

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

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<b>IN RE:</b>	)	
	)	
<b>COMPLAINTS AND PETITIONS OF RONALD C. McCABE vs. TENNESSEE WASTEWATER SYSTEMS, INC.</b>	) ) ) ) )	<b>DOCKET NO. 22-00105</b>

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**MOTIONS TO (i) AMEND RONALD C. McCABE’S MOTION TO COMPEL  
AND (ii) REQUEST FOR ORAL ARGUMENTS**

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In order to further the just, efficient, and economical disposition of Ronald C. McCabe’s Motion to Compel filed in the Tennessee Public Utility Commission (“TPUC” and “Commission”) Docket No. 22-00105 (“Motion to Compel”), Ronald C. McCabe (“Petitioner”), hereby submits and respectfully requests the Commission to grant these Motions to (i) amend such Motion to Compel to include the Petitioner’s request for oral arguments by telephone conference call prior to the decision of the Hearing Officer on the written merits of the Motion to Compel and TWS’s Opposition Motion described below, and (ii) grant such request for oral arguments, pursuant to TPUC Rule # 1220-01-02-.22(2) and TPUC Rule # 1220-01-02-.06(4), respectively.

**BACKGROUND**

This docket was initiated upon filing by the Petitioner of the Complaints and Petitions of Ronald C. McCabe vs. Tennessee Wastewater Systems, Inc. seeking Show Cause Orders and Declaratory Rulings from the Commission against Tennessee Wastewater Systems, Inc. (“TWS”). The Petitioner and TWS have engaged in one round of formal discovery in accordance with the Order Establishing Procedural Schedule filed in this docket dated December 15, 2022. The Tennessee Wastewater Systems, Inc.’s Response to the First Discovery Request of Ronald C. McCabe [“TWS Response(s)”] filed by TWS in this docket on February 10, 2023, was inadequate and unclear in certain respects and did not fully and specifically respond to the First Discovery Request of Ronald C. McCabe [“Discovery Request(s) or “DR(s)”] filed by the Petitioner on January 20, 2023. On February 24, 2023, the Petitioner emailed TWS a letter notifying TWS of the TWS Response deficiencies and setting forth in such letter the specific reasons the TWS Response was unresponsive and inadequate. On February 27, 2023, TWS

emailed the Petitioner a letter stating the letter sent by the Petitioner does not identify unresponsiveness and, as such, TWS stands by its initial responses and objections.

On March 2, 2023, the Petitioner filed in this docket the Motion to Compel and TWS responded by filing the Tennessee Wastewater's Opposition To Petitioner's Motion To Compel on March 6, 2023 ("Motion Opposition"). The Motion Opposition responded as requested for TWS to either specifically Confirm or Deny three (3) admissions stated in the Discovery Requests. However, TWS stated in such Motion Opposition it has fully responded to all requested discovery or has filed a proper objection and TWS requests denial of the Petitioner's Motion to Compel. TWS's Motion Opposition failed to explicitly, clearly, and adequately respond completely to any of the other Discovery Requests set forth in the Motion to Compel.

### **CONCLUSION**

The Petitioner and TWS appear to be "talking past each other" and are at an impasse at resolving the Discovery Requests issues. Although the Discovery Requests of the Petitioner and the TWS Responses to them should, on the surface, speak for themselves, the Petitioner believes these issues will be expediently, efficiently, and effectively disposed of through oral arguments and explanation of each party's position on them.

The Petitioner respectfully submits and requests the Commission to grant these motions to (i) amend the Motion to Compel to include the Petitioner's request for oral arguments by telephone conference call prior to the decision of the Hearing Officer on the written merits of the Motion to Compel and (ii) grant such request for oral arguments on the Motion to Compel and Opposition Motion, pursuant to TPUC Rule # 1220-01-02-.22(2) and TPUC Rule # 1220-01-02-.06(4), respectively.

Respectfully Submitted and Certified

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Ronald C. McCabe  
Petitioner

### **CERTIFICATE OF SERVICE**

I, Ronald C. McCabe, Petitioner, hereby certify a true and correct copy of the foregoing document has been served via e-mail on this 7<sup>th</sup> day of March 2023 to the following:

Jeff Riden  
Tennessee Wastewater Systems, Inc.  
841 Aviation Parkway  
Smyrna, TN 37167-2582  
[Jeff.Riden@Adenus.com](mailto:Jeff.Riden@Adenus.com)

Karen Stachowski  
Consumer Protection and Advocate Division  
Office of the Tennessee Attorney General  
P.O. Box 20207  
Nashville, TN 37202  
[TNConsumerAdvocate@ag.tn.gov](mailto:TNConsumerAdvocate@ag.tn.gov)

emailed the Petitioner a letter stating the letter sent by the Petitioner does not identify unresponsiveness and, as such, TWS stands by its initial responses and objections.


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### CONCLUSION

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841 Aviation Parkway  
Smyrna, TN 37167-2582  
[Jeff.Riden@Adenus.com](mailto:Jeff.Riden@Adenus.com)

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