

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

**Re:**

**COMPLAINTS AND PETITIONS  
OF RONALD C. McCABE vs.  
TENNESSEE WASTEWATER  
SYSTEMS, INC.**

**DOCKET NO. 22-00105**

**TENNESSEE WASTEWATER SYSTEMS, INC.'S FIRST SET OF  
INTERROGATORIES, REQUESTS FOR PRODUCTION  
OF DOCUMENTS, AND REQUEST FOR ADMISSIONS**

Comes now, Tennessee Wastewater Systems, Inc., ("TWSI", "Utility", or "Company") by and through counsel, pursuant to Tennessee Rules of Civil Procedure 33 and 34 and Rule 1360-4-1-.11 of *The Official Compilation Rules and Regulations of the State of Tennessee* and serves upon the Petitioner Mr. Ronald C. McCabe ("Mr. McCabe" or "you"), this First Set of Interrogatories, Request for Production of Documents and Requests for Admissions. The answers given under oath and the documents produced shall be filed in this Docket and served upon counsel for TWSI no later than February 17, 2023, pursuant to the Scheduling Order issued in this matter.

**INSTRUCTIONS**

In answering each Interrogatory, Request for Production and Request for Admission:

- 1) Whenever a document is relied upon or forms a practical or complete basis for an answer given or which corroborates the answer given, identify by date, sender, recipient, location and custodian of each document.
- 2) If the information is not within the personal knowledge of the person answering, identify by name and address each person to whom the information is a matter of personal knowledge.
- 3) These interrogatories and requests are continuing, and if any information and/or documents responsive to such interrogatories or requests comes to your attention and/or possession prior to the hearing on this matter, subsequent to you providing the original answers, demand is hereby made that such information and/or document be promptly supplied.
- 4) If any of the Interrogatories are not answered on the basis of privilege or immunity, include in the Respondent's response to each such Interrogatory a written statement evidencing:
  - a) the nature of the communication;
  - b) the date of the communication;
  - c) the identity of the persons present at such communication; and
  - d) a brief description of the communication sufficient to assess the applicability of the privilege protection.

- 5) If any of the requested documents are not produced on the basis of privilege or immunity, include in the Respondent's response to production, for each document, a written statement evidencing:
- a) the nature of the document;
  - b) the date of the document;
  - c) the author of the document;
  - d) the recipient of the document;
  - e) the sender of the document; and
  - f) a brief description of the document sufficient to assess the applicability of the privilege protection.

### **DEFINITIONS**

For the purposes of these Interrogatories, Requests for Production of Documents, and Requests for Admissions the following definitions shall apply:

1. The terms "and" and "or" shall be construed either disjunctively or conjunctively so as to permit the broadest scope possible.
2. The term "document," in its singular or plural form, is used herein as defined in Tennessee Rule of Civil Procedure 34.01 and includes, but is not limited to, any printed or reproduced or written paper, notes, correspondence, communications, telegrams, memoranda, notebooks, summaries or records of conversations, diaries, reports, publications, photographs, drawing, charts, graphs, minutes of meetings, transcripts of statements or conversations, brochures, pamphlets, tape recordings, and any other writing or any nature or description whatsoever, including any information contained in any

computer or other electronic or magnetic form even if not printed out, whether or not claimed to be privileged or otherwise not discoverable.

3. The term "identify," as used herein with respect to any natural person, means to provide their name, current residence address, current residence telephone number, current business address, current business telephone number, and the occupation or job title of that person. With respect to an entity, those terms mean to provide the name by which said entity is commonly known, the current address of its principal place of business, the nature of the business currently conducted by that entity, and the current telephone number of that entity. With respect to any document, the terms mean to provide the date of the document, the nature of the document, and a copy of the document. If a person, entity or document is identified more than once in the answers, after the first answer, it is sufficient to give the person's name only or to simply reference the document.
4. The term "TPUC" means the Tennessee Public Utility Commission.
5. The term "TDEC" means the Tennessee Department of Environment and Conservation.

### **INTERROGATORIES**

Consistent with the preceding instructions and definitions, please answer under oath the following specific Interrogatories:

1. Identify all persons who answer, provide information contained in these answers, or are consulted in the preparation of answers to these Interrogatories, and describe, in detail, their respective relationships to the Petitioner. If more than one person answers, provides information contained in the answers, or is consulted in the preparation of the answers, identify the persons answering, providing the information supplied in, or who were consulted concerning the answer to each of the following Interrogatories.

**RESPONSE:**

2. Please identify each person likely to have discoverable information that you may use to support your claims in this proceeding. For each person identified, please state the subject matter of the person's knowledge or information.

**RESPONSE:**

3. Please identify each person you expect to testify as an expert witness at the hearing in this matter. With respect to each witness, please state the subject matter on which the expert is expected to testify, state the substance of the facts and opinions to which the expert is expected to testify, and provide a summary of the grounds for each opinion. For each person so identified, provide the witness's qualifications, including a list of all publications authored in the previous ten years, a list of all other cases in which during the previous four years the witness testified as an expert, and a statement of the compensation to be paid for the study and testimony in the case.

**RESPONSE:**

4. Please identify all evidence you intend to rely on to support your contention that the "The TWSI Sewer Subscription Contract is not a legal and binding contract upon the Ratepayers..."

**RESPONSE:**

5. Please explain how "TWSI's unreasonable and unjust actions and requests" violates TCA 65-4-115.

**RESPONSE:**

6. Please explain whether and how often TWSI personnel have been on your property to perform sewer maintenance services.

**RESPONSE:**

7. Please explain how often TWSI personnel have attempted to enter your cabin to perform sewer maintenance services.

**RESPONSE:**

8. Please identify all evidence you intend to rely on to support your contention that “TWSI failed to comply with the TPUC General Filing Requirements causing the Sewer Subscription Contract to not be part of the Official Tariff...”

**RESPONSE:**

9. Please identify all evidence you intend to rely on to support your contention that the “easement terms and scope in Paragraph #6 of the Sewer Subscription Contract of TWSI are overly-broad and far reaching”.

**RESPONSE:**

10. Please explain your contention that the TWSI Sewer Service Contract is a “Forever Use” Contract, including whether TWSI can continue to hold customers responsible for services that are no longer being provided to them by TWSI, should TWSI cease providing service to the Starr Crest II community or alternative sewer treatment methods become available that would remove the need for TWSI’s services from the community or specific property such as your own.

**RESPONSE:**

11. Please explain what you call the “Pay for Billing Services Not Used” policy.

**RESPONSE:**

### **REQUEST FOR PRODUCTION OF DOCUMENTS**

Consistent with the preceding instructions and definitions, and regardless of the medium by which the documents are stored, please produce the following documents if within your possession, custody or control:

1. All other documents that evidence or relate to your responses to the above interrogatories or the following Request for Admissions, including all documents identified in said responses.
2. Any and all communications, including emails with TPUC regarding your complaint.
3. Any and all communications, including emails with TDEC regarding your complaint.

### **REQUEST FOR ADMISSIONS**

With regard to each requested admission below, should it be your position that the statement is false, you are required to explain in detail why the statement is not admitted and to state with particularity and with specificity those facts which would make the statement true. With regard to all such facts stated in explaining why a particular admission is denied, identify the individual(s) and/or documents which do or could corroborate such fact. Should it be your position that only part of the statement is false, then you are to set forth the part of the statement, which is true, and then set forth your reasons for denying all other parts. All admissions not denied by February 17, 2023, when these responses are due, will be deemed to be admitted.

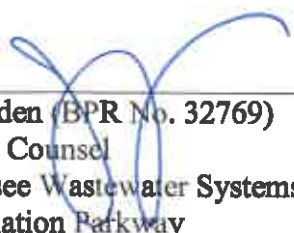
1. Admit or Deny you own the a cabin and property located at 1811 Starr Street, Sevierville, Tennessee 37876 in the Starr Crest II subdivision.
2. Admit or Deny you have been the sole owner of the cabin and property since 2011.
3. Admit or Deny that you did not pay a sewer bill to TWSI from 2013 to 2021.

4. Admit or Deny that your cabin located at 1811 Starr Street, Sevierville, Tennessee 37876 was not occupied, rented, or otherwise used at any point from 2013 to 2021.
5. Admit or Deny sewer system components such as the collection lines and tank are installed on your property outside the public utility easement identified on the revised plat for your property.
6. Admit or Deny all sewer system components on your property are located fully within the public utility easement identified on the revised plat for your property.
7. Admit or Deny the tank at your cabin is part of the collection system for the sewer system.
8. Admit or Deny your contractual obligation to use TWSI as the sewer provider terminates when sewer service is no longer necessary at the property, is no longer provided by TWSI, or when you sell the cabin and are no longer a customer.
9. Admit or Deny you have formally requested TWSI to disconnect service to your property.
10. Admit or Deny you have never formally requested TWSI to disconnect service to your property.
11. Admit or Deny TCA 65-4-115 requires utilities to treat all customers equally.
12. Admit or Deny TPUC's letter dated August 20, 2021 and posted on TWSI's website is evidence of TPUC's acceptance of TWSI's tariff, contract, and customer do's and don'ts.
13. Admit or Deny TWSI cannot impose rules and conditions on its customers that have not been reviewed and approved by TPUC.
14. Admit or Deny you have not signed an unedited Sewer Subscription Agreement with TWSI.
15. Admit or Deny the scope of the easement language is specified in TWSI's tariff at Section 2, Pages 1 and 2, Utility Facilities on Private Property.



16. Admit or Deny TWSI's tariff at Section 2, Page 2 states the reasons for which TWSI may discontinue service.
17. Admit or Deny that TPUC rules and regulations do not expressly prohibit wastewater utilities from including additional terms in their customer service contracts.
18. Admit or Deny that utility customers are responsible for informing the utility if they will not require use of their services for an extended period of time and wish to have those services temporarily disconnected.
19. Admit or Deny you are currently receiving wastewater service at your property and have not had your service disconnected.
20. Admit or Deny the public utility easements identified on subdivision plats may not be sufficient to afford TWSI the access it is required to have to all sewer components located on the properties to which it provides service.
21. Admit or Deny TPUC's approval of a utility's tariff and associated documents (ie. April 21, 2020 letter referenced in item 12 above) represents that the those documents meets TPUC's filing requirements.

Respectfully submitted, this 27th day of January 2023.



---

Jeff Riden (BPR No. 32769)  
General Counsel  
Tennessee Wastewater Systems, Inc.  
851 Aviation Parkway  
Smyrna, Tennessee 37167  
(615)220-7171  
[jeff.riden@adenus.com](mailto:jeff.riden@adenus.com)

**Certificate of Service**

I hereby certify that a true and exact copy of the foregoing document has been served upon:

Ronald C. McCabe, CPA  
5501 Bellview Ave.,  
New Port Ritchey, FL 34652  
[rcmbizz@hotmail.com](mailto:rcmbizz@hotmail.com)

and

Karen Stachowski, Senior Assistant Attorney General  
Financial Division, Consumer Advocate Unit  
Office of Tennessee Attorney General  
P.O. Box 20207  
Nashville, Tennessee 37202  
[Karen.Stachowski@ag.tn.gov](mailto:Karen.Stachowski@ag.tn.gov)

via email on this 27th day of January 2023.

Jeff Risten

