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Tennessee Public Utility Commission
502 Deaderick Street, 4th Floor
Nashville, TN 37243
Attn: Ectory Lawless

Docket No. 23-00051

Re: Petition of Superior Wastewater Systems, LLC for a Certificate of Convenience
and Necessity to Amend Its Existing Service Territory in Williamson County

Dear Tory,

Please file the attached response of Tennessee Wastewater Systems, Inc. in Docket No. 23-00051.

Thank you and please feel free to let me know of any questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read "Henry Walker", written in a cursive style.

Henry Walker (B.P.R. 000272)
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cc: Erik Lybeck

**BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION
NASHVILLE, TENNESSEE**

IN RE:)	
)	
Petition of Superior Wastewater Systems, LLC For A Certificate of Convenience and Necessity To Amend Its Existing Service Territory in Williamson County)))))	DOCKET NO. 23-00051

Response of Tennessee Wastewater Systems, Inc. to Superior’s Amended Petition

On October 18, 2024, Superior Wastewater Systems, LLC (“Superior”) filed an amended petition in Docket 23-00051.¹ The amended petition reduces the size of the new area that Superior proposes to serve and affirms that the requested area will be served through a connection to Superior’s existing treatment facility at King’s Chapel. See Exhibit 1 to the amended petition. The amended petition also acknowledges that the requested service area---four parcels of land slightly to the west and south of Superior’s service area at King’s Chapel--- lies within the service territory of Tennessee Wastewater Systems, Inc. (“TWSI”) that was granted by the Commission in Docket 97-01393 (final order issued March 31, 1998).

Based on the representations in the amended petition, TWSI is willing to relinquish the requested parcels within its service area. Upon a determination by the Commission that Superior has the requisite managerial, financial and technical capabilities to provide service to those four parcels through a connection, as shown in Exhibit 1, to Superior’s nearby treatment facility at

¹ As explained by Superior (amended petition, fn.1), the amended petition does not affect the relief granted to Superior in Docket No, 23-00085.

King's Chapel, TWSI will ask the Commission to transfer those four parcels from TWSI's service area to Superior's service area.²

TWSI will remain a party to this docket solely for the purpose of ensuring compliance with Superior's representations in the amended petition.

Respectfully submitted,



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² Superior's initial petition, filed on July 6, 2023, requested authority to build a new treatment facility east of Triune and asked for the exclusive right to serve not only the area around the new facility, where no other utility had been authorized to provide service, but also an area extending over four miles west of Triune along Highway 96, much of which had already been granted by the Commission to TWSI in Docket 97-01393. While pressing for an expedited hearing to meet the "overwhelming" demand for wastewater service in the requested area ("Motion for Expedited Procedural Schedule," filed July 25, 2023), Superior never acknowledged that about one-third of its requested area lay within TWSI's service territory. See T.C.A. §65-4-201 and 203(a); and Peoples Telephone v. Tennessee Public Service Commission, 393 S.W. 2d 285, (Tenn. 1965) (holding that a utility is protected by statute from competition within its service territory even if the utility does not have "any physical facilities located therein."). Superior's refusal to acknowledge that TWSI was granted a large service area in Docket 97-01393 and has the right, subject to Commission oversight, to protect that territory from competition has resulted in fifteen months of unnecessary litigation, first at the Commission where Superior opposed TWSI's petition to intervene and then in the Chancery Court of Williamson County where Superior filed suit, arguing that TWSI should be barred from opposing Superior's application. The Chancellor dismissed Superior's complaint for failure to state a claim and encouraged the parties to return to the Commission, "the appropriate forum for their present dispute." Superior Wastewater Systems v. Tennessee Wastewater Systems, Case no. 23CV-53047, "Memorandum and Order," July 30, 2024 at 18.

If, prior to filing its initial petition, Superior had initiated discussions with TWSI about the need for service at those four parcels and which utility could more quickly and economically provide it, the parties would likely have reached over a year ago the same result they announce today. See, for example, Superior's applications and TWSI's replies in dockets 19-00043 and 20-00109. Now that Superior has acknowledged in the amended complaint TWSI's right to serve the area that was granted to it in Docket 97-01393, the parties should be better able to resolve territorial issues without litigation.