

STATE OF TENNESSEE

Office of the Attorney General



JONATHAN SKRMETTI
ATTORNEY GENERAL AND REPORTER

P.O. BOX 20207, NASHVILLE, TN 37202
TELEPHONE (615)741-3491
FACSIMILE (615)741-2009

October 3, 2025

Melvin Malone
Butler Snow LLP
Neuhoff Building
1320 Adams Street, Suite 1400
Nashville, TN 37208
Phone: (615) 651-6700
Melvin.Malone@butlersnow.com

Electronically Filed in TPUC Docket
Room on October 3, 2025 at 3:24 p.m.

Re: *Application of Two Rivers Utility, LLC for a Certificate of Public Convenience and Necessity*, TPUC Docket No. 25-00073

Mr. Malone:

The Consumer Advocate has reviewed the *Petition* filed by Two Rivers Utility, LLC (“Two Rivers”) in the above-referenced Docket.

The Consumer Advocate appreciates the time and effort that the Applicant put into compiling the *Petition*, as well as the Applicants’ attention to the Commission’s minimum filing requirements. However, the Consumer Advocate could not locate, and thus seeks clarification on, the items set forth below, relating to compliance with TPUC Rule 1220-04-01-.13. Please note that this is not a discovery request by the Consumer Advocate, but a review of Two Rivers’ compliance with TPUC’s minimum filing requirements.

The Consumer Advocate would like to thank the Applicant in advance for their attention to the Consumer Advocate’s requests. If you have questions regarding this request, please contact me at (615) 741-2370.

Respectfully,

A handwritten signature in blue ink that reads "Karen H. Stachowski".

Karen H. Stachowski
Deputy Attorney General

cc: Craig Chrestman, Two Rivers Utility, LLC
Joey Wimberley, Two Rivers Utility, LLC

Rule 1220-04-13-.17(2)(a) General Information

1. **Rule 1220-04-13-.17(2)(a)4.** If applicant has affiliated companies, provide a corporate organization chart showing all affiliate relationships. Describe in detail any transactions, direct or indirect, that occur or are expected to occur between affiliated entities. Appendix A provides details stating that TruFlo and Two Rivers do not provide anything to each other, but the Company failed to file an organizational chart showing the Company and its affiliates. Instead, the Company filed two separate organizational charts. Please, file an organizational chart of the Company with its affiliates appropriately identified in one organizational chart.
2. **Rule 1220-04-13-.17(2)(a)9.** The estimated dates for the commencement and completion of the construction of the system and the estimated date the wastewater system will be placed into service. If the system will be constructed or placed into service in phases, provide the anticipated dates for each phase. After review, the Consumer Advocate was unable to find a date the wastewater system will be placed into service. Also, the dates listed in Appendix A differ from dates in Exhibit 8. Please provide clarification about the differing dates.

Rule 1220-04-13-.17(2)(b) Property Rights-Public Need

1. **Rule 1220-04-13-.17(2)(b)2.** As applicable, a copy of any application for a franchise and the franchise agreement issued by a city or county. After reviewing the Petition and Exhibits, the Consumer Advocate found a statement in Appendix A that this rule is not applicable. Please confirm that Fayette County does not have a requirement for a franchise agreement.

Rule 1220-04-13-.17(2)(c) Managerial Ability

1. **Rule 1220-04-13-.17(2)(c)4.** Proof that the party contracted to install the proposed system has a valid and current contractor's license by the applicable licensing board of the State of Tennessee. The licenses provided are for septic tank installation and not for the construction of decentralized systems at issue with SOPs. The Consumer Advocate could not find a state contractor's license, specifically. An example of such a license can be found in TPUC Docket No. 25-00053 (Petition, Exhibit 20). A copy of Exhibit 20 is found below:



Please file the appropriate state license in the Docket.

Rule 1220-04-13-.17(2)(e) Financial Capability

1. ***Rule 1220-04-13-.17(2)(e)5.*** The depreciation rates the applicant intends to use for each plant account that will be on the wastewater utility's books. Include the estimated useful life of each account. If no depreciation study has been performed, explain the basis for these rates. The Consumer Advocate could not locate this information in the Petition or Exhibits. Please file this information in the Docket.
2. ***Rule 1220-04-13-.17(2)(e)6.*** The total estimated detailed cost of construction of the wastewater system to be constructed for the proposed service area. If the wastewater system will be constructed in phases, provide detailed construction cost estimates for each phase. Indicate whether the developer or the applicant will pay for the construction of the system. The information provided was for a total amount but did not provide the estimate details that make the overall amount. Please file the details of the construction cost.
3. ***Rule 1220-04-13-.17(2)(e)9.*** Provide estimates of costs and customers added by month for the first five (5) years based upon the construction build-out schedule for developers in the service area of the proposed wastewater system. For each year, by month, provide an estimated number of customers by customer class anticipated to be served by the wastewater system. Include the utility's basis and assumptions used for this projection. Provide this information in a spreadsheet in Microsoft Excel format with all assumptions clearly documented. In the Petition, Appendix A, Footnote 1, the Company states that this Exhibit is not yet available and it will be filed separately. Do you have an estimate of when this Exhibit will be available? Please provide the estimated date.
4. ***Rule 1220-04-13-.17(2)(e)12.*** List all funding sources available to the applicant for the wastewater system proposed by the applicant. Appendix A states that this information is listed in Confidential Exhibit 21. The Consumer Advocate was not provided access to the confidential document.