

**IN THE TENNESSEE REGULATORY AUTHORITY
AT NASHVILLE, TENNESSEE**

IN RE:)
)
PETITION OF TENNESSEE)
WASTEWATER SYSTEMS, INC. TO) **DOCKET NO. 15-00025**
AMEND ITS CERTIFICATE OF)
CONVENIENCE AND NECESSITY)
)

**REQUEST OF THE CONSUMER ADVOCATE AND PROTECTION DIVISION
OF THE ATTORNEY GENERAL'S OFFICE
FOR INTERROGATORIES AND PRODUCTION OF DOCUMENTS**

To: Tennessee Wastewater Systems, Inc.
c/o Henry Walker
Bradley Arant Boult Cummings, LLP
1600 Division Street, Suite 700
Nashville, TN 37203

This Discovery Request is hereby served upon Tennessee Wastewater Systems, Inc., ("TWSI" or "Company"), pursuant to Rules 26, 33, 34 and 36 of the Tennessee Rules of Civil Procedure and Tenn. Comp. R. & Reg. 1220-1-2-.11. We request 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 and Protection Division, 425 Fifth Avenue North, Nashville, Tennessee 37243, c/o Erin Merrick, on or before 4:00 p.m. (CDT), June 9, 2015.

PRELIMINARY MATTERS AND DEFINITIONS

These discovery requests are to be considered continuing in nature, and are to be supplemented from time to time as information is received by TWSI which would make a prior response inaccurate, incomplete, or incorrect.

The terms “you” and “your” as used herein mean TWSI and all employees, agents, and representatives thereof.

The term “person” as used herein refers to any natural person, corporation, firm, company, sole proprietorship, partnership, business, unincorporated association, or other entity of any sort whatsoever.

The term “communication” means any transmission of information by oral, graphic, pictorial or otherwise perceptible means, including but not limited to personal conversations, telephone conversations, letters, memoranda, telegrams, electronic mail, newsletters, recorded or handwritten messages, or otherwise.

The term “document” as used herein shall have the broadest possible meaning under applicable law. “Document” as used herein means 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), workpaper, 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, please state what disposition was made of the document and when it was made. If you produce documents in

response to these discovery requests, produce the original of each document or, in the alternative, produce a copy of each document and identify the location of the original document. If the “original” document is itself a copy, that copy should be produced as the original.

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

If any of the interrogatories are not answered on the basis of privilege or immunity, include in your response to each such interrogatory a written statement evidencing:

- (a) the nature of the communication;
- (b) the date of the communication;
- (c) the identity of the persons present at such communication; and
- (d) a brief description of the communication sufficient to allow the Authority to rule on a motion to compel.

If, for any reason, you are unable to answer a discovery request fully, submit as much information as is available and explain why your answer is incomplete. If precise information cannot be supplied, submit (1) your best estimate, so identified, and your basis for the estimate, and (2) such information available to you as comes closest to providing the information requested. If you have reason to believe that other sources of more complete and accurate information exist, identify those sources.

If any information requested is not furnished as requested, state where and how the information may be obtained or extracted, the person or persons having knowledge of the procedure and the person or persons instructing that the information be excluded.

FIRST DISCOVERY REQUESTS

1. In light of the Tennessee Regulatory Authority's ("TRA") concerns regarding the further expansion of your certificate of public convenience and necessity ("CCN") as expressed in its *Order Approving Petition to Amend Certificate of Public Convenience And Necessity* in Docket 14-00006 at pages 5-6, quoted below, please set forth the steps you have taken (including the dates of each step), the monetary amounts expended, and the status of the repairs at the Maple Green facility and the Cedar Hill facility:

Further, while TWSI appears qualified to provide service at The Scales Project, in light of the [Tennessee Department of Environmental Conservation ("TDEC")] enforcement actions instituted against TWSI as a result of deficient conditions, maintenance problems, and major repairs required at its Maple Green and Cedar Hill wastewater facilities located in Robertson County, Tennessee, the panel noted its concern in further expanding TWSI's CCN at this time.

RESPONSE:

2. Please provide the monthly reports detailing repairs and improvements at the Maple Green and Cedar Hill facilities that the TRA requires per the *Order Approving Petition to Amend Certificate of Public Convenience And Necessity* in Docket 14-00006 at page 6:

In addition, the panel further found it appropriate that TWSI file detailed monthly reports that describe and explain all repairs and improvements made at its Maple Green and Cedar Hill wastewater facilities, the monetary amounts expended, and the manner in which those repairs are to be funded.

RESPONSE:

3. The *Order Approving Petition to Amend Certificate of Public Convenience And Necessity* in 14-00006 at page 6 requires that "in the event other compliance issues arise concerning these or any other TWSI facilities, the panel further determined that the Utility should

timely notify the Authority and provide similar information concerning all repairs and improvements to those facilities.” Have you communicated to the TRA regarding any compliance issues at any of your TWSI facilities, including but not limited to the Notice of Violation from TDEC dated February 19, 2015, regarding your River Road Wastewater Treatment Lagoon (“River Road Lagoon”)? If yes, please provide evidence of that communication(s), identify the date you learned of the compliance issue(s) and whom you notified.

RESPONSE:

4. The February 19, 2015, Notice of Violation identified “several items which need corrective action” that have persisted since TDEC’s June 25, 2008, Compliance Evaluation Inspection of the River Road Lagoon, specifically:

- The overgrowth of trees and other woody vegetation
- Chlorine contact tank located outside the fence enclosing the lagoon
- A flow monitoring device has not been specified nor installed
- Submittal of [monthly operations reports] on a quarterly basis instead of monthly
- This (wastewater treatment system) project must be completed to allow for proper operation when the lagoon does fill

Please explain all steps, dates and corrective action you have taken regarding these items.

RESPONSE:

5. Please explain why you have not included information regarding the compliance issues at the River Road Lagoon facility on your monthly statements to the TRA pursuant to the final order in 14-00006.

RESPONSE:

6. Please explain whether you have submitted to TDEC the corrective action plan requested in the February 19, 2015, Notice of Violation and what the specific corrective action plan is/was:

Please provide a written response within 30 days of receipt of this letter stating what actions have been or will be taken to correct the violations listed in this inspection letter. The corrective action plan (CAP) should include specific corrective measures and dates of completion or a scheduled completion date for each item.

If you have submitted the requested corrective action plan to TDEC, please provide documentation of that submission, the corrective action plan itself and the steps of the plan completed and the dates of completion.

RESPONSE:

7. In your *Petition* in TRA Docket 14-00006, you state regarding the Scales Project that “[n]o contracts have been signed at this point.” Have any contracts been signed since the filing of your *Petition*, and if so, please provide such contracts.

RESPONSE:

8. Please explain whether an engineering study has been performed at The Enclave at Dove Lake, and if so, whether the study identified any potential problems with sinkholes or other concerns. If not, please explain whether you are aware of any potential problems with sinkholes or other concerns at The Enclave at Dove Lake from any other source(s). Include the identification of any sources.

RESPONSE:

9. Please explain whether the proposed wastewater treatment system at The Enclave at Dove Lake is similar to the wastewater treatment system of any other TWSI project(s). If so, identify to which ones it is similar and identify any differences.

RESPONSE:

10. Please explain whether you have any projections regarding the cost of future repairs and/or remediation of any of your systems, and if so, state those projections and the source of those projections.

- (a) Please explain what plans you have in place, if any, to execute future repairs and/or remediation.
- (b) Please identify how much cash you currently have on hand, if any, to pay for future repairs and/or remediation.

RESPONSE:

11. Please state whether you have informed the developer of The Enclave at Dove Lake and/or potential customer(s) and/or any other persons that their wastewater rates may be affected by repairs and/or remediation for other sites you manage. If you have so informed them, please provided any such communications or documents evidencing that they have been so informed.

RESPONSE:

RESPECTFULLY SUBMITTED,



ERIN MERRICK (BPR# 033883)
Assistant Attorney General
Office of the Attorney General
Consumer Advocate and Protection Division
P.O. Box 20207
Nashville, Tennessee 37202-0207
(615) 741-8722
(615) 741-1026 FAX

Dated: May 26, 2015.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via U.S. Mail or electronic mail upon:

Henry Walker
Bradley Arant Boult Cummings, LLP
1600 Division Street, Suite 700
Nashville, TN 37203
hwalker@bab.com

This the 20th day of May, 2015.



ERIN MERRICK