

BEFORE THE TENNESSEEPUBLIC UTILITY COMMISION

NASHVILLE, TENNESSEE

May 20, 2023

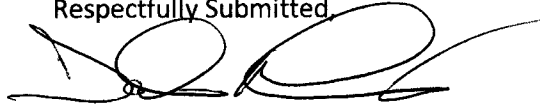
**IN RE: PETITION OF AQUA GREEN UTILITY INC. TO AMEND ITS CERTIFICATE OF
CONVENIENCE AND NECESSTIY**

DOCKET NO: 22-00028

Petition of Aqua Green Utility Inc. to amend its Certificate of Convenience and Necessity

Aqua Green Utility Inc. would like add the enclosed documents to Dockett 22-00028. In response to the letter from the Consumer Advocate letter dated May 19, 2023

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Dart Kendall', with a long horizontal flourish extending to the right.

Dart Kendall
Aqua Green Utility Inc.



AquaGreen Utility Inc.

3350 Galts Road . Acworth, Georgia . 30102

May 20, 2023

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:

The notes in blue are our responses to the Consumer Advocate letter of May 19 2023, and to serve as an Aqua Green Utility update.

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 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?

The sewer plant has not yet begun construction. Our contract states the land will be deeded over to the utility before construction begins, our approval is based on customer connection, which takes place after the plant is complete.

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.

State Operating Permit has been filed.

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?

As built plans are developed after the plant is completed to include any needed changes. These changes might be something unforeseen like large rocks or buried debris causing a plant component to be moved.

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?

The county has not yet issued a signed plat. This usually happens after the subdivision is built to the point that the streets are paved. The developer is still trying to finalize his approvals. There were some wetlands that had to be remediated which I understand caused delays but I have no first hand knowledge of the process

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?

These contracts have not even been negotiated yet. I don't expect them to happen until the current contract is fulfilled.

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?

These contracts have not even been negotiated yet. I don't expect them to happen until the current contract is fulfilled. The next phases may be sometime in the future base on the developer's success with the first phases.

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?

The developer is still trying to finalize his approvals. There were some wetlands that had to be remediated which I understand caused delays but I have no firsthand knowledge of the process. It is normal to only get a final cost on collection systems after they are complete. With the abundance of

rock in the ground in Tennessee and rock clauses in the contracts the price often changes with the project.

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.

Aqua Green Utility would very much like to state its appreciation to Mr. McCormick for his assistance with the Tariff.

Respectfully,

A handwritten signature in black ink, appearing to read 'Dart Kendall', with a large, stylized loop at the end.

Dart Kendall
President Aqua Green Utility