mountain development. The duties of the Administrative Judge in contested case matters are established in the *Notice of Administrative Procedure: Delegation of Authority in Contested Case Proceedings* published by the Commission on October 15, 2018. This notice instructs the Administrative Judge to “prepar[e] the matter for a hearing before the assigned panel of Commissioners....”² The preparation for hearing may include “determination of jurisdiction, dispositive motions, consideration of requests for protective orders, intervention, discovery matters, and to establish a procedural schedule.”³

The Administrative Judge finds that this docket was reopened to consider Aqua Green’s *Petition* which consisted of a letter that contained conclusory statements concerning a breach of contract. Aqua Green’s *Petition* was filed by a Company Representative rather than by an attorney

² *Notice of Administrative Procedure: Delegation of Authority in Contested Case Proceedings* (October 15, 2018).

³ *Id.*

representing the Company as required by law, resulting in a notice and admonition requiring entry of appearance by counsel.⁴ The *Petition* is not supported by Pre-Filed Testimony, reports, statements, or other documentation that could be considered part of an evidentiary record to support the request.⁵ The Administrative Judge also finds that the Commission is not the correct forum to determine whether a party is in breach of a contract or the resulting consequences of a breach. Finally, the Administrative Judge finds that this docket is not able to progress toward a hearing on the merits of the *Petition* due to the lack of an evidentiary record.

Based upon these findings, the Administrative Judge directs Aqua Green to file an Amended Petition with appropriate evidentiary support and pre-filed testimony by noon on July 31, 2026. Any interested party may file a Petition to Intervene, and if granted intervention, will be given an opportunity to file a responsive pleading to the Amended Petition. The Administrative Judge recommends that in the interim, Aqua Green and Sapp Investments engage in discussions concerning this matter.

IT IS HEREBY ORDERED.


Aaron J. Conklin, Administrative Judge

⁴ See *Notice of Filing Re: Attorney Representation* (March 27, 2026).

⁵ See *Petition* (March 20, 2026).