

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

PETITION OF SUPERIOR WASTEWATER)	
SYSTEMS, LLC TO AMEND EXISTING)	
SERVICE TERRITORY IN WILLIAMSON)	DOCKET NO. 23-00051
COUNTY)	
)	
)	

MOTION IN LIMINE OF SUPERIOR WASTEWATER SYSTEMS, LLC

Superior Wastewater Systems, LLC ("Superior" or "the Company" f/k/a King's Chapel Capacity, LLC) submits the following to the Reply ("Reply") of Tennessee Wastewater Systems, Inc. ("TWSI") filed on August 30, 2023, in this Docket. Superior asks the Commission to determine that TWSI's Reply, which purports to be a second request for Intervention, was untimely and should not be considered as part of the record in this docket. Accordingly, the Commission should dismiss the TWSI request for intervention reasons as follows:

1. On August 2, 2023, the Commission's Hearing Officer issued a Notice of Filing Deadline ("Filing Deadline") in this Docket, requiring that any petition to intervene be filed no later than August 24, 2023.
2. On August 24, 2023, TWSI filed a Petition to Intervene ("TWSI Petition") in this Docket, stating that its reason for intervention was that 2 of the 355 parcels included in Superior's CCN Petition were located within TWSI's existing certificated service territory. Specifically, TWSI's Petition claimed that Parcels 113 057.06 000 and 113 057.09 000 included in Superior's proposed CCN were already included in TWSI's certificated service territory.

3. On August 29, 2023, Superior filed a response (“Superior Response”) to TWSI’s Petition. Superior’s Response contended that the public records would show that the 2 parcels in question were not within TWSI’s certificated service territory.
4. On August 30, 2023, TWSI filed a Reply (“TWSI Reply”) to Superior’s Response. In TWSI’s Reply, they state the following:

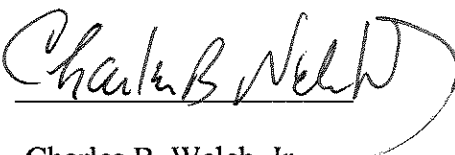
*“TWSI’s Petition to Intervene identified two different parcels also owned by Mr. Greg Sanford, Parcel 113 057.06 000 and 113 057.09 000. **Those parcels are not in TWSI’s service territory and were included by mistake.** [Emphasis added.]*
5. TWSI now, for the first time, asserts its intervention should be permitted based on the claim that other property located at 4833 Murfreesboro Road, Arrington, TN is within its certificated service territory. However, this new claim was filed after the Filing Deadline of August 24th, required by the Hearing Officer. Although the original petition to intervene was timely filed, it had no merit since no property was identified that was actually within TWSI’s service territory – as TWSI now admits. The Reply now claims a new basis for intervention that was filed after the Hearing Officer’s Filing Deadline of August 24th. Further, the Reply is actually a response to Superior’s response and such a pleading is not permitted, pursuant to the rules of Practice and Procedure, 1220-01-02-.06, without application and leave given or upon the order of the Commission or the Hearing Officer- neither of which has occurred in this instance. There is, therefore, nothing appropriately admitted into the record to support the TWSI Petition.
6. In the interest of judicial economy, the Commission should take notice that TWSI and Superior have previously entered into an agreement which effectively settles any and all disputes between the parties concerning Superior’s right to expand its wastewater system. This agreement, the “SETTLEMENT AND MUTUAL RELEASE AGREEMENT” (the

“Agreement”) has been considered by the Commission as part of the record in Docket Numbers 04-00335 and 05-00062. Superior’s proposed expansion being considered in the instant docket is consistent with the terms of the Agreement and the Commission’s disposition of the two previous dockets.

WHEREFORE, based upon the foregoing and the entire record in this cause, Superior submits that the TWSI petition to intervene should be denied.

Respectfully submitted this ____ day of September 2023.

Superior Wastewater Systems, LLC

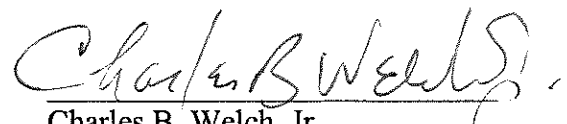
By: 

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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:

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