

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

**PETITION OF SUPERIOR WASTEWATER
SYSTEMS, LLC FOR APPROVAL TO
WITHDRAW ESCROW FUNDS**

DOCKET NO. 24-00004

**PETITION OF SUPERIOR WASTEWATER SYSTEMS, LLC
FOR APPROVAL TO WITHDRAW ESCROW FUNDS**

Superior Wastewater Systems, LLC (“SWS” or “the Company”) petitions the Tennessee Public Utility Commission (“the Commission”) pursuant to Tenn. Rules and Regs. 1220-4-13-.07(7) for approval to withdraw escrow funds for necessary equipment replacement. In support of this Petition, SWS respectfully shows unto the Commission as follows:

Background

1. SWS is engaged in the business of providing wastewater service to approximately 350 customers in Williamson County, Tennessee.
2. SWS’s wastewater business in Tennessee is subject to regulation and supervision by the Commission pursuant to Chapter 4 of Title 65 of the Tennessee Code Annotated. SWS is a “Public Utility” within the meaning of such term utilized in Section 65-5-103(d)(7) of the Tennessee Code Annotated.
3. All correspondence and communications with respect to this Petition should be sent to the following representatives of SWS:

Mr. Erik C. Lybeck
Sims|Funk, PLC
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Nashville, TN 37203
Phone: 615-425-7030
Email: elybeck@simsfunk.com

Mr. John Powell, President
Superior Wastewater Systems, LLC
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Arrington, TN 37014
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Nature of Relief Requested

4. On November 30, 2023, SWS experienced the complete loss of two pumps due to a collapsed pipe that allowed gravel to enter the pumps and destroy their ability to function.
5. SWS has completely replaced the collapsed pipe as well as the two pumps and now seeks to recover the related cost of \$5,274.18, inclusive of the regulatory and legal costs necessary to file this Petition, from its escrow reserve fund which has a current balance of \$41,235.62.
6. Tenn. Rules and Regs. 1220-4-13-.07(7) anticipate and allow for such a recovery of extraordinary expenditures from escrow funds and read as follows:

Reserve/escrow accounts established by a public wastewater utility shall be limited to paying for or reimbursing the utility for extraordinary expenses of the utility or for necessary capital projects, unless otherwise permitted by the Commission. Extraordinary expenses are those resulting from events which are infrequent and unusual in nature, and unrelated to the utilities' routine service or business activities. The utility must first receive authorization from the Commission via approved petition or, in emergency situations, authorization in writing from the Chairman of the Commission upon written request by a representative of the utility to use such funds. The Commission may require public wastewater utility employees having signature authority over such accounts to obtain a fidelity bond. The public wastewater utility's tariff shall set forth the specific amount charged to customers to fund the reserve/escrow account.

7. SWS maintains that the collapsed pipe and pump replacement is infrequent and unusual as well as being unrelated to SWS's routine service or business activities.

8. SWS maintains the cost for this capital replacement, including the associated legal and regulatory costs, are not included in the Company's base rates and that the utility has no other means to recover these costs.

Supporting Materials

9. In support of its Petition, SWS respectfully submits concurrent herewith the pre-filed testimony and exhibits of John Powell

WHEREFORE, Superior Wastewater Systems, LLC, respectfully requests that the Commission review and approve SWS's request to withdraw escrow funds as described herein and in the supporting testimony of John Powell.

Respectfully submitted this 24th day of January 2024.

Superior Wastewater Systems, LLC

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