

STATE OF TENNESSEE

Office of the Attorney General



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January 26, 2023

Electronically Filed in TPUC Docket
Room on January 26, 2023 at 11:34 a.m.

Jeff Riden
TWSI – General Counsel
851 Aviation Parkway
Smyrna, TN 37167

Re: Tennessee Public Utility Commission, Docket No. 22-00139, *Petition of Tennessee Wastewater Systems, Inc. to Amend its Certificate of Convenience and Necessity to Include Meadowside Subdivision*

Dear Mr. Riden:

The Consumer Advocate has reviewed the Petition filed by Tennessee Wastewater Systems, Inc. in the above-referenced Docket for compliance with the minimum filing requirements for an amendment to a Certificate of Convenience and Necessity, which requirements are set out in TPUC Rule 1220-04-13-.17. The Consumer Advocate's comments concerning the Company's filing are set out in Attachment A.

Thank you in advance for your attention to this request. If you have questions, please contact me at (615) 741-2370.

Respectfully,

A handwritten signature in blue ink that reads "Karen H. Stachowski".

Karen H. Stachowski
Senior Assistant Attorney General

cc: Patsy Fulton, TPUC
Kelly Cashman-Grams, TPUC

Rule 1220-04-13-.17(2)(a) General Information

1. *Rule 1220-04-13-.17(2)(a)7(i-v).* In its Exhibit 7, Tennessee Wastewater provided multiple maps regarding this development and its system. However, the maps are a bit blurry. The Consumer Advocate contacted Tennessee Wastewater and the Company agreed it would file a clearer copy of Exhibit 7.

Rule 1220-04-13-.17(2)(d) Sufficient Technical Ability

1. Rule 1220-04-13-.17(2)(d)1. Tennessee Wastewater provided a copy of its Application for a State Operating Permit (“SOP”) from the Tennessee Department of Environment & Conservation (“TDEC”). However, the copy of the Application Provided is blurry and difficult to read. The Consumer Advocate contacted Tennessee Wastewater and the Company agreed to file a clearer copy of the SOP Application (Exhibit 19). The Consumer Advocate researched the SOP for this development, and it is currently showing only Limestone Water Utility Operating Company LLC as the current application for SOP-22002. Tennessee Wastewater informed the Consumer Advocate that Limestone was issued the original SOP by TDEC under the mistaken belief Limestone obtained the CCN for the service territory when they purchased Cartright Creek. However, TPUC recently ruled the CCN was not transferred in that acquisition. At the developer's request, TWSI has submitted an application to TDEC for an SOP to operate the treatment facility which was included as an exhibit with our CCN petition.
2. Rule 1220-04-13-.17(2)(d)2. Tennessee Wastewater provided a copy of the license of its Certified Operator (Exhibit 20); however, the Consumer Advocate notes that the license is set to expire by the end of December 2022. The Consumer Advocate contacted Tennessee Wastewater and the Company agreed to file a copy of the renewed license of its Certified Operator once it is issued.
3. Rule 1220-04-13-.17(2)(d)4. It appears Tennessee Wastewater did not address this part of the rule. The Consumer Advocate reviewed the Division of Water Resources (“DWR”) Dataviewer of the Tennessee Department of Environment and Conservation (“TDEC”) and found one customer complaint and one customer comment to a TDEC permit regarding two different systems involving Tennessee Wastewater:
 - i. Trillium Cove Development, SOP-04065. Mr. Day filed a complaint, in May 2022, with TDEC regarding a portion of the subsurface drip lines staying wet with wastewater pooling over the top at times. These drip lines are located behind his house. The Consumer Advocate contacted Tennessee Wastewater about this complaint. The Company explained that it had not received any contact from TDEC on this issue; however, it was contacted by Mr. Day. Tennessee Wastewater stated it has addressed Mr. Day’s complaint. However, the complaint remains “Open” in the DWR Dataviewer. Also, Tennessee Wastewater has contact TDEC regarding the complaint, and TDEC said it will update its dataviewer to show that the matter is closed. The complaint can be accessed at

https://dataviewers.tdec.tn.gov/dataviewers/f?p=2005:34251:5633429583399:::34251:P34251_ROW_ID:122543.

- ii. Starr Crest II Resort, SOP-01033. Ronald McCabe filed comments with TDEC regarding its public notice of the permit renewal for this system. In his comments to TDEC, Mr. McCabe referenced his [complaint with the Commission, TPUC Docket No. 22-00105](#). Mr. McCabe requested TDEC respond to a list of questions when responding to comments on the permit. A copy of the TDEC Comment is attached as CAD MFR Letter Exhibit 1.

Rule 1220-04-13-.17(2)(e) Sufficient Financial Ability

1. *Rule 1220-04-13-.17(2)(e)2*. In the Consumer Advocate's review of the pro forma income statements, it appears that the Service Revenues do not match the proposed tariff rates. [The Consumer Advocate contacted Tennessee Wastewater to discuss the matter. The Company explained that it had included the terminated surcharge in its calculations for Confidential Exhibit 31, and it will file a corrected Confidential Exhibit 31.](#)
2. *Rule 1220-04-13-.17(2)(e)8*. The proposed tariff provided in Exhibit 30 still shows the Environmental Rider. However, in its filing on December 3, 2022, in TPUC Docket No. 16-00096, Tennessee Wastewater explained that this rider will terminate effective with the December's filing. [The Consumer Advocate contacted Tennessee Wastewater and the Company agreed to file an updated tariff page.](#)