

BEFORE THE TENNESSEE PUBLIC UTILITY COMMISSION

NASHVILLE, TENNESSEE

September 26, 2025

IN RE:)	
)	
AQUA GREEN UTILITY INC. PETITION TO)	DOCKET NO.
AMEND ESCROW CHARGE)	25-00029
)	

ORDER ON SEPTEMBER 18, 2025, STATUS CONFERENCE

This matter came before the Administrative Judge of the Tennessee Public Utility Commission (“Commission” or “TPUC”) during a Status Conference held on September 18, 2025, to consider the progression of this docket.

RELEVANT BACKGROUND

Aqua Green Utility, Inc. (“Aqua” or the “Company”) is a public utility regulated by the Commission, provides wastewater service to 15 residential customers and two commercial customers in its service territories in Jefferson, Greene, and McNairy counties in Tennessee. On April 21, 2025, Aqua filed a Petition seeking to increase the amount of its escrow charge. Aqua states that due to inflation it continues to earn less than the authorized return from its recent rate case. Instead of filing for another rate increase, Aqua proposes to alter the terms of its escrow account.

On May 21, 2025, Aqua was informed that this matter is a contested case proceeding, and in accordance with the *Notice Concerning Attorney Representation in Contested Case Proceedings Before the Commission* issued by the Commission on August 28, 2023, Aqua needs

to be represented by a licensed attorney in this matter.¹ On June 3, 2025, Mr. Hutchison entered an appearance on behalf of Aqua, and on July 29th, Mr. Hutchison filed a letter requesting that a procedural schedule be entered.² Since entering an appearance, Mr. Hutchison has failed to respond to communication from the Administrative Judge and the Consumer Advocate, including the *Notice of Filing* requesting the submission of a proposed procedural schedule by August 15th. Despite Aqua's unresponsiveness, the Administrative Judge has attempted to keep this docket moving forward.

SEPTEMBER 18, 2025, STATUS CONFERENCE

On August 13, 2025, Mr. Kendall filed a letter to the Administrative Judge expressing his views on how this matter should proceed.³ Then, on August 29th, Mr. Kendall filed Aqua's responses to the Consumer Advocate's Discovery Requests, and Mr. Kendall filed questions for the Consumer Advocate on September 8th.⁴ All of those actions were taken by Mr. Kendall on behalf of Aqua and not by his attorney. On September 7, 2025, the Consumer Advocate sent an email to the Administrative Judge requesting a Status Conference to address the filings by Mr. Kendall and the possibility of appointing Party Staff to assist in this docket. The Administrative Judge asked the parties if they were available September 18th. After failing to receive a response from Aqua, the Administrative Judge issued a *Notice of Status Conference* scheduling a Teams Status Conference for September 18, 2025, at 10:30 a.m.⁵ On September 17th, Mr. Kendall emailed

¹ See Letter from Aaron J. Conklin, Senior Counsel Re: Representation by a Tennessee Licensed Attorney to Mr. Dart Kendall, Aqua Green Utility, Inc. (May 21, 2025).

² See Attorney J. Ross Hutchison Notice of Representation of Counsel on Behalf of Aqua Green Utility, Inc. (June 3, 2025); see Attorney J. Ross Hutchison, Aqua Green Utility, Inc. Request for a Procedural Schedule (July 29, 2025).

³ See Letter to Monica Smith-Ashford, Administrative Judge from Dart Kendall, Aqua Green Utility, Inc. Re: Procedural Schedule (August 13, 2025).

⁴ See Aqua Green Utility, Inc. Response to Consumer Advocate First Set of Discovery Requests Filed August 15, 2025 (August 29, 2025); see Aqua Green Utility, Inc. First Set of Discovery Requests to the Consumer Advocate (September 8, 2025).

⁵ *Notice Of Status Conference* (September 16, 2025).

the Administrative Judge requesting the link for the Status Conference that had been scheduled in this docket for September 18th.

The Administrative Judge convened a Status Conference on September 18, 2025, as noticed on September 16, 2025. The Consumer Advocate was present at the Status Conference, and Mr. Dart Kendall attended as well. Aqua's attorney did not attend the Status Conference on behalf of Aqua. The Administrative Judge adjourned the Status Conference until Aqua could be represented.⁶ The Administrative Judge finds that Aqua must be represented by a licensed attorney to proceed forward with this contested case proceeding, therefore, the Administrative Judge concludes that the Company should be given additional time to obtain counsel.

IT IS THEREFORE ORDERED THAT:

Aqua Green Utility, Inc. shall have 30 days from the date of this Order to obtain representation in this matter. If the Commission has not received a letter of representation for Aqua Green Utility, Inc. from an attorney licensed in Tennessee by **October 27, 2025**, this matter will be dismissed without prejudice, and the docket will be closed.


Monica Smith-Ashford, Administrative Judge

⁶ After the Status Conference, Mr. Kendall sent an email to Mr. Hutchison, attorney for Aqua, Kelly Grams, Commission General Counsel, and Aaron Conklin, Commission Senior Counsel, dismissing Aqua's attorney from representation because Aqua could not afford to pay for his services. *See* Email Correspondence Re Dismissal of Attorney Representation by Aqua Green President Dart Kendall, Cc'd To Commission Legal Staff (September 18, 2025).