

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

**PETITION OF SUPERIOR WASTEWATER
SYSTEMS, LLC TO AMEND EXISTING
SERVICE TERRITORY IN WILLIAMSON
COUNTY**

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DOCKET NO. 23-00051

**RESPONSE OF SUPERIOR WASTEWATER SYSTEMS, LLC TO THE PETITION OF
TENNESSEE WASTEWATER SYSTEMS TO INTERVENE**

Superior Wastewater Systems, LLC (“Superior” or “the Company”) submits the following response to the Petition to Intervene filed on August 24, 2023, by Tennessee Wastewater Systems, Inc. (“TWSI”). Superior submits the Petition should be denied and, in support, states as follows:

1. Superior filed its Petition in this Docket on July 6, 2023, to provide wastewater service to 355 separate parcels in proximity to Triune in Williamson County. Of these 355 parcels, TWSI has identified only 2 it believes are within its Milcrofton Utility District Service Territory (“Milcrofton Territory”).
2. TWSI contends the Commission granted a CCN to TWSI in Docket No 97-01393 to provide wastewater service to the Milcrofton Territory.
3. TWSI has not installed any utility infrastructure necessary to serve the 2 parcels in question and there is no property available to TWSI, for the construction of wastewater drip fields in this area necessary to provide wastewater service.
4. Sound public policy requires a wastewater utility provide service after a CCN is granted within a reasonable time. Accordingly, in 2018, the Commission recognized this issue by adding the following language to its rules.

*(7) A wastewater CCN holder shall file a written notice of completion that the wastewater system is fully constructed, operational, and providing service not less [more] than three (3) years from the date of the written order granting a CCN. **If the written notice of completion is not filed within three (3) years, the CCN shall automatically expire and be terminated without the institution of proceedings under Rule 1220-04-13-.09(4).***¹ [Emphasis added.]

5. TWSI has not provided wastewater service in the past 26 years (1997 to 2023), any claim now made by TWSI regarding the “certificated service territory” to the 2 unserved parcels should be dismissed.
6. The issue of prior “certificated service territory” (without a clearly definable service area) was recently considered by the Commission in Docket No. 21-00053 regarding a CCN transfer from Cartwright Creek, LLC to Limestone Water Utility Operating Company. In that Docket, the Hearing Officer denied the request of the Parties to transfer the certificated service territory of Planned Growth Area #5 (PGA5) in Williamson County. Specifically, the Hearing Officer stated in her Order that “One such Commission policy that has evolved and is reflected in the wastewater rules is that the Commission no longer grants CCNs where there is not an immediate public need to provide the service.”²
7. TWSI contends that it should be permitted to hold a CCN for its exclusive use in a service territory for 26 years without an existing plan or reasonable intent to provide wastewater service in the foreseeable future.
8. It is Superior’s good faith belief that there are no other drip fields at this time in the subject area beyond those already controlled by Superior.

¹ TPUC Rule 1220-4-13-.09(7).

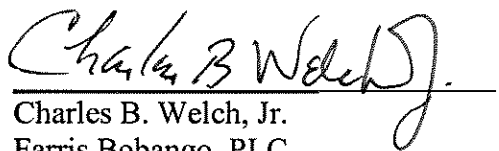
² Application of Limestone Water Utility Operating Company, LLC for Authority to Sell or Transfer Title to the Assets, Property, and Real Estate of a Public Utility, Cartwright Creek, LLC, and for a Certificate of Public Convenience and Necessity, Docket No. 21-00053, December 1, 2022, Page 6.

9. Upon information and belief, Superior submits that the public records will demonstrate that the 2 parcels identified by TWSI are not within the Milcrofton Territory and, therefore, not included in the CCN authority of TWSI as alleged in the Petition to Intervene.
10. Superior is ready to begin construction of the wastewater system infrastructure for the area described in its Petition on approval from the Commission. This economic development is sorely needed in the area and will be a benefit to all citizens in the Triune area.

THEREFORE, Superior requests that the Petition to Intervene by TWSI be denied or, at the very least, its participation be limited to the 2 parcels as provided by TCA§4-5-310(c).

Respectfully submitted this 28th day of August, 2023.

Superior Wastewater Systems, LLC

By: 
Charles B. Welch, Jr.
Farris Bobango, PLC
414 Union Street, Suite 1105
Nashville, TN 37219
Phone: 615-726-1200
Email: cwelch@farris-law.com

CERTIFICATE OF SERVICE

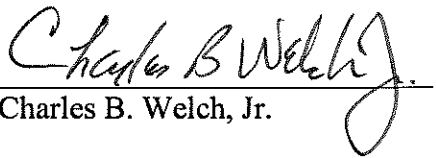
I hereby certify that a true and correct copy of the foregoing was served via U.S. Mail or electronic mail upon:

Jeff Ridsen
General Counsel
Tennessee Wastewater Systems, Inc.
851 Aviation Parkway

Smyrna, TN 37167
615-220-7171
jeff.risden@adenus.com

Henry Walker
Bradley Arant Boult Cummings, LLP
1600 Division Street, Suite 700
Nashville, TN 37203
615-252-2363
hwalker@bradley.com

Karen Stachowski
Mason Rush
Office of the Tennessee Attorney General
Consumer Advocate Division
PO Box 20207
Nashville, TN 37202
Karen.stachowski@ag.tn.gov
mason.rush@ag.tn.gov


Charles B. Welch, Jr.