

STATE OF TENNESSEE

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May 19, 2023

Electronically Filed in TPUC Docket
Room on May 19, 2023 at 10:08 a.m.

Chairman Kenneth C. Hill
c/o Ms. Tory Lawless, Docket Manager
Tennessee Public Utility Commission
502 Deaderick Street, 4th Floor
Nashville, Tennessee 37242-0001

Re: Tennessee Public Utility Commission, Docket No. 22-00028, *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 Known as Thunder Mountain Located on Little Cove Road Near the Intersection of Thunder Mountain Road*

Dear Chairman Hill:

On April 11, 2022, Aqua Green Utility, Inc. ("Aqua Green" or the "Company") filed its *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 Known as Thunder Mountain Located on Little Cove Road Near the Intersection of Thunder Mountain Road* ("Petition"). The Tennessee Public Utility Commission ("TPUC" or the "Commission") issued its written order approving the Petition on October 12, 2022.¹ The Consumer Advocate has reviewed the Commission's Order and the filings by Aqua Green on April 24 and May 1, 2023.

In its Order, the Commission set out several post-hearing deadlines for Aqua Green to satisfy. Below are those deadlines followed by comments by the Consumer Advocate. If the comment is in **blue**, the Consumer Advocate has questions or has identified additional information required for Aqua Green to fully comply. If the comment is in **green**, the Consumer Advocate believes Aqua Green to be in compliance.

- 1.a. The registered deed and/or easements for all the land and ownership rights to the wastewater system within fifteen (15) days of being issued and before the first customer is connected to the wastewater system. **The Consumer**

¹ Order Approving Petition to Amend Certificate of Convenience and Necessity, TPUC Docket No. 22-00028 (October 12, 2022).

Advocate could not locate this information in the Docket. However, in its filing on April 23, 2023, Aqua Green states that “the Developer has reported that they are almost through getting all local permits.” Therefore, it appears this information is not yet available. Is this correct?

- 1.b. A final copy of the State Operating Permit issued by the Tennessee Department of Environment and Conservation within fifteen (15) days of issuance. It appears that Aqua Green has filed this information in the Docket on April 22, 2023.
- 1.c. A copy of the as-built plans with signed certification by Aqua Green Utility, Inc. indicating the wastewater system has been inspected and is approved to begin operation. The Consumer Advocate could not locate this information in the Docket. However, in its filing on April 23, 2023, Aqua Green states that “the Developer has reported that they are almost through getting all local permits.” Therefore, it appears this information is not yet available. Is this correct?
- 1.d. A copy of the signed plat, once the area of development is approved by the City and/or County government within fifteen (15) days of being issued and before the first customer is connected to the wastewater system. The Consumer Advocate could not locate this information in the Docket. However, in its filing on April 23, 2023, Aqua Green states that “the Developer has reported that they are almost through getting all local permits.” Therefore, it appears this information is not yet available. Is this correct?
- 1.e. A copy of any future contracts regarding phases three (3) and four (4) of the wastewater system at Thunder Mountain. The Consumer Advocate could not locate this information in the Docket. However, in its filing on April 23, 2023, Aqua Green states that “the Developer has reported that they are almost through getting all local permits.” Therefore, it appears this information is not yet available. Is this correct?
- 1.f. A copy of any future performance bonds from the developer or builder of the wastewater system made payable to the utility as needed to ensure the construction of phases three (3) and four (4) of the wastewater system. The performance bond should be for an amount equal to or greater than any costs of the system as provided in contracts between the builder, developer, and/or utility. The Consumer Advocate could not locate this information in the Docket. However, in its filing on April 23, 2023, Aqua Green states that “the Developer has reported that they are almost through getting all local permits.” Therefore, it appears this information is not yet available. Is this correct?
- 1.g. The final amount of collection system costs and the cost of the land being transferred to Aqua Green Utility, Inc. no later than fifteen (15) days after the final plat is signed by the utility. The Consumer Advocate could not locate this information in the Docket. However, in its filing on April 23, 2023, Aqua Green states that “the Developer has reported that they are

almost through getting all local permits.” Therefore, it appears this information is not yet available. Is this correct?

3. Aqua Green Utility, Inc. shall file an updated tariff reflecting the Commission’s ruling. It appears that Aqua Green has filed this information in the Docket on April 22, 2023, and May 1, 2023.

The Commission also required an initial compliance status report to be filed six months after the written order was issued and follow-up compliance status reports to be filed every three months thereafter. The Commission’s specific language is as follows:

2. Aqua Green Utility, Inc. shall file a report in this docket demonstrating its compliance with these filing requirements prior to providing wastewater service to Thunder Mountain. In the event the compliance report is not filed within six (6) months of the date of issuance of this order, Aqua Green Utility, Inc. shall file a report on the status of providing wastewater service to Thunder Mountain, as well as the status of its compliance with each of the aforementioned filing requirements. Further, after the initial report, Aqua Green Utility, Inc. is directed to file a report updating the Commission on its compliance with the filing requirements and the status of its provision of wastewater service to Thunder Mountain every three (3) months after the initial report until such time as compliance has been accomplished and wastewater service is established at Thunder Mountain.

Please review the requirements and comments set forth above. The Consumer Advocate thanks you for your time and attention to this request. If you have questions, please contact me at (615) 741-2370.

Respectfully,



Karen H. Stachowski
Senior Assistant Attorney General

cc: Patsy Fulton, TPUC
Kelly Cashman-Grams, TPUC