

**IN THE TENNESSEE PUBLIC UTILITY COMMISSION  
AT NASHVILLE, TENNESSEE**

<b>IN RE:</b>	)	
	)	
<b>PETITION OF AQUA GREEN UTILITY, INC. TO MODIFY ITS ESCROW CHARGE</b>	)	<b>DOCKET NO. 25-00029</b>
	)	

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**CONSUMER ADVOCATE’S FIRST SET OF DISCOVERY  
REQUESTS TO AQUA GREEN UTILITY, INC**

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This First Set of Discovery Requests is hereby served upon Aqua Green Utility, Inc. (“Aqua Green” or the “Company”), pursuant to Rules 26, 33, 34, and 36 of the Tennessee Rules of Civil Procedure and Tenn. Comp. R. & Reg. 1220-01-02-.11. The Consumer Advocate Division of the Office of the Attorney General (“Consumer Advocate”) requests that full and complete responses be provided pursuant to the Tennessee Rules of Civil Procedure. The responses are to be produced at the Office of the Tennessee Attorney General and Reporter, Consumer Advocate Division, John Sevier Building, 500 Dr. Martin L. King Jr. Blvd., Nashville, Tennessee 37243, c/o Karen H. Stachowski on or before August 29, 2025, at 2:00 p.m. CST.

**PRELIMINARY MATTERS AND DEFINITIONS**

1.     **Continuing Request.** These discovery requests are to be considered continuing in nature and are to be supplemented from time to time as information is received by the Company and any of its affiliates which would make a prior response inaccurate, incomplete, or incorrect.
  
2.     **Clear References.** To the extent that the data or information requested is incorporated or contained in a document, identify the document including page/line number if applicable.

3. **Format of Responses.** Provide all responses in the format in which they were created or maintained, for example, Microsoft Word or Microsoft Excel format with all cells and formulas intact and in working order. If a document (including without limitation a financial or other spreadsheet or work paper) is not created or maintained in Microsoft Excel format, convert the document to Microsoft Excel format or provide the document in a format that enables or permits functionality like or similar to Microsoft Excel (including without limitation the functionality of working cells and formulas), or provide the software program(s) that will enable the Consumer Advocate to audit and analyze the data and information in the same manner as would be enabled or permitted if the document were provided in Microsoft Excel format.

4. **Objections.** If any objections to this discovery are raised on the basis of privilege or immunity, include in your response a complete explanation concerning the privilege or immunity asserted. If you claim a document is privileged, identify the document, and state the basis for the privilege or immunity asserted. If you contend that you are entitled to refuse to fully answer any of this discovery, state the exact legal basis for each such refusal.

5. **Singular/Plural.** The singular shall include the plural, and vice-versa, where appropriate.

6. **Definitions.** As used in this Request:

(a) “You,” “Your,” “Company,” or “Aqua Green” shall mean Aqua Green Utility, Inc. and all employees, agents, attorneys, representatives, or any other person acting or purporting to act on its behalf.

(b) “Affiliate” shall mean any entity who, directly or indirectly, is in control of, is controlled by, or is under common control with the Company. For greater clarification, “control” is the ownership of 20% or more of the shares of stock entitled to vote for the election of directors in the case of a corporation, or 20% or more of the equity interest in the case of any other type of entity, or status as a director or officer of a corporation or limited liability company, or status as a partner of a partnership, or status as an owner of a sole proprietorship, or any other arrangement whereby a person has the power to choose, direct, or manage the board

of directors or equivalent governing body, officers, managers, employees, proxies, or agents of another person. In addition, the term “Affiliate” shall mean any entity that directly or indirectly provides management or operational services to the Company or any affiliate (as defined in the preceding sentence) of the Company, or to which the Company provides management or operational services. Further, the payment of money to the Company or receipt by the Company of money from an entity with which the Company has any relationship, other than such payment or receipt, shall include the payor or recipient of such money as an “Affiliate”.

(c) “Communication” shall mean any transmission of information by oral, graphic, written, pictorial or otherwise perceptible means, including but not limited to personal conversations, telephone conversations, letters, memoranda, telegrams, electronic mail, newsletters, recorded or handwritten messages, meetings, and personal conversations, or otherwise.

(d) “Document” shall have the broadest possible meaning under applicable law. “Document” shall mean any medium upon which intelligence or information can be recorded or retrieved, such as any written, printed, typed, drawn, filmed, taped, or recorded medium in any manner, however produced or reproduced, including but not limited to any writing, drawing, graph, chart, form, letter, note, report, electronic mail, memorandum (including memoranda, electronic mail, report, or note of a meeting or communication), work paper, spreadsheet, photograph, videotape, audio tape, computer disk or record, or any other data compilation in any form without limitation, which is in your possession, custody or control. If any such document was, but no longer is, in your possession, custody or control, state what disposition was made of the document and when it was made?

(e) “Person” shall mean any natural person, corporation, firm, company, proprietorship, partnership, business, unincorporated association, or other business or legal entity of any sort whatsoever.

(f) “Identify” with respect to:

- i. Any natural person, means to state the full name, telephone number, email address and the current or last known business address of the person (if no business address or email address is available provide any address known to you) and that person’s relationship, whether business, commercial, professional, or personal with you;
- ii. Any legal person, business entity or association, means to state the full name, the name of your contact person with the entity, all trade name(s), doing business as name(s), telephone number(s), email address(es), and current or last known business address of such person or entity (if no business address is available provide any address known to you);

- iii. Any document, means to state the type of document (e.g., letter), the title, identify the author, the subject matter, the date the document bears and the date it was written; and
  - iv. Any oral communication means to state the date when and the place where it was made, identify the person who made it, identify the person or persons who were present or who heard it, and the substance of it.
- (g) “And” and “or” shall be construed conjunctively or disjunctively as necessary to make the discovery request inclusive rather than exclusive.
- (h) “Including” shall be construed to mean including but not limited to.

### **FIRST SET OF DISCOVERY REQUESTS**

**1-1. Earnings.** Clarify that Aqua Green’s proposal is based on a perceived increase in revenue requirement. If so, provide an estimate, with supporting calculations, of the current estimated total annual revenue shortfall.

#### **RESPONSE:**

**1-2. Financial.** Provide Aqua Green’s most recent annual report.

#### **RESPONSE:**

**1-3. Tariffs/Rates.** Provide a copy of Aqua Green Utility’s current tariffs.

#### **RESPONSE:**

**1-4. Revenue Requirement.** Provide supporting documentation demonstrating that Aqua Green’s resulting rates would be just and reasonable if it increased rates by the amount currently collected for the escrow.

#### **RESPONSE:**

**1-5. Tariffs/Rates.** Would Aqua Green’s proposal require a modification of existing tariffs and tariff sheets?

**RESPONSE:**

**1-6.** Tariffs/Rates. Reference the July 17, 2025, letter to the TPUC stating “Nothing else needs to change, not rates or escrow amounts” and Aqua Green’s November 5, 2021, Rate Sheet (if there is a more applicable Rate Sheet, provide that Rate Sheet and apply the rates to the following questions):

- a. Does Aqua Green consider the Escrow charge to be a rate?
- b. Explain Aqua Green’s understanding of the existence of an escrow rate.
- c. Is Aqua Green differentiating between the “escrow amounts” and the escrow rate?
- d. Does Aqua Green propose to continue collecting the Escrow of “\$1.37 per 1000 gal?”

**REPSONSE:**

**1-7.** Tariffs/Rates. Reference the April 19, 2025, *Petition* and the letter to TPUC dated July 17, 2025. The *Petition* states “[i]f we ever dropped below the \$5,000 per plant, we would start depositing 20% of our monthly billing into the escrow account until we met the amount required. The July 17, 2025, Letter states “if we get below the cap amount, we would go back to the currently approved escrow method .” Clarify whether the proposal is a percent of billing or as an amount per 1000 gallons.

**RESPONSE:**

**1-8.** Escrow Requirement. Reference the statement in the *Petition*, p. 2, “What I would suggest is a deposit of \$5000 per plant.” Respond to the following:

- a. Define “plant” as it is used in the proposal.
- b. Provide the calculations supporting the sufficiency of and escrow with \$45,000 or \$5,000 per plant.
- c. Provide the current book value for each plant.

**RESPONSE:**

**1-9.** Escrow Fund. Provide the following information about the Company's escrow account:

- a. The number of times the Company has used its escrow account in the last three years.
- b. The total amount of escrow funds used by the Company in the last three years.

**RESPONSE:**

**1-10.** Repairs and Maintenance. Refer to *Aqua Green Utility, Inc. Updated Tariff*, Section 4, First Revision Page 2, TPUC Docket No. 21-00084 (February 16, 2022). Provide a list of each "non-scheduled service, pump and control replacement" that has occurred over the last 3 years. Include a description of the incident, the date, and the cost associated with the incident.

**RESPONSE:**

**1-11.** Non-routine repairs and Maintenance. Refer to *Aqua Green Utility, Inc. Updated Tariff*, Section 4, First Revision Page 2, TPUC Docket No. 21-00084 (February 16, 2022). In the Company's tariff it states that the "[e]scrow amount is included in the total \$1.27 for non-scheduled service, pump and control replacement." Respond to the following:

- a. Has the Company used escrow funds for "non-scheduled service, pump and control replacements"?
- b. If not, provide a narrative explanation for not using escrow funds.
- c. If not, provide a list of pump and control replacements in the past three years. Include the date and expense for each replacement and supporting documentation.

**RESPONSE:**

**1-12.** Non-routine repairs and Maintenance. Provide a list of vault replacements in the past three years. Include the date and expense for each replacement and supporting documentation.

**RESPONSE:**

**1-13.** Non-routine repairs and Maintenance. Provide a list of main line breaks in the past three years. Include the date and expense for each replacement and supporting documentation.

**RESPONSE:**

**1-14.** Non-routine repairs and Maintenance. Provide a list of panel replacements in the past three years. Include the date and expense for each replacement and supporting documentation.

**RESPONSE:**

**1-15.** Non-routine repairs and Maintenance. Provide a list of panel upgrades in the past three years. Include the date and expense for each upgrade and supporting documentation.

**RESPONSE:**

**1-16.** Non-routine repairs and Maintenance. Provide a list of plant upgrades in the past three years. Include the date and expense for each replacement and supporting documentation.

**RESPONSE:**

**1-17.** Non-routine repairs and Maintenance. Has any of the Company's systems suffered damage from storms, flooding or other natural events? Provide a list of the events including the date and expense for each event and supporting documentation.

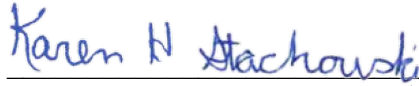
**RESPONSE:**

**1-18.** Non-routine repairs and Maintenance. Has any of the Company's systems suffered damage from third parties such as accidentally drilling into a pipe or vehicle running into or over

infrastructure? Provide a list of the events including the date and expense for each event and supporting documentation.

**RESPONSE:**

RESPECTFULLY SUBMITTED,



**KAREN H. STACHOWSKI** (BPR No. 019607)

Deputy Attorney General

**VANCE L. BROEMEL** (BPR No. 011421)

Managing Attorney

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**TPUC Docket No. 25-00029**

*CA's 1<sup>st</sup> DR to Aqua Green*




**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served via electronic mail upon:

Dart Kendall  
Aqua Green Utility, Inc.  
3350 Galts Rd  
Acworth, GA 30102  
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J. Ross Hutchison  
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Nashville, TN 37219  
Email: [rhutchison@stites.com](mailto:rhutchison@stites.com)

This the 15<sup>th</sup> day of August, 2025.

  
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**KAREN H. STACHOWSKI**  
Deputy Attorney General