

STATE OF TENNESSEE

Office of the Attorney General



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October 5, 2023

Chairman Herbert Hilliard
c/o Ms. Tory Lawless, Docket Manager
Tennessee Public Utility Commission
502 Deaderick Street, 4th Floor
Nashville, Tennessee 37242-0001

Electronically Filed in TPUC Docket
Room on October 5, 2023 at 8:10 a.m.

Re: Tennessee Public Utility Commission, Docket No. 22-00133, *Petition of Tennessee Wastewater Systems, Inc. to Amend its Certificate of Convenience and Necessity to Include Hilltop Ridge Subdivision in Montgomery County, Tennessee*

Dear Chairman Hilliard:

On December 8, 2022, Tennessee Wastewater Systems, Inc. ("TWSI" or the "Company") filed its *Petition of Tennessee Wastewater Systems, Inc. to Amend its Certificate of Convenience and Necessity to Include Hilltop Ridge Subdivision in Montgomery County, Tennessee* ("Petition"). The Tennessee Public Utility Commission ("TPUC" or the "Commission") issued its written order approving the Petition on April 3, 2023.¹ The Consumer Advocate has reviewed the Commission's Order.

In its Order, the Commission set out several post-hearing deadlines for TWSI to satisfy. Below are those deadlines followed by comments by the Consumer Advocate. It has been six months since the Order was filed in this docket. The Consumer Advocate could not locate post-hearing filings in the Docket for the following information identified by the Commission in its Order:

- 1.a. The 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, along with a copy of the title insurance policy. The title policy should include that the Sewage Facility Land is free and clear of all material or interfering encumbrances, including, but not limited to, any monetary liens in the name of TWSI for the full amount of the construction of the Sewage Facility and the value of the

¹ *Order Amending Certificate of Public Convenience and Necessity*, TPUC Docket No. 22-00133 (April 3, 2023).

Sewage Facility Land as set forth in contracts submitted by TWSI with the Commission.

- 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.
- 1.c. A copy of the as-built plans with signed certification by TSWI indicating the wastewater system has been inspected and is approved to begin operation.
- 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.
- 1.e. A copy of the performance bond from the developer or builder of the wastewater system made payable to the Utility to ensure the construction of the wastewater system. The performance bond should be for an amount equal to or greater than the cost of the system as provided in contracts between the builder, developer and/or utility.
- 1.f. Evidence of the final amount of contributed capital being transferred to TWSI no later than fifteen (15) days after the final plat is signed by the utility.

Please note that the Commission also required an initial compliance status report to be filed six months after the written order was issued and follow-up compliance status reports to be filed every three months thereafter. The Commission's specific language is as follows:

2. Tennessee Wastewater Systems, Inc. is directed to file a report in this docket demonstrating its compliance with the filing of the above referenced documents. If the required documentation is not filed within six (6) months of this order, then Tennessee Wastewater Systems, Inc. is directed to file a report on the status of the provision of wastewater service to the Hilltop Ridge Subdivision as well the status of the filing of required documentation. The compliance report shall be updated every three (3) months until installation of the wastewater system is complete.

Please review the requirements and comments set forth above. The Consumer Advocate thanks you for your time and attention to this request. If you have questions, please contact me at (615) 741-2370.

Respectfully,



Karen H. Stachowski
Deputy Attorney General

cc: Kelly Cashman-Grams, TPUC