

STATE OF TENNESSEE

Office of the Attorney General



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April 22, 2024

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 April 22, 2024 at 3:32 p.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.

- 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 Tennessee Wastewater Systems, Inc. for the full amount of the construction of the

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

Sewage Facility and the value of the Sewage Facility Land as set forth in contracts submitted by Tennessee Wastewater Systems, Inc. with the Commission. [The Consumer Advocate could not locate any filing in this docket after the Final Order. TWSI filed its status update on April 16, 2024, stating the system is “complete, commissioned and operational; however no connections had been made as of yet.” Further, TWSI will file the remaining required documentation once it is available.](#)

- 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. [The Consumer Advocate reviewed this document that the company filed on October 6, 2023. This Post Order Requirement is complete.](#)
- 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. [The Consumer Advocate reviewed this document that was filed on April 16, 2024. It appears that this Post Order Requirement is complete.](#)
- 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. [The Consumer Advocate reviewed this document that was filed on January 8, 2024. It appears that this Post Order Requirement is complete.](#)
- 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. [The Consumer Advocate could not locate any filing in this docket after the Final Order. TWSI filed its status update on April 16, 2024, stating the system is “complete, commissioned and operational; however no connections had been made as of yet.” Further, TWSI will file the remaining required documentation once it is available.](#)
- 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. [The Consumer Advocate could not locate any filing in this docket after the Final Order. TWSI filed its status update on April 16, 2024, stating the system is “complete, commissioned and operational; however no connections had been made as of yet.” Further, TWSI will file the remaining required documentation once it is available.](#)

Please be aware that the Consumer Advocate is simply reviewing TWSI’s filings to determine if required documentation has been filed with the Commission. The Commission Staff will determine the completeness of the filings. The Consumer Advocate requests you

review the requirements and comments set forth above. We thank 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