

**From:** [Monica Smith-Ashford](#)  
**To:** [TPUC DocketRoom](#)  
**Subject:** Fw: [EXTERNAL] 2500029  
**Date:** Friday, October 24, 2025 3:58:01 PM  
**Attachments:** [2500029b.pdf](#)  
[Outlook-r4mjrjii.png](#)

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Please file this in Docket No. 25-00029.

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**From:** Monica Smith-Ashford <Monica.Smith-Ashford@tn.gov>  
**Sent:** Friday, October 24, 2025 3:57 PM  
**To:** Dart Kendall <dart@aquagreenutility.com>  
**Cc:** Kelly Grams <Kelly.Grams@tn.gov>; Timothy Drown <Timothy.Drown@tn.gov>; Aaron Conklin <Aaron.Conklin@tn.gov>; Karen H. Stachowski <Karen.Stachowski@ag.tn.gov>; Shilina B. Brown <Shilina.Brown@ag.tn.gov>; Vance Broemel (Vance.Broemel@ag.tn.gov) <Vance.Broemel@ag.tn.gov>; Victoria Glover <Victoria.Glover@AG.TN.GOV>  
**Subject:** Re: [EXTERNAL] 2500029

Mr. Kendall,

Currently, Aqua Green Utility, Inc. is registered with the Tennessee Secretary of State's Office as a For-profit Corporation. The Commission must follow Tennessee law that requires a corporate entity to be represented by counsel in a contested case proceeding, and I cannot allow otherwise. The law in this regard was clearly explained in the *Notice Concerning Attorney Representation in Contested Case Proceedings Before the Commission* ("Notice") issued on August 28, 2023, which was attached to a letter to you from Aaron Conklin, Senior Counsel, dated May 21, 2025. The letter and *Notice* are filed in the docket file, but I've attached copies for ease of reference.

Your email also seems to indicate some misunderstanding regarding some of the procedures before the Commission, and an attorney should be able to clarify things for you. For example, you can appear as a witness and testify on behalf of Aqua Green at a hearing. However, in accordance with State law, you would need to have an attorney representing the Company throughout the course of the contested case proceeding before the Commission. Such representation includes, but is not limited to, submitting any filings and making appearances on behalf of the Company.



Monica Smith-Ashford | Administrative Judge  
Tennessee Public Utility Commission  
502 Deaderick Street, 4<sup>th</sup> Floor  
Nashville, TN 37243  
p. 615-770-6858  
monica.smith-ashford@tn.gov  
[tn.gov/tpuc](http://tn.gov/tpuc)

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**From:** Dart Kendall <dart@aquagreenutility.com>  
**Sent:** Tuesday, October 21, 2025 10:21 AM  
**To:** Monica Smith-Ashford <Monica.Smith-Ashford@tn.gov>  
**Subject:** [EXTERNAL] 2500029

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To: Monica Smith Ashford  
Subject: Docket 2500029

I am involved in another contested case in Tennessee. In that case, the judge has stated that the law allows a company owned by a single person to represent that company. That person may not cross-examine witnesses or depose someone, i.e. practice law, yet will be allowed to present testimony and represent that company. Is there a reason I cannot represent my company in this matter?

Aqua Green Utility grossed less than \$80,000 last year. The legal cost to proceed in the manner the AG wants is a heavy burden on this small company. We have already spent a considerable amount on legal fees. It should be noted that any attorney I use will not be allowed to make decisions for Aqua Green, that is my job. No one cares more about my customers service or knows better how to provide that service than myself.

It seems counter productive for a utility to not be allowed to talk to the TPUC staff. If I could only have a discussion with the staff, I am confident we could easily find some common ground. I don't think there is even anything we would disagree on. It doesn't make any sense to me that the staff cannot talk to a utility if the AG gets involved. I thought the

board was responsible for setting regulations and policies. It seems the AG has been getting involved with many cases as of late. Do they now set regulations and policies?

I budget money for an attorney for the hearings, which is generally is several thousand dollars. The utility cannot afford to allow the AG to waste thousands of dollars in legal fees that is needed to actually run the utility. The AG made her demands clear in the hallway at my last hearing, and those demands can't be more unreasonable in my opinion.

Please consider allowing me to represent the needs of Aqua Green Utility, there is no one else who can better testify what our needs are than me.

Sincerely,

Dart Kendall

President and sole owner of Aqua Green Utility

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Aqua Green Utility Inc. 3350 Galts Road Acworth GA 30102 865-908-0432

TENNESSEE PUBLIC UTILITY COMMISSION

Aaron.Conklin@tn.gov  
(615) 770-6896



Andrew Jackson State Office Bldg,  
502 Deaderick Street, 4<sup>th</sup> Floor  
Nashville, TN 37243-0001

May 21, 2025

Dart Kendall  
Aqua Green Utility, Inc.  
3350 Galts Rd.  
Acworth, GA 30102

Electronically Filed in TPUC Docket  
Room on May 21, 2025 at 12:36 p.m.

VIA EMAIL to: [dart@aquagreenutility.com](mailto:dart@aquagreenutility.com)

Re: *In re: Aqua Green Utility, Inc. Petition to Amend Escrow Charge*, TPUC Docket  
No. 25-00029

Dear Mr. Kendall:

Tennessee law requires that corporate entities be represented by counsel in contested case matters. An application for a Certificate of Public Convenience and Necessity ("CCN") or to amend a CCN is deemed a contested case by statute. *See* Tenn. Code Ann. § 4-5-102. As a result, Aqua Green Utility, Inc. ("Aqua Green") is required to be represented by an attorney licensed to practice in the State of Tennessee or otherwise admitted pro hac vice in the above referenced docket. Please have local counsel submit an entry of appearance in this matter or appropriate motion for admission pro hac vice in accordance with Tenn. S. Ct. R. 19. I have also attached a copy of a Notice published by the General Counsel for the Commission concerning contested case matters involving corporate entities.

Sincerely,

A handwritten signature in blue ink, appearing to read "A. Conklin", is written over a faint, larger version of the signature.

Aaron J. Conklin  
Senior Counsel

Enclosure: Notice Concerning Attorney Representation in Contested Case Proceedings Before  
the Commission

# TENNESSEE PUBLIC UTILITY COMMISSION



Andrew Jackson State Office Bldg.  
502 Deaderick Street, 4<sup>th</sup> Floor  
Nashville, TN 37243-0001

August 28, 2023

## NOTICE CONCERNING ATTORNEY REPRESENTATION IN CONTESTED CASE PROCEEDINGS BEFORE THE COMMISSION

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Notice is hereby given that, in accordance with Tennessee law, representation by a Tennessee licensed attorney is required for any corporation or limited liability company appearing as a party in any contested case proceeding before the Commission. The Tennessee Uniform Procedures Act, Tenn. Code Ann. § 4-5-101 *et seq.* defines a contested case as:

. . . a proceeding, including a declaratory proceeding, in which the legal rights, duties or privileges of a party are required by any statute or constitutional provision to be determined by an agency after an opportunity for a hearing. Such proceeding may include rate making; price fixing; granting of certificates of convenience and necessity; the making, review or equalization of tax assessments; the granting or denial of licenses, permits or franchises where the licensing board is not required to grant the licenses, permits or franchises upon the payment of a fee or the finding of certain clearly defined criteria; and suspensions of, revocations of, and refusals to renew licenses. An agency may commence a contested case at any time with respect to a matter within the agency's jurisdiction.<sup>1</sup>

Contested cases before the Commission include, but are not limited to, rate cases, petitions for a certificate of public convenience and necessity (“CCN”), petitions to amend a CCN, petitions to provide competing local telecommunications services, applications for certificate to provide operations services and/or resell telecommunication services, and show cause proceedings.

In administrative law matters under the Uniform Administrative Procedures Act, a corporate party may participate in a hearing by a duly authorized representative.<sup>2</sup> The Tennessee Court of Appeals differentiates between “informal, information gathering proceeding[s]” wherein

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<sup>1</sup> Tenn. Code Ann. § 4-5-102(3) (2023).

<sup>2</sup> Tenn. Code Ann. § 4-5-305(a).

a non-attorney may be a corporate party participant pursuant to Tenn. Code Ann. § 4-5-305(a), and “formal adversarial proceedings as in a contested case proceeding” in which a non-attorney may not represent a corporate party.<sup>3</sup>

It is well settled Tennessee law that a corporation may not act *pro se* in contested legal matters, nor may it be represented by an officer or other non-lawyer agent. Tennessee courts have held that allowing a corporation, or an officer on behalf of a corporation, to sign pleadings would result in the unauthorized practice of law.<sup>4</sup> Preparation and filing of documents that initiate contested case proceedings require the professional judgment of an attorney and as such, is the practice of law.<sup>5</sup> As such, all contested case proceedings before the Commission in which a business entity is participating as a party must be represented by legal counsel, as discussed in this notice.

**FOR THE TENNESSEE PUBLIC UTILITY COMMISSION:**

  
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Kelly Cashman Grams, General Counsel

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<sup>3</sup> *Tenn. Envtl. Council v. Water Quality Control Bd.*, 254 S.W.3d 396, 407 (Tenn. Ct. App. 2007).

<sup>4</sup> *Old Hickory Eng'g & Mach. Co., Inc. v. Henry*, 937 S.W.2d 782, 785-786 (Tenn. 1996).

<sup>5</sup> *Id.*