

**IN THE TENNESSEE PUBLIC UTILITY COMMISSION
AT NASHVILLE, TENNESSEE**

IN RE:)	
)	
JOINT PETITION OF SUPERIOR)	
WASTEWATER SYSTEMS, LLC, AND)	Docket No. 22-00087
TPUC STAFF (AS A PARTY) TO INCREASE)	
RATES AND CHARGES)	
)	

**CONSUMER ADVOCATE’S SECOND SET OF DISCOVERY REQUESTS
TO SUPERIOR WASTEWATER SYSTEMS, LLC**

This Second Set of Discovery Requests¹ is hereby served upon Superior Wastewater Systems, LLC (“Superior Wastewater” or the “Company”), pursuant to Rules 26, 33, 34, and 36 of the Tennessee Rules of Civil Procedure and TENN. COMP. R. & REG. 1220-01-02-.11. The Consumer Advocate Division in the Office of the Tennessee Attorney General (the “Consumer Advocate”) requests that full and complete responses be provided pursuant to the Tennessee Rules of Civil Procedure. The responses are to be produced at the Office of the Tennessee Attorney General and Reporter, Consumer Advocate Division, John Sevier Building, 500 Dr. Martin L. King Jr. Blvd., Nashville, Tennessee 37243, c/o Mason C. Rush on or before December 9, 2022. The Preliminary Matters and Definitions set forth in the Consumer Advocate’s First Set of Informal Discovery Requests are hereby integrated as if fully restated herein.

¹ The Consumer Advocate’s first round of discovery requests was issued and responded to informally, as encouraged by Commission rules. TENN. COMP. R. & REGS. 1220-01-02.11(1) (“Parties encouraged where practicable to attempt to achieve any necessary discovery informally, in order to avoid undue expense and delay in the resolution of the matter at hand.”). The Consumer Advocate issued a second set of informal discovery to Superior Wastewater, but counsel for the Company declined to respond. To avoid confusion in the numbering of discovery, this formal round of discovery, which is similar to what was issued in the second informal set of discovery, is titled, “Consumer Advocate’s Second Set of Discovery Requests.”

SECOND SET OF DISCOVERY REQUESTS

For purposes of the following discovery requests, the sewer line installed in a development that runs parallel to any existing or planned road shall hereinafter be referred to as a “Sewer Main.” The collection tank connected to the dwelling shall be referred to as a “Tank.” The line running from the Sewer Main to the dwelling, including the Tank, shall be referred to as a “Service Line.” The connection point between a Service Line and a Sewer Main shall be referred to as a “Sewer Tap.”

A. Main and Service Lines

2-1. Provide a schematic showing the Sewer Main, Sewer Tap, Tank, and Service Lines for a home being served by Superior Wastewater.

RESPONSE:

2-2. Provide a schematic showing the location of the Sewer Main, Sewer Tap, roads, sidewalks, and the Company’s right-of-way in relation to a home being served by Superior Wastewater.

RESPONSE:

2-3. Identify the number of unoccupied lots in which a Sewer Main has been installed in the utility’s right-of-way next to the lot as of November 1, 2022.

RESPONSE:

2-4. Identify the number of unoccupied lots in which the dwelling has connected its Service Line to the Sewer Main as of November 1, 2022.

RESPONSE:

2-5. Refer to CA Exhibit DR 2-5. This Exhibit shows that homes are not built consecutively in a phase of development but, rather, are built sporadically based on sale of lots. Therefore, lots with constructed homes are interspersed with undeveloped lots and lots under construction within a phase of construction as shown in CA Exhibit DR 2-5. Confirm that the Company installed a Sewer Main along the length of Majestic Meadows Drive so that all constructed homes can access the sewer system despite the existence of undeveloped and partially constructed lots on Majestic Meadows Drive located between constructed homes.

RESPONSE:

B. Connection Dates

2-6. Refer to the Company's Response to the Consumer Advocates First Informal Discovery Request Nos. 2b-c; 4d-e; 6f-g; 8b-c; and 10b-c. The Company provided a list of dates of deed transfers for each of the lots in question. However, the data request was for the date the home connected to the wastewater system (i.e. became an active customer). Provide the date of connections for each of the lot numbers the Company provided in its responses to the Consumer Advocate.

RESPONSE:

C. Escrow Funds

Requests 2-7 through 2-11 are Requests for Admission made in accordance with Tenn. R. Civ. P. 36.01.

2-7. Admit that Superior Wastewater used and/or withdrew funds from its escrow account in 2019.

RESPONSE:

2-8. Admit that Superior Wastewater used and/or withdrew funds from its escrow account in 2020.

RESPONSE:

2-9. Admit that Superior Wastewater used and/or withdrew funds from its escrow account in 2021.

RESPONSE:

2-10. Admit that Superior Wastewater has used and/or withdrawn funds from its escrow account in 2022.

RESPONSE:

2-11. Admit that Superior Wastewater did not obtain authorization from the Tennessee Public Utility Commission for the withdrawal or use of escrow funds between 2019 and 2022.

RESPONSE:

2-12. Identify the use of any escrow funds by cost type and/or capital expenditure for:

- (a) January 2019 through December 2019;
- (b) January 2020 through December 2020;
- (c) January 2021 through December 2021; and
- (d) January 2022 through October 2022.

RESPONSE:

D. Utilization

2-13. Confirm that the existing wastewater treatment system is available to serve all existing and future homeowners in King's Chapel.

RESPONSE:

2-14. Provide the expected number of utility customers once the King's Chapel development is fully constructed or built out.

RESPONSE:

2-15. The King's Chapel development is still under construction. Provide the following:

- (a) An estimated time for the completion of the development.
- (b) The number of phases/sections remaining for development within King's Chapel.

RESPONSE:

2-16. Explain which stakeholder group should bear the risk associated with a wastewater system during the time of construction of a residential development and before the full utility customer population is realized:

- (a) Existing customers;
- (b) The utility;
- (c) The developer; or
- (d) Owners of lots (both under construction and undeveloped).

Please justify your response.

RESPONSE:

E. Rates for Commercial Endeavors

2-17. It is the Consumer Advocate's understanding that the historic church building located near the entrance to King's Chapel is used for commercial purposes, including rental as a wedding venue. Please state whether a commercial rate, or any service rate, is charged by Superior Wastewater with regard to this facility.

RESPONSE:

2-18. It is the Consumer Advocate's understanding that a restaurant is regularly operated within the King's Chapel community clubhouse and that residents of the community and guests purchase meals as they would at other commercial dining establishments. It is the Consumer Advocate's understanding that the clubhouse is also frequently rented for use as a reception venue and/or for other commercial purposes, and that there are restrooms at the clubhouse within the

restaurant area and outside near the pool. Please state whether a commercial rate, or any service rate, is charged by Superior Wastewater with regard to this facility.

RESPONSE:

F. Developer / Utility / Builder Contracts

2-19. Please provide the written agreement(s) between Ashby Communities, LLC, or any affiliate thereof, and Superior Wastewater.

RESPONSE:

2-20. Please provide the written agreement(s), if any, between Ashby Communities, LLC, or any affiliate thereof, and all homebuilders regarding the King's Chapel development.

RESPONSE:

RESPECTFULLY SUBMITTED,

/s/ Mason C. Rush
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via U.S. Mail,
with a courtesy copy by electronic mail upon:

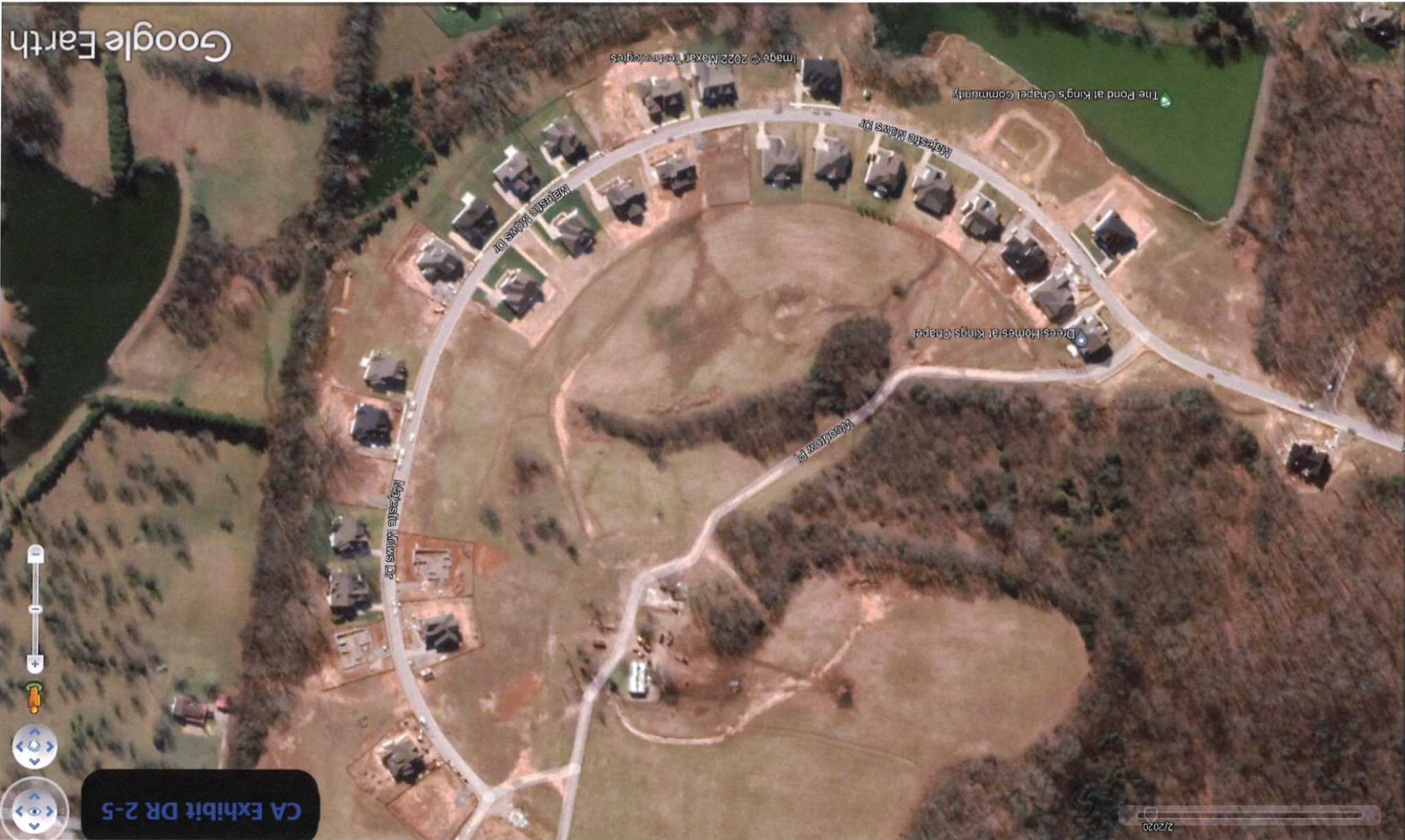
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On this the 2nd day of December 2022.

/s/ Mason C. Rush
MASON C. RUSH
Assistant Attorney General



Google Earth

Image © 2022 Maxar Technologies

The Pond at King's Chapel Community

Majestic Meadows Dr

Majestic Meadows Dr

Drees Homes at King's Chapel

Woodrow Pl

Majestic Meadows Dr

2/2020

CA Exhibit DR 2-5