

Wade Murphy - Re: SOP for Stonebridge-Jefferson County

From: Wade Murphy
To: Bradley, Monya; Harris, Brad; Janjic, Vojin; Mann, Jason; Odette, Robert; Smith, Woody; West, John
Date: 7/14/2010 8:42 AM
Subject: Re: SOP for Stonebridge-Jefferson County
CC: Qualls, Saya
Attachments: MOU WPC TRA.pdf

Thanks Bob for the heads up on this issue. I certainly hate to hear that the TRA gave someone a CCN prematurely. I'd like to hear more about that at some point to see if there's anything we can learn from that.

I have attached the memorandum of understand that WPC worked out with the TRA several years ago. It's not law of course but basically says our agencies will keep each other informed whenever we're dealing with a TRA regulated facility. What you're doing is consistent with that understanding, and I appreciate it.

Withholding of an SOP number is my specific interest. Tag teaming by WPC and TRA may necessitate assigning an SOP number at some point even if all we use that number for is to track formal deny of a permit giving the TRA and others formal opportunity to comment on that action (either is support or opposition). Our government for the people by the people requires "persons" who intend to operate a sewerage system to apply for a permit (T.C.A. 69-3-108(c)) and that permit denials be public noticed with the opportunity for appeal by the applicant and interested parties (Rule 1200-4-5-.06).

I'll be on the lookout for phone calls or paperwork related to Stonebridge.

Wade

>>> Robert Odette 7/13/2010 8:09 AM >>>
Good Morning all:

I'm requesting that WPC not provide a SOP number for the proposed project at Stonebridge in Jefferson County until I can get more information and an opinion from Alan Leiserson.

The situation is that Tom Carter with Jefferson County (a contract county for GWP) has once again signed a plat that has allowed all of the lots in the Stonebridge development to be sold and there are currently several homes, either built or under construction. Carter's signature guaranteed that sewer service would be provided, yet neither he or the county have one modicum of ability to provide such service. As you know, a signature and guarantee of sewer service is necessary before the county will record deeds and allow lots to be sold and construction to take place.

If you will remember another project in Jefferson County that started out as a Mike Hines/TWSI project called Parrott's Bay, which later became The Peninsula involved the same process and same people (Tom Carter and Dart Kendall--AquaGreen). By making guarantees that can not be fulfilled places the person buying a lot and building a home in great jeopardy. Protection of the residential customer is the main reason we will not issue SOPs to homeowners associations or private individuals--the entity must be a municipality, public utility or a private utility regulated by the TRA.

In the case of the Peninsula, the TRA issued a certificate of convenience and necessity (CCN) to Dart Kendall with AquaGreen--in my opinion this action by TRA was premature. I talked with Patsy Fulton with the TRA at length about the situation and at the time Patsy indicated that she understood the situation and would make sure nothing like this happened again.

When the Stonebridge situation came to light, I have once again talked to Patsy Fulton who is working with Dart Kendall to get a CCN for Stonebridge. As I understand the TRA process, they require a letter from the County saying that the county does not intend to provide sewer service. In the case of the Peninsula a letter was provided by the County Mayor in direct conflict with what Tom Carter had signed on the plat. So far, TRA does not have a complete package from Dart Kendall/AquaGreen.

I just talked to Patsy again this morning and she will let me know if the package comes in from Dart with a letter from the County Mayor. I will obtain a copy of the plat that Carter signed and then have a discussion with Alan L.

Therefore, for the time being please do not provide anyone a SOP number for Stonebridge. The only SOP they have is a pump and haul which Woody provided background on several days ago. Patsy said that TRA would not issue a CCN without a SOP number from WPC.

Thanks for your help and cooperation.

Bob O'