

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

July 10, 2026

IN RE:

**PETITION OF AQUA GREEN UTILITY, INC. TO
AMEND ITS CERTIFICATE OF CONVENIENCE
AND NECESSITY TO EXPAND ITS SERVICE AREA
TO INCLUDE A PORTION OF SEVIER COUNTY IN
TENNESSEE**

**DOCKET NO.
22-00028**

**ORDER GRANTING THE PETITION TO INTERVENE
OF SAPP INVESTMENTS, LLC**

This matter is before the Administrative Judge of the Tennessee Public Utility Commission (“Commission” or “TPUC”) to consider the *Petition to Intervene* filed by Sapp Investments, LLC (“Sapp Investments”) on June 29, 2026.

RELEVANT BACKGROUND

On March 20, 2026, Aqua Green Utility, Inc. (“Aqua Green” or “Company”) filed its *Request to Remove the Thunder Mountain Subdivision From Its Certificate of Convenience and Necessity* (“*Request*”) seeking approval for cancellation of its Certificate of Public Convenience and Necessity (“CCN”) to own and operate a wastewater system for the Thunder Mountain Subdivision in Sevier County, Tennessee.¹ Aqua Green is a public utility regulated by the Commission providing wastewater service to residential and non-residential customers in Tennessee. Following a *Notice of Filing* requiring representation by an attorney on behalf Aqua Green, counsel for the Company entered his appearance on May 7, 2026.² Sapp Investments also gave notice of its appearance in the

¹ *Request* (March 20, 2026).

² *Attorney Charles B. Welch Notice of Appearance on Behalf of Aqua Green Utility, Inc.* (May 7, 2026).

matter on May 7, 2026.³ Following a Status Conference, the Administrative Judge ordered Aqua Green to file an Amended Petition providing evidence and pre-filed testimony in support of its *Request*.⁴ The *Status Conference Order* also clarified that interested parties “may file a Petition to Intervene, and if granted intervention, will be given an opportunity to file a responsive pleading to the Amended Petition.”⁵

SAPP INVESTMENTS’ *PETITION TO INTERVENE*

On June 29, 2026, the Sapp Investments filed a *Petition to Intervene* seeking to intervene in the docket in accordance with Tenn. Code Ann. §§ 65-2-107 and 4-5-310, and Commission Rule 1220-01-02-.08. Sapp Investments asserted that, as developer of the Thunder Mountain development, “it remains committed to the continued development of the Thunder Mountain project and has at no time communicated otherwise.”⁶ Sapp Investments further asserted that it must have the wastewater service approved by the Commission in order to continue the Thunder Mountain project and to provide the public with safe and reliable wastewater services.⁷ Sapp Investments cited its inclusion as applicant on Irrevocable Standby Letter of Credit, for which Aqua Green is the beneficiary, and as the listed developer on Aqua Green’s Application for a State Operation Permit submitted to the Tennessee Department of Environment and Conservation (“TDEC”) as evidence of its interest in the docket.⁸

Sapp Investments stated that only by participating as a party can it protect its interest and the public interest. Further, Sapp Investments argued that its participation as a party would not impair the

³ Letter to Chairman David F. Jones from Attorney Melvin J. Malone, Butler Snow LLP Re: Appearance on Behalf of Sapp Investments, LLC (May 7, 2026).

⁴ *Order on June 23, 2026, Status Conference and Establishing Deadline for Amended Petition*, p. 2 (June 24, 2026) (“*Status Conference Order*”).

⁵ *Id.*

⁶ *Petition to Intervene*, p. 2 (June 29, 2026).

⁷ *Id.*

⁸ *Id.* at 2-3.

interests of justice and the orderly and prompt conduct of this docket.⁹

FINDINGS & CONCLUSIONS

Tenn. Code Ann. § 4-5-310 establishes the following criteria for granting petitions to intervene:

- (a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if:
 - (1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing;
 - (2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of law; and
 - (3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.
- (b) The agency may grant one (1) or more petitions for intervention at any time, upon determining that the intervention sought is in the interests of justice and shall not impair the orderly and prompt conduct of the proceedings.¹⁰

In this docket, Aqua Green seeks approval of a cancelation of the CCN conditionally issued to it to provide wastewater service to the Thunder Mountain Subdivision in Sevier County, Tennessee, for which Sapp Investments is the developer. If approved, the Thunder Mountain Subdivision will not have a Commission-approved operator of wastewater services. Such cancellation may impact the developer's interests with regard to the progress of the development. Therefore, the Administrative Judge finds that there is a sufficient factual basis to find that legal rights or interests held by Sapp Investments may be determined in this proceeding.

Therefore, upon due consideration, the Administrative Judge concludes that the legal rights,

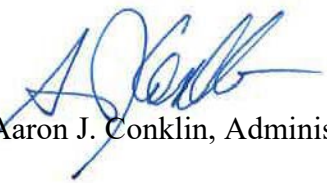
⁹ *Id.* at 3.

¹⁰ Tenn. Code Ann. § 4-5-310 (West 2026).

duties, privileges, immunities, or other legal interest of Sapp Investments may be determined in this proceeding. Further, the Administrative Judge finds that Sapp Investments qualifies under law as an intervenor for the purpose of representing its interests and its *Petition to Intervene* was timely filed. Further, Sapp Investments' participation should not impair the interests of justice or the orderly and prompt conduct of the proceedings. For these reasons, the Administrative Judge finds that the *Petition to Intervene* filed by Sapp Investments should be granted.

IT IS THEREFORE ORDERED THAT:

The *Petition to Intervene* filed by Sapp Investments, LLC is granted. Sapp Investments, LLC may intervene and participate as a party in this proceeding and, as such, shall receive copies of any notices, orders, or other documents filed herein.



Aaron J. Conklin, Administrative Judge