

# TENNESSEE PUBLIC UTILITY COMMISSION

Electronically Filed in TPUC Docket  
Room on March 27, 2026 at 1:59 p.m.



Andrew Jackson State Office Bldg,  
502 Deaderick Street, 4<sup>th</sup> Floor  
Nashville, TN 37243-0001

## NOTICE OF FILING

**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 Known as Thunder Mountain Located on Little Cove Road Near the Intersection of Thunder Mountain Road*

**DOCKET NO.:** 22-00028

**DATE:** March 27, 2026

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On March 20, 2026, Mr. Dar Kendall, President of Aqua Green Utility, Inc. (“Aqua Green” or “Company”) filed a Request in this docket on behalf of Aqua Green to amend its Certificate of Public Convenience and Necessity (“CCN”) to remove the Thunder Mountain Subdivision. The CCN to serve the Thunder Mountain Subdivision was granted by order of this Commission entered on October 12, 2022. Mr. Kendall has been advised in previous dockets that Tennessee law requires that corporate entities be represented by counsel in contested case matters.<sup>1</sup>

The Tennessee Public Utility Commission published a *Notice Concerning Attorney Representation in Contested Case Proceedings Before the Commission* (“Notice on Attorney

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<sup>1</sup> See e.g., *In Re: Aqua Green Utility Inc. Petition To Amend Escrow Charge*, Docket No. 25-00029, Letter From Aaron J. Conklin, Senior Counsel Re Representation By A Tennessee Licensed Attorney To Mr. Dart Kendall, Aqua Green Utility, Inc. (May 21, 2025); *In Re: Petition of Aqua Green Utility, Inc. to Amend Its Certificate of Convenience and Necessity to Include a Portion of Maury County in Tennessee Known as the Ragan Ridge Project Near Green Mills Road in Spring Hill, Tennessee*, Docket No. 26-00010, *Notice of Filing* (February 24, 2026)..

*Representation*”) on August 28, 2023, providing notice of the types of matters before the Commission that require attorney representation. A copy of the *Notice on Attorney Representation* is attached as Exhibit 1. A Petition to amend a Certificate of Public Convenience and Necessity (“CCN”) is deemed to be a contested case by statute.<sup>2</sup> In addition, a request to cancel or abandon public utility service requires a hearing and is, therefore, deemed to be a contested case.<sup>3</sup> Therefore, Aqua Green is required to be represented by an attorney licensed in the State of Tennessee or otherwise admitted pro hac vice in the above referenced docket.

Aqua Green is required to have local counsel submit an entry of appearance in this matter by **April 27, 2026**. If an attorney does not file an appearance on behalf of Aqua Green as required, the Company’s Request will be dismissed without prejudice, and the docket will be administratively closed.



Aaron J. Conklin, Administrative Judge

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<sup>2</sup> Tenn. Code Ann. § 4-5-102 (West 2026).

<sup>3</sup> Tenn. Code Ann. § 65-4-114 (West 2026).

# **EXHIBIT 1**

# TENNESSEE PUBLIC UTILITY COMMISSION



Andrew Jackson State Office Bldg.  
502 Deaderick Street, 4<sup>th</sup> Floor  
Nashville, TN 37243-0001

August 28, 2023

## NOTICE CONCERNING ATTORNEY REPRESENTATION IN CONTESTED CASE PROCEEDINGS BEFORE THE COMMISSION

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Notice is hereby given that, in accordance with Tennessee law, representation by a Tennessee licensed attorney is required for any corporation or limited liability company appearing as a party in any contested case proceeding before the Commission. The Tennessee Uniform Procedures Act, Tenn. Code Ann. § 4-5-101 *et seq.* defines a contested case as:

. . . a proceeding, including a declaratory proceeding, in which the legal rights, duties or privileges of a party are required by any statute or constitutional provision to be determined by an agency after an opportunity for a hearing. Such proceeding may include rate making; price fixing; granting of certificates of convenience and necessity; the making, review or equalization of tax assessments; the granting or denial of licenses, permits or franchises where the licensing board is not required to grant the licenses, permits or franchises upon the payment of a fee or the finding of certain clearly defined criteria; and suspensions of, revocations of, and refusals to renew licenses. An agency may commence a contested case at any time with respect to a matter within the agency's jurisdiction.<sup>1</sup>

Contested cases before the Commission include, but are not limited to, rate cases, petitions for a certificate of public convenience and necessity (“CCN”), petitions to amend a CCN, petitions to provide competing local telecommunications services, applications for certificate to provide operations services and/or resell telecommunication services, and show cause proceedings.

In administrative law matters under the Uniform Administrative Procedures Act, a corporate party may participate in a hearing by a duly authorized representative.<sup>2</sup> The Tennessee Court of Appeals differentiates between “informal, information gathering proceeding[s]” wherein

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<sup>1</sup> Tenn. Code Ann. § 4-5-102(3) (2023).

<sup>2</sup> Tenn. Code Ann. § 4-5-305(a).

a non-attorney may be a corporate party participant pursuant to Tenn. Code Ann. § 4-5-305(a), and “formal adversarial proceedings as in a contested case proceeding” in which a non-attorney may not represent a corporate party.<sup>3</sup>

It is well settled Tennessee law that a corporation may not act *pro se* in contested legal matters, nor may it be represented by an officer or other non-lawyer agent. Tennessee courts have held that allowing a corporation, or an officer on behalf of a corporation, to sign pleadings would result in the unauthorized practice of law.<sup>4</sup> Preparation and filing of documents that initiate contested case proceedings require the professional judgment of an attorney and as such, is the practice of law.<sup>5</sup> As such, all contested case proceedings before the Commission in which a business entity is participating as a party must be represented by legal counsel, as discussed in this notice.

**FOR THE TENNESSEE PUBLIC UTILITY COMMISSION:**

  
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Kelly Cashman Grams, General Counsel

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<sup>3</sup> *Tenn. Envtl. Council v. Water Quality Control Bd.*, 254 S.W.3d 396, 407 (Tenn. Ct. App. 2007).

<sup>4</sup> *Old Hickory Eng'g & Mach. Co., Inc. v. Henry*, 937 S.W.2d 782, 785-786 (Tenn. 1996).

<sup>5</sup> *Id.*