



AGENDA
Utility Management Review Board

October 6, 2016
10:00 am
Room 31, Legislative Plaza
301 Sixth Avenue North
(6th Avenue between Charlotte Avenue and Union Street)
Nashville, Tennessee

Call to Order

Approval of minutes		June 2, 2016	Pg. 2
Status – Financial Distress	Witt UD	Hamblen/Jefferson Counties	Pg. 5
Status – Investigation	Lone Oak UD Iron City UD	Sequatchie County Lawrence/Wayne Counties	Pg. 10 Pg. 13
Status – Water Loss	Saltillo UD	Hardin County	Pg. 16
Petition:	West Stewart UD	Stewart County	Pg. 21
Customer Complaint	Stroop v. Winchester Center Grove UD Hodgeson v. Minor Hill UD Hood v. Ocoee UD Russell v. First UD Hardin Colp v. East Sevier County UD Caldwell v. Southside UD Harris v. South Blount UD		Pg. 28 Pg. 35 Pg. 71 Pg. 72 Pg. 103 Pg. 133 Pg. 179
Miscellaneous:	Complaint Statistics Training Approvals Next UMRB regular meeting Open Discussion		Pg. 220 Pg. 221 Pg. 228

Visitors to the Legislative Plaza are required to pass through a metal detector and must present photo identification. Individuals with disabilities who wish to participate in this meeting or to review filings should contact the Office of Administration, Comptroller of the Treasury, to discuss any auxiliary aids or services need to facilitate such participation. Such contact may be in person or by writing, telephone or other means, and should be made prior to the scheduled meeting date to allow time to provide such aid or service. Contact the Office of the Comptroller (John Greer) for further information.

505 Deaderick Street, Suite 1700
James K. Polk State Office Building
Nashville, TN 37243-1402
Telephone (615) 747-5260
Fax (615) 741-1551
utilities@cot.tn.gov

UMRB Minutes

June 2nd, 2016

**MINUTES
of the
UTILITY MANAGEMENT REVIEW BOARD MEETING
June 2, 2016
10:00 am**

Chair Ann Butterworth detected a quorum and called to order the meeting of the Utility Management Review Board (UMRB) in the Committee Hearing Room 31 in the Legislative Plaza.

Board members present and constituting a quorum:

Ann Butterworth, Chair, Comptroller Designee
Tom Moss, Vice-Chair, Department of Environment and Conservation (TDEC) Commissioner Designee
Kevin Botts, Consumer Representative
Bruce Giles, First Utility District of Knox County Manager
Jim Hunter, West Wilson Utility District Commissioner
Tim Pelham, West Warren Viola Utility District Manager

Members Absent:

Jason West, Second South Cheatham Utility District Commissioner
Pat Riley, Gibson County Utility District Manager
Rebecca Hunter, Hixson Utility District Commissioner

Staff Present:

John Greer, Comptroller's Office
Collier Roberts, Comptroller's Office

Counsel Present:

Betsy Knotts, Comptroller's Office

Approval of Minutes

Tim Pelham moved to approve the minutes of April 7th, and May 5th, 2016, as written. Mr. Moss seconded the motion, which passed unanimously.

Status Update – Financial Distress

Witt Utility District

Motion was made by Kevin Botts to amend the current order and request that Betsy Knotts draft letter acknowledging findings and the allowance of 90 days to remedy the situation (six months with a rate study, 3 months without a rate study). Mr. Moss seconded the motion, which passed unanimously.

Status Update – Investigation

Clay County Gas Utility District

Mr. Giles moved to defer action until the October Board meeting. Mr. Pelham seconded the motion which passed unanimously.

Iron City Utility District

Mr. Giles moved that Comptroller staff draft an order to send to Iron City Utility District and St. Joseph that requires their presence in Nashville for merger discussion. Mr. Pelham seconded the motion, which passed unanimously.

Lone Oak Utility District

Mr. Moss moved to defer action on Lone Oak UD until the October meeting. Mr. Pelham seconded the motion, which passed unanimously.

Bedford County Utility District

No action was taken.

Cookeville Boat Dock Road Utility District

Mr. Greer explained that the two remaining commissioners of the District had resigned effective May 31, 2016.

Contested Case – Hearing

Cookeville Boat Dock Road Utility District

Greg Cothron, from the Comptroller’s Office of General Counsel (Prosecuting Attorney), gave an update on the Cookeville Boat Dock Road case. Mr. Giles moved to delegate authority on behalf of the board to Mr. Cothron to file a motion to dismiss the case when the time is appropriate.

Customer Compliant

Hood V Ocoee

Motion was made by Tom Pelham to defer action --- seconded, passed.

Miscellaneous

Mr. Greer announced the next **regularly scheduled UMRB meeting** would be on August 4th, 2016, at 10:00am, in room 31 of Legislative Plaza.

Ann Butterworth
Chair

Status Update

Financial Distress



STATE OF TENNESSEE
Utility Management Review Board
James K. Polk State Office Building
505 Deaderick Street, Suite 1700
Nashville, Tennessee 37243-1402
Phone (615) 401-7879 Fax (615) 741-1551

June 13, 2016

Honorable Bill Brittain
Hamblen County Mayor
511 W. 2nd North Street
Morristown, TN 37814

Commissioners and Manager
Witt Utility District
P.O. Box 486
Morristown, TN 37815

Dear Sirs:

Enclosed is the official order for the Witt Utility District from the UMRB. If you have any questions, please feel free to email me at betsy.knotts@cot.tn.gov or call (615) 401-7954.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Betsy Knotts".

Betsy Knotts
Counsel to the UMRB



BEFORE THE TENNESSEE UTILITY MANAGEMENT REVIEW BOARD

IN THE MATTER OF:

**T.C.A. § 7-82-401(g)—FINANCIAL DISTRESS
WITT UTILITY DISTRICT**

SECOND AMENDED ORDER

Pursuant to T.C.A. § 7-82-401(g), the Tennessee Utility Management Review Board (the "UMRB") reviewed on December 3, 2015, April 7, 2016, and June 2, 2016 the financially distressed status of Witt Utility District (the "District"). Based on the District's financial deficiencies as well as the lack of commissioner training for the most recent six (6) year period¹ for both Commissioner Shaver and Commissioner Hall, the UMRB directs the District to comply with the following requirements:

1. Commissioner Shaver and Commissioner Hall shall immediately cease from receiving any commissioner compensation;
2. The District has ninety (90) days from the date of receipt of this Second Amended Order to remedy the constitution of its board of commissioners by replacing Commissioner Shaver and Commissioner Hall with newly appointed commissioners who shall receive the minimum training as soon as possible but no later than twelve (12) months after initial appointment;
3. The District shall notify and receive written acknowledgement of understanding from the County Mayor of the penalty for not filing the annual written training

¹ The legislative history reflects a clear intent for utility district commissioners to complete the minimum twelve (12) hours of training every three (3) years; the lack of minimum training for six (6) consecutive years makes Commissioner Shaver and Commissioner Hall ineligible to serve.

statement. Please see the italicized language below in Tenn. Code Ann. § 7-82-308(f)(3);² and

4. The District shall provide the UMRB with a written update on any decision to raise rates no later than:
 - a. three (3) months from the date of receipt of this Second Amended Order if no rate study is pursued, or
 - b. six (6) months from the date of receipt of this Second Amended Order if a rate study is pursued.

Entered this ^{2nd} day of June, 2016.



Ann V. Butterworth, Chair
Utility Management Review Board

² T.C.A. § 7-82-308(f)(3), [e]ach utility district commissioner shall certify by January 31 of each year the training and continuing education courses attended during the prior calendar year by filing an annual written statement with the utility district on a form developed by the comptroller. Each annual statement shall identify the date of each course attended, its subject matter, location, sponsor, and the hours attended for each course and shall include a certificate of attendance for each course listed on the annual statement. Each utility district commissioner shall be responsible for obtaining a certificate of attendance certifying that the utility district commissioner attended the course, on a form acceptable to the comptroller. *The failure to file the annual statement shall cause a commissioner to be ineligible to receive any further payment or benefit as provided in subsection (a) until the annual written statement is filed. Each utility district shall keep for six (6) years after the calendar year in which each annual statement is filed a copy of the annual statements of attendance filed by members of the board of commissioners of the utility district.*

Status Update

Investigations



BEFORE THE TENNESSEE UTILITY MANAGEMENT REVIEW BOARD

IN THE MATTER OF:

**T.C.A. § 7-82-709 INVESTIGATION OF
LONE OAK UTILITY DISTRICT**

ORDER

Pursuant to T.C.A. § 7-82-709(a), the Tennessee Utility Management Review Board (the "UMRB") reviewed this matter on August 6, 2015, upon conclusion of an investigation of the financial, technical, and managerial capacity of the Lone Oak Utility District (the "District") system. As noted in the attached report from counsel to the UMRB, the District's system deficiencies as of July 22, 2015 were the following:

- District records are grossly incomplete;
- District remains in financial distress;
- District's rates are being set by the Tennessee Regulatory Authority; and
- District's financial relationship with Tennessee-American Water Company ("TAWC") needs formal clarification.

Based on these deficiencies, the UMRB directs the District to comply with the following corrective action plan:

1. District to clarify financial relationship with TAWC either by properly terminating or amending the Operations and Maintenance Agreement between the District and TAWC (the "Agreement") in a timely manner to allow the District to set sufficient rates to eliminate its financial distress status;
2. District to notify the Tennessee Regulatory Authority of the District's inability to

set its own rates pursuant to state law; and

3. If District terminates the Agreement, District (or on its failure to do so, the UMRB) to initiate consolidation negotiations with a neighboring utility district (such as Walden's Ridge Utility District) pursuant to T.C.A. § 7-82-704(a).

Entered this 6th day of August, 2015.


Ann V. Butterworth, Chair
Utility Management Review Board

From: [Don Scholes](#)
To: [John Greer](#); [Betsy Knotts](#)
Subject: Lone Oak UD - Update
Date: Tuesday, May 31, 2016 2:14:45 PM

John and Betsy,

I wanted to give you an update on LOUD. I believe that WRUD has agreed to go ahead and pay the \$60,000 odd amount to LOUD so it would not need to borrow funds to finalize its settlement with TAWC. That is good news. I have suggested to Ron West that this payment be made in connection with the execution of a merger agreement between the parties as a term of the merger agreement. This way it is clear that the payment to LOUD to pay off the TAWC claim is being done in exchange for the commitment of LOUD to merge with WRUD. The agreement will set forth a time frame within which the merger petition will be filed to consummate the merger.

My goal is to try and get a merger agreement prepared for approval by the LOUD Board in its June meeting and by the WRUD Board at its meeting on June 27th. After the agreement is signed, WRUD will pay LOUD the amount needed to settle with TAWC. TAWC can then be paid off and then be out of the picture.

I wanted to go ahead and share this with you before the UMRB meeting on Thursday. I hope all goes as planned.

Don

Donald L. Scholes
Branstetter, Stranch & Jennings, PLLC
The Freedom Center
223 Rosa L. Parks Avenue, Suite 200
Nashville, TN 37203
615-254-8801
615-250-3937 (fax)
dscholes@bsjfirm.com

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STATE OF TENNESSEE
Utility Management Review Board
James K. Polk State Office Building
505 Deaderick Street, Suite 1700
Nashville, Tennessee 37243-1402
Phone (615) 401-7879 Fax (615) 741-1551

June 13, 2016

Board of Commissioners
Iron City Utility District
P.O. Box 86
Iron City, TN 38463

City of St. Joseph
409 North Main Street
P.O. Box 37
St. Joseph, TN 38481

Dear Mayor and Commissioners,

At the Utility Management Review Board (UMRB) meeting on June 2, 2016, the UMRB discussed the current status of the ongoing investigation¹ of Iron City Utility District (District) and made the following determinations:

1. The UMRB commended the District's recent decision not to pay commissioners a per diem, which is currently saving the District \$1,250 per month.
2. The UMRB noted that consolidation discussions between the city of St. Joseph (City) and the District have been unsuccessful. The UMRB reviewed financial and managerial highlights of both the District and the City and agreed that consolidation of the District with the City still appears to be the best option and in the public's best interest.

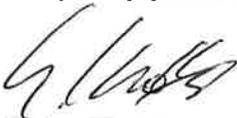
¹ Tenn. Code Ann. § 7-82-709(a), the utility management review board shall have the authority, in the case of public water systems of utility districts, to investigate, with the assistance of the department of environment and conservation and the comptroller of the treasury, and determine the financial, technical, and managerial capacity of the systems to comply with the requirements of the federal and the state acts; and to require systems to take appropriate action to correct any deficiencies in such areas, including, but not limited to, changes in ownership, management, accounting, rates, maintenance, consolidation, alternative water supply, or other procedures. The utility management review board also may approve or disapprove such corrections as a condition for any public water system of a utility district to receive assistance from the authority under § 68-221-1206(a)(3).

Pursuant to Tenn. Code Ann. § 7-82-704², the UMRB hereby initiates consolidation negotiations between the City and the District. On behalf of the UMRB, I will be drafting a consolidation agreement for the parties to negotiate at either the October 6, 2016 or December 1, 2016 UMRB meeting which will be held in Room 31, Legislative Plaza, 301 Sixth Avenue North (6th Avenue between Charlotte Avenue and Union Street), Nashville, Tennessee at 10:00 am. The UMRB will be hiring an administrative law judge (ALJ) to mediate the negotiation. Once I am able to retain the services of an ALJ mediator, I will send a follow-up letter with a firm meeting date.

Please note that the City and District may continue to informally negotiate a consolidation outside of the oversight of the UMRB. If a successful agreement is reached between the parties prior to either the October 6, 2016 or December 1, 2016 UMRB meetings, then the formal mediation will not be required. In addition, please review the italicized language below and note that if either party refuses or fails to enter into good faith negotiations, the UMRB shall petition chancery court to require the parties to enter into good faith negotiations.

If you have any questions, please feel free to email me at betsy.knotts@cot.tn.gov or call (615) 401-7954.

Very truly yours,



Betsy Knotts
Counsel to the UMRB

²Tenn. Code Ann. § 7-82-704 (a)(1), [w]hen a utility district is financially distressed or is financially unable to expand the amount or type of service or services as set forth and described in its petition for creation pursuant to § 7-82-201, the utility management review board may consider the consolidation of the utility district with another utility district or districts, municipal utility system or county utility system to restore financial stability and to ensure continued operations for the benefit of the public being served by the utility district. The utility management review board may initiate and participate in negotiations among the utility district, any other utility district, municipal utility system or county utility system with whom the utility district may consolidate and any other affected parties concerning a consolidation. In the event the utility management review board determines that such a consolidation is in the best interest of the public being served by the utility district and the utility management review board is able to negotiate an agreement among all affected parties for the consolidation, the utility management review board shall enter an order approving the consolidation agreement and shall require the utility district to enter into the consolidation agreement. *If the utility management review board determines that the utility district, any other utility district, municipal utility system or county utility system with whom the utility district may consolidate, or any other affected party, has refused or failed to enter into good faith negotiations on a consolidation, then the utility management review board shall petition the chancery court in a jurisdiction in which the utility district is operating to require the party or parties to engage in good faith negotiations concerning a consolidation.*

Status Update

Water Loss



STATE OF TENNESSEE
Utility Management Review Board
505 Deaderick Street, Suite 1700
James K. Polk State Office Building
Nashville, Tennessee 37243-1402
Phone (615) 401-7879 Fax (615) 741-1551

April 11, 2016

Mr. Brandon Harrington, Manager
Saltillo Utility District
P.O. Box 36
Saltillo, TN 38370

Dear Mr. Harrington:

The Utility Management Review Board met on April 7, 2016, in part, to discuss the low validity score of the District. At the meeting the Board voted to:

- **Require the District to fill out the enclosed questionnaire and;**
- **Require the District to work with TAUD to correct any errors on the AWWA Reporting Worksheet**

The completed questionnaire and updated AWWA Reporting Worksheet are required to be in our office no later than **July 15, 2016**. This information will be discussed at the August 4, 2016, UMRB meeting.

If you need further assistance or have any questions, please feel free to contact me at (615) 401-7879 or John.Greer@cot.tn.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Greer".

John Greer
Utilities Board Specialist

Initial Check list for Addressing Water Loss

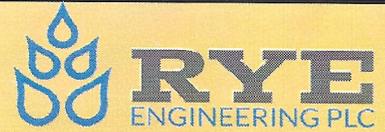
1. Are you billing for all general government water use? Examples: City Hall, Parks, Community Centers, etc.
 - a. There are no district owned buildings except the water treatment plant. Usage at the treatment plant is minimal basically water used for testing. All other customers are billed.
2. Are you accounting for the water used by the water and/or sewer department?
 - a. There is no sewer department and water plant usage, while not metered, is only five gallons or less per day for testing purposes. There are no restrooms or other usage at the water plant.
3. Do you periodically check or inspect all 2" and larger meters?
 - a. There are no 2" or larger meters in the distribution system. The largest meter in the system is 1".
4. Do you have a recalibration policy and procedure in place?
 - a. We had our master meter tested for accuracy in December 2015. We replaced the meter and plan to have it tested every year.
5. Do you have a meter replacement policy? Is the trigger based on age (length of time in service) or on gallons?
 - a. We change out meters with high usage or older meters. We will also replace meters if the customer's usage begins to fall off indicating a slow meter.
6. Do you have a process to inspect for unauthorized consumption? What are the consequences if unauthorized consumption is discovered?
 - a. System personnel watch for unauthorized usage. Meters at vacant houses are checked during meter reading to make sure water isn't turned on. If unauthorized usage is discovered, it is stopped and the board is notified. The board then makes the decision to charge for the water or penalize the person stealing water.
7. Do you have a leak detection program currently in place?
 - a. We are continuously looking for leaks while in the system. We also monitor plant pumpage daily and can tell if there is a significant leak.
8. Do you have written policies, including a policy for billing adjustments? Are the written policies followed correctly by all levels of staff?
 - a. We have written bill adjustment and other policies. These policies are followed by staff. There is only one full-time and one part-time staff members.
9. Do you have authorized non-customer users (volunteer fire departments, etc)? Do you account for the use? Do you have a method for the user to report water usage?

- a. We have three volunteer fire departments in our service area. All are to report any usage to the district.
10. Is your system “zoned” to isolate water loss?
- a. We do not have different pressure zones. However, we have valves that can be used to isolate portions of the system for leak detection or repairs.
11. Do you search for leaks at night when there is little traffic or small household usage?
- a. We do not own any sonic leak detection equipment. Leaks are found by visual inspection of the system or by valving off different areas of the system. If it is needed we will search for leaks at night when usage is lowest by valving off certain areas.
12. Do you or can you control pressure surges?
- a. We do not have any means of controlling surges. Surges have not been a problem in the past.
13. Do you have or have access to leak detection equipment?
- a. We do not own leak detection equipment. If it is needed we will hire a leak detection company to search for leaks that can’t be found otherwise.
14. What is your policy for notifying customers they have a leak?
- a. Customers with leaks are typically notified in person or by telephone.
15. Do you have a public relations program to encourage citizens to report leaks?
- a. We do not have a program in place, however customers are encouraged to report any leaks they see to the district.
16. Do you have a policy to prosecute water theft or meter tampering/damage?
- a. We do not have a policy at this time. The board considers each case individually.
17. What is the monetary value of the lost water?
- a. According to the AWWA water audit software the cost for apparent and real losses is \$5131.00.
18. Is the cost to repair the leak justified based on the amount of water being lost?
- a. All leaks are repaired after they are found and other utilities are located.

Our master was tested for accuracy in December, 2015 by Rye Engineering. It was tested using an ultrasonic test meter. Accuracy was measured at 112.12%, however it was noted that the master meter closely matched the raw meters and the tester felt that scale build-up may have affected the accuracy of the test. Since the master meter has high usage, it was recommended that it be replaced. The meter was replaced in February 2016 and will be recalibrated annually.

City/Utility:

Saltillo Public Utility District



WATER METER TESTING FIELD REPORT

GENERAL INFORMATION		SUBJECT METER		TEST INFORMATION	
Date:	12/9/2015	Meter Name:	Finished Water	Type of Test:	
Start Time:	0:00	Make:	Badger	Quality Control Test:	Comparison
Stop Time:	0:29:06	Size:	4"	Quality Control Meter:	G.E. Sensing Ultrasonic Meter
Personnel:	WR	Type:	Turbine	Notes: No clearwell drawdown attempted.	
Location:	WTP	Model No.:	Recordall II		
CLEARWELL INFORMATION		Sketch Area			
RECTANGULAR	DECIMAL FT				
Clearwell Length:					
Clearwell Width:					
Total Baffle Wall Length:					
Baffle Wall Thickness:					
Support Column Width:					
Support Column Length:					
Number of Columns:					
CIRCULAR	DECIMAL FT				
Diameter					
Volume per Depth (GAL/IN):					
TEST DATA & CALCULATIONS					
METERS	BEFORE (GAL)	AFTER (GAL)	TOTAL (GAL)	SUBJECT METER ACCURACY	USE FOR REPORTING
SUBJECT	85,349,300	85,352,982	3,682	112.12 %	<input checked="" type="checkbox"/>
QUALITY CONTROL	0	3,284	3,284		
CLEARWELL	BEFORE (IN)	AFTER (IN)	TOTAL (GAL)	%	<input type="checkbox"/>
CW DRAWDOWN					
NOTES:	<p>1) It was not possible to get accurate measurements to perform clearwell drawdown due to the clearwell tank being an elevated water tank.</p> <p>2) The pipe upstream of the meter may have scale build-up causing inaccuracies with the ultrasonic test meter. The plant meter appears to match the well pump rates but has rolled over at least one time according to the plant manager.</p> <p>3) Recommend meter replacement, to include a test port. Consider solid state meter such as Badger E-series, Elster EVO Q4 or equal.</p>				
COMPLETED BY: Wade H. Rudolph					

Petition

BRANSTETTER, STRANCH & JENNINGS, PLLC

THE FREEDOM CENTER
223 ROSA L. PARKS AVENUE
SUITE 200
NASHVILLE, TENNESSEE 37203
TELEPHONE (615) 254-8801
FACSIMILE (615) 255-5419

CECIL D. BRANSTETTER, SR., 1920-2014
KARLA M. CAMPBELL
BEN GASTEL*
R. JAN JENNINGS*
JOE P. LENISKI, JR.
DONALD L. SCHOLLES
MIKE STEWART
JAMES G. STRANCH, III
J. GERARD STRANCH, IV
MICHAEL J. WALL

ASSOCIATES:
GABRIEL G. GALLETTI ***
SEAMUS T. KELLY
ANTHONY A. ORLANDI****
K. GRACE STRANCH

OF COUNSEL:
ROBERT E. RICHARDSON, JR. **

June 27, 2016

* ALSO ADMITTED IN GA
** ONLY ADMITTED IN OH
*** ALSO ADMITTED IN NY
**** ALSO ADMITTED IN MA

John Greer, Utilities Board Analyst
Utility Management Review Board
Comptroller of the Treasury
505 Deaderick Street, Suite 1500
Nashville, TN 37243-1402

Re: Supplemental Petition of West Stewart Utility District of Stewart County,
Tennessee, for Authority to Furnish Sewer and Sewer Disposal Services

Dear John:

Pursuant to T.C.A. § 7-82-302(e), I have enclosed for informational purposes a copy of the Supplemental Petition of West Stewart Utility District of Stewart County, Tennessee, for Authority to Furnish Sewer and Sewer Disposal Services. I expect the public hearing to be held on July 28, 2016.

Sincerely yours,



DONALD L. SCHOLLES

Enclosure

BEFORE THE COUNTY MAYOR OF STEWART COUNTY, TENNESSEE

In re:)
)
SUPPLEMENTAL PETITION OF)
WEST STEWART UTILITY)
DISTRICT OF STEWART COUNTY,)
TENNESSEE, FOR AUTHORITY TO)
FURNISH SEWER AND SEWER)
DISPOSAL SERVICES)

SUPPLEMENTAL PETITION

Comes now the Petitioner West Stewart Utility District of Stewart County, Tennessee, and files this Supplemental Petition pursuant to T.C.A. § 7-82-302(e) to authorize West Stewart Utility District of Stewart County, Tennessee to furnish sewer and sewage disposal services. In support of this Petition, the Petitioner submits and states as follows:

1. West Stewart Utility District of Stewart County, Tennessee (the District) is a utility district created under the Utility District Act of 1937 as amended, T.C.A. §§ 7-82-101 *et seq.* The District provides water service to approximately 212 customers in Stewart County.
2. The District provides water service in Stewart County pursuant to an order of the Stewart County Mayor dated June 10, 2013. In filing this Supplemental Petition, the District seeks authority to provide sewer and sewer disposal services within its service area. A description of the District's current boundaries is attached as Exhibit 1.
3. A need exists for sewer service within the District's service area. The area in which the District seeks to provide sewer and sewage disposal services has no public means of

collecting, treating, and disposing of sanitary sewage, and wastewater is treated and disposed of by individual septic tanks.

4. The District has received requests and anticipates receiving future requests from developers inquiring about the District's ability to provide sewer service as well as water service to potential developments in the District's service area. In these instances the plans for the developments involved the provision of sewer service by decentralized wastewater treatment and collection systems.

5. Initially, the District expects to provide sewer service within its service area by the use of decentralized wastewater treatment and collection systems.

6. All costs for the installation of these decentralized wastewater treatment and collection systems will be borne by the developer of each new development. These costs will include, but will not be limited to, construction costs, engineering fees, review fees and legal expenses incurred by the District for each new development. Upon the completion and the acceptance of a decentralized system, the developer will dedicate the system to the District at no cost. The developer will be required to pay the operation, maintenance and repair expenses of the system, including depreciation, for the first year after the acceptance of the system. The developer will be required pay the District for any annual operating loss attributable to the operation of the developer's decentralized system until the system is self-supporting or as directed by the Board. Therefore, the District will not be required to initially finance any capital improvements to provide sewer service.

7. The proposed rate schedule for sewer service is as follows:

Monthly sewer rate: \$50.00 for the first 3,000 gallons (based upon water usage)
\$15.00 per 1,000 gallons over 3,000 gallons

Tap fee: \$8,500.00 (up to three bedroom homes)
\$1,000.00 additional fee for each bedroom over three

8. A public sewer and sewer disposal system will permit more orderly growth within the District's service area and will reduce the potential for adverse effects on the environment of individual septic tanks.

9. Initially, the District should not experience any material increase in its operating costs in when it begins providing public sewer and sewage disposal system, except for increased depreciation expenses which will be paid for the developer until the development is self-supporting or as determined by the District. Any operating costs will be covered under the District's existing Operations, Maintenance and Engineering Services Agreement. Monthly sewer rates will be set to cover the depreciation of sewer systems dedicated to the District and any maintenance expenses of the sewer system. Therefore, the District is financially able to operate a sewer system as described in this Supplemental Petition.

10. The District asserts that the grant of this Supplemental Petition is required by the public convenience and necessity, is economically feasible, and is in the public interest.

WHEREFORE, PREMISES CONSIDERED, PETITIONER PRAYS:

1. That upon the receipt of the Supplemental Petition, the Stewart County Mayor will schedule a hearing within thirty (30) days thereafter, and will provide notice of the hearing in a newspaper of general circulation in Stewart County as required by T.C.A. § 7-82-202. An appropriate form for the Notice of Public Hearing will be submitted to the Stewart County Mayor by the Petitioner.

2. That the Stewart County Mayor give notice of the filing of this Supplemental Petition and of the date of the hearing to the Mayors of all towns with populations of 5,000 or more within five (5) miles of the boundaries of the District and to the Mayors of all towns with

populations of less than 5,000 within three (3) miles of the boundaries of the District in accordance with T.C.A. § 7-82-202. Appropriate letters and the required certified mail forms relating thereto will be prepared for the convenience of the Stewart County Mayor by the Petitioner.

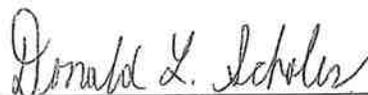
3. That the Stewart County Mayor give notice of the filing of this Supplemental Petition and of the date of the hearing to the managing officials of all water, sewage, or gas service facilities operated by a county, city, or utility district within three (3) miles of the boundaries of the District as provided by T.C.A. § 7-82-202. Appropriate letters and the required certified mail forms relating thereto will be prepared for the convenience of the Stewart County Mayor by the Petitioner.

4. That upon the hearing, the Stewart County Mayor will find that the granting of the Supplemental Petition is required by the public convenience and necessity, is economically sound and desirable, and is in the public interest and enter an Order authorizing the District to provide public sewer and sewage disposal service.

5. That the costs in this proceeding be taxed to the District.

Dated this 27th day of June, 2016.

Respectfully submitted,



Donald L. Scholes BPR #10102
BRANSTETTER, STRANCH & JENNINGS, PLLC
223 Rosa L. Parks Avenue, Suite 200
Nashville, Tennessee 37201
(615) 254-8801
dscholes@bsjfirm.com

*Attorney for the Petitioner, West Stewart Utility
District of Stewart County, Tennessee*

EXHIBIT 1

BOUNDARY DESCRIPTION

Beginning at the northwest corner of Stewart County on the US Highway 79 centerline and following along the centerline of US Highway 79 east to Tennessee Highway 232; thence following a line 500 feet east of and parallel to Tennessee Highway 232 south to the Stewart County line; thence following the Stewart County line west until you reach the southwest corner of Stewart County; thence following the Stewart County line north to the point of beginning.

Customer Complaints

Stroop
v.
Winchester Center
Grove UD



STATE OF TENNESSEE
Utility Management Review Board
James K. Polk State Office Building
505 Deaderick Street, Suite 1700
Nashville, Tennessee 37243-1402
Phone (615) 401-7879 Fax (615) 741-1551

April 22, 2016

David Stafford
Center Grove-Winchester Springs Utility District
40 Pleasant Grove Road
Estill Springs, TN 37330

Dear Mr. Stafford:

Enclosed is the official order for the Center Grove-Winchester Springs Utility District from the UMRB. If you have any questions, feel free to email me at betsy.knotts@cot.tn.gov or call (615) 401-7954.

Very yours truly,

A handwritten signature in blue ink, appearing to read "Betsy Knotts".

Betsy Knotts
Counsel to the UMRB



BEFORE THE TENNESSEE UTILITY MANAGEMENT REVIEW BOARD

IN THE MATTER OF:

**T.C.A. § 7-82-402(b)—CUSTOMER COMPLAINT
CENTER GROVE-WINCHESTER SPRINGS UTILITY DISTRICT**

ORDER

Pursuant to T.C.A. §§ 7-82-402(b) and 7-82-702(a)(8), the Tennessee Utility Management Review Board (the "UMRB") conducted an informal hearing on December 3, 2015, and April 7, 2016, to review the attached customer complaint against Center Grove-Winchester Springs Utility District (the "District"). The UMRB heard testimony from both complainants and the manager of the District and reviewed related documents from both parties. At the April 7, 2016 meeting, the UMRB made a motion to require the District to adopt a policy addressing accuracy of meter readings, to apply such policy retroactively to this customer complaint, and to report the result to UMRB staff **no later than July 15, 2016**. Please note that pursuant to T.C.A. § 7-82-702(a)(8), any judicial review of any decision of the UMRB will be held by common law certiorari in Davidson County.

Entered this 7th day of April, 2016.


Ann V. Butterworth, Chair
Utility Management Review Board

STROOP

Terry & Twila Stroop
P.O. Box 1445
Tullahoma, TN 37388

September 1, 2015

SEP 03 2015

State of Tennessee
Joyce Welborn
Nashville, TN

RE: Center Grove Water District

Ms. Welborn,

Please find attached information regarding 960 Westside Drive, Tullahoma, TN (just outside Tullahoma city limits). This was my mother's and father's home, which they occupied until April, 2012. Our address, Terry and Twila Stroop, 902 Westside Dr, Tullahoma, TN (within Tullahoma city limits) and our son Craig Stroop lives at 980 Westside Dr, Tullahoma, TN (just outside Tullahoma city limits). All three homes are located within walking distance of each other, approximately 300 feet apart.

We have continued to maintain my parents property for the last two years. We are still moving items, and mow the lawn regularly. So you can imagine our surprise to find a water bill in excess of \$3,400.00. The billing was as follows:

01/19/2015-02/20/2015	No Usage	Bill Amount \$14.20
02/20/2015-03/24/2015	No Usage	Bill Amount \$14.20
03/24/2015-04/22/2015	Usage 636,100	Bill Amount \$3454.49

As you can see there is no way this could happen. We contacted Center Grove, and were told to attend the board meeting. At the first meeting they agreed this could not happen and it was apparent the reader had not been reading the meter, and in no way could that amount of water be lost.

Center Grove concluded they do not have to read the meter but every six months, and the meter was checked and showed no apparent problem.

We state clearly, if the meter was read on 3/24/2015 the leak should have been noted, it was not. The duct work under the house was not damaged in any way. The home was watched and cared for with no issues.

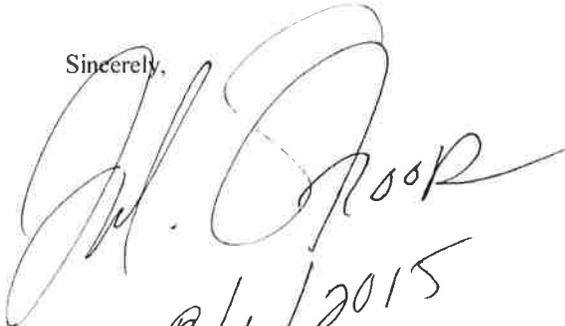
Terry and I had scheduled work at our home on some crawl space issues. We had several of our guys working, including our son, Craig Stroop. On March 5, 2015 he was walking to his house from our house and called his dad to say 906 Westside Drive had a water leak. At that time Terry Stroop and Craig Stroop went under the house and found 1/2" water line leaking. However, there was no water in any of the duct work. They repaired the leak.

We do not feel we should be held responsible for the failure of the meter reader. We have nothing that states the meter does not have to be read, and were not informed of such policy. To this day we have not seen any such policy.

We were told your agency will make the district stand by their policy, there is not policy or agreement that can state a reading figure on your billing does not have to be correct, or they can charge the customer and not read the meter for a six month period.

Your attention to this matter is greatly appreciated and very important. We feel they are not standing behind their policy. The documentation for all billing certainly shows an issue within the department.

Sincerely,



M. O'Rourke
9/1/2015



SHERRARD
ROE
VOIGT
HARBISON

C. Dewey Branstetter, Jr.

Writer's Direct Dial (615) 742-4567
dbranstetter@srvhlaw.com

June 21, 2016

Betsy Knotts
Counsel to UMRB
James K. Polk State Office Building
505 Deaderick Street, Suite 1700
Nashville, TN 37243-1402

Re: Center Grove-Winchester Springs Utility District

Dear Betsy:

I am following up on your letter to David Stafford on April 22, the Order entered by the UMRB on April 7, 2016, and our conversations earlier this year concerning the Stroop complaint.

As a result of the Stroop complaint and the UMRB's order, the Center Grove-Winchester Springs Utility District adopted a formal customer complaint policy related to testing meters at a regularly scheduled meeting on May 9, 2016. I am pleased to enclose a copy of the policy adopted by the Utility District that relates to testing meters if a customer's water usage is excessive.

While the Utility District did not have a written policy in place at the time of the Stroop's complaint, the District did comply with its past practice and did test the meter. The meter was found to be functioning properly. As a result of the Stroop's complaint and the UMRB's action of April 7, the District has now adopted the enclosed policy which reflects the past practice of the Utility District.

In light of the adoption of this policy, which was applied to the Stroops, I believe that my client has done what was requested by the UMRB. If that is not the case, or if there is anything further that we need to do, please do not hesitate to contact me.

As always, it is a pleasure working with you and I will look forward to seeing you soon. With best regards, I am

Sincerely yours,



C. Dewey Branstetter, Jr.

CDB/sc
Enclosure
Cc: David Stafford

768825.1 10784-004

CENTER GROVE-WINCHESTER SPRINGS UTILITY DISTRICT
CUSTOMER COMPLAINT POLICY

If a customer's water usage as recorded on the customer's meter is over four times the average of the customer's usage over the past twelve months, then the customer may request that the District test the meter at the District's expense to determine if the meter is functioning properly. If it is determined that the meter is not functioning properly, then the District will reduce the customer's bill to the average of the last twelve month's bills for that customer.

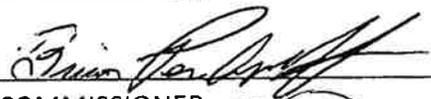
If it is determined that the meter is functioning properly, then the customer may request a leak adjustment if the customer qualifies for such an adjustment.

In the even that a customer makes a second request within a twelve month period to have the meter tested due to excessive usage, the customer will pay the actual costs incurred by the District to test the meter if the meter is found to be functioning normally. If it is determined that the meter is not functioning normally, then the customer will not be responsible for the cost of testing the meter. It is the customer's responsibility to request that a meter be tested in the event that the customer believes that the meter is not functioning normally.


MANAGER


COMMISSIONER


COMMISSIONER


COMMISSIONER


COMMISSIONER


COMMISSIONER

Effective 5-9-16

Hodgeson

v.

Minor Hill UD

Dear John Greer,

I went to the meeting with the water company. They kept on saying that I used that \$1,100 in water for 1 month's time. I would see some kind of sign of missing water like my yard flooded and low water pressure and my meter spinning like fast but I didn't have any of those signs. I have been caring in water to bath with and wash my dishes with in big jugs to this matter gets fixed. When this bill first come in I went to see the water company and ask about my high water bill. Then I hired a plumber to check in side and outside of my house for any big signs of a major water leak and he said no and wrote statement and looked at my meter at that time and he said you have no signs of any leaks of that \$1,100 bill that you have here. I went to legal aid when this high bill come in also. I was working with her for a few months but she would send the water company letters and give them phone calls and email but they was not responding to her letters or phone calls. So I went back over there to the water company and ask if I could have a talk with my legal Adviser and the water company and she said no now they have a lawyer in Lawrenceburg, TN taking care of this matter. So now I ask for his name and phone #. She gave me his name only said she didnt have phone #.

I gave it to my ²⁻ legal aid attorney at that time. she had wrote him there Attorney on 4 or 5 time and sent emails. The only time he emailed her back and said I left my water on for one whole month and that is why my water bill was so high. I didnt do that at all. I let her go and she said she would help but she doesn't know what else to do to help me. So she wrote me a ending letter. We together in writting ask minor water company to have a meeting about my water bill and they didnt response back to us. I have went up there on 4 or 5 occasion to try and work with them and they say I have to pay that bill and that is there Policies. I have copies of all my bills listed below and letters from trying to get my water meter turned back on.

1. All my water bills from water company.
2. All copies of letters from Legal Aid Attorney.
3. copie of letter from friend that help me fixs and repair small leak and reciept where I got part from.
4. statement from plumber and reciept where he came and checked my meter and out and in side my house for any kinds or sighs of leak's
5. notes I wrote when I went on at least 4 or 5 (5) time to work with minor till water company's

I will give you copies of any paper work I have to try and fixs this matter. The lady that I have spoke with atleast 5 time in person and some on the phone told them I have been there only 1 time to try and fixs this matter. Same lady that I finalley got my print out of my 4 years of water bills that I asks for 3 weeks ago. Then you call and I went to go and pick them up. I have tryed to take care of this problem on my own serial times. I am asking for some help with this water matter.

Thank you
 Tina Hodgeson
 931-565-3201 - Home
 931-292-3316 - Cell

MINOR HILL UTILITY DISTRICT

P.O. BOX 124 • MINOR HILL, TN 38473 • 565-3436

CUSTOMER NO.

6038



PLEASE BRING ENTIRE BILL WHEN MAKING PAYMENT. IF REM
ENCLOSE THIS STUB WITH CHECK. CANCELLED CHECK IS Y

ACCOUNT NO. DATE BILL MAILED

5/4050-2

04/13/16

SERVICE FROM SERVICE TO DAYS

02/29/16

04/04/16 35

DUE DATE

CUSTOMER NO.

PREVIOUS PRESENT USAGE CODE AMOUNT

DUE IMMEDIATELY
3645 3645

1511.12
0 WT1 23.81
TAX 2.26

AMOUNT
DUE

AFTER DUE DATE

6038
1539.57

IF THIS BILL IS NOT PAID WITHIN 10 DAYS AFTER DUE DATE, ACTION WILL BE TAKEN
TO COLLECT BILL AND/OR DISCONTINUE SERVICE WITH EXTRA CHARGES APPLYING.

CURRENT BILL DUE DATE AFTER DUE DATE BY DUE DATE

050516 1539.57 1537.19

IMPORTANT MESSAGE ON BACK

TINA HODGESON
11904 MINOR HILL HWY
% TINA HODGES
GOODSPRING, TN 38460

**MINOR HILL
UTILITY DISTRICT**
P.O. BOX 124 • MINOR HILL, TN 38473 • 565-3436

PRESORTED
FIRST CLASS MAIL
U.S. POSTAGE PAID
PERMIT 1
MINOR HILL, TN
38473

CUSTOMER NO. 6038
ACCOUNT NO. 5/4050-2
DATE BILL MAILED 10/14/15



PLEASE BRING ENTIRE BILL WHEN MAKING PAYMENT. IF REMITTING BY MAIL,
ENCLOSE THIS STUB WITH CHECK. CANCELLED CHECK IS YOUR RECEIPT.

SERVICE FROM 09/01/15
SERVICETO 09/30/15
DAYS 29

DUE DATE 11/05/15
CUSTOMER NO. 6038
ACCOUNT NO. 5/4050-2

PREVIOUS	PRESENT	USAGE	CODE	AMOUNT
2391	3607	1215	WT1	1176.77
			TAX	111.79

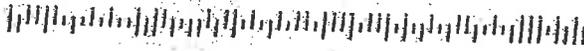
AMOUNT DUE
AFTER DUE DATE 1406.24
BY DUE DATE 1288.56

IF THIS BILL IS NOT PAID WITHIN 10 DAYS AFTER DUE DATE, ACTION WILL BE TAKEN
TO COLLECT BILL AND/OR DISCONTINUE SERVICE WITH EXTRA CHARGES APPLYING.

CURRENT BILL DUE DATE	AFTER DUE DATE	BY DUE DATE
110515	1406.24	1288.56

IMPORTANT MESSAGE ON BACK

TINA HODGESON
11904 MINOR HILL HWY
% TINA HODGES
GOODSPRING, TN 38460



*Raised
my Bill
H 105.32*



STATE OF TENNESSEE
Utility Management Review Board
James K. Polk State Office Building
505 Deaderick Street, Suite 1700
Nashville, Tennessee 37243-1402
Phone (615) 401-7879 Fax (615) 741-1551

INFORMAL HEARING FORM

Customer Complaint, Tenn. Code Ann. § 7-82-702(a)(8)¹

Contact Information:

Complainant Utility District

Name: Tina Hodgeson

Utility District: Minor Hill

Telephone – Primary: 931-565-3201

Telephone – Alternate: 931-292-3316

Email: hodgesontina@gmail.com

Address: 11904 Minor Hill Hwy
Goodspring, TN

Zip Code: 38460

Jurisdiction:

¹ Tenn. Code Ann. § 7-82-702(a)(8) provides: "Upon the failure of the board of commissioners of a utility district to adopt the rules and regulations required by § 7-82-402(b), regardless of exemptions or exclusions as may be enumerated in § 7-82-103, or any other section of this chapter or, upon the failure of a utility district to consider and resolve consumer complaints in accordance with such rules and regulations, establish an alternate mechanism for consideration and resolution of such complaints through an informal hearing process. In making its decision as to whether the complaint was resolved in accordance with the utility district's rules and regulations, the utility management review board shall also take into account the reasonableness of the utility district's application of its rules, policies, and cost of service as well as any evidence presented during the hearing. Any judicial review of any decision of the board will be held by common law certiorari within the county in which the hearing was held".

Has complainant made a formal complaint with the Utility District?

Yes No

Please provide the date of the complaint and attach a copy of it to this form.

Date: 5-10-2016

Allegation of Facts: over charging me and now said I ripped lock off there meter

Provide a detailed account of facts that led to this complaint. Please lay the case out chronologically and highlight the most important facts. I am being over charged on my water bill. I had a small leak and I got it repaired and fixed. Now my water bill went from \$1000 to \$1100 in one months time.

Causes of Action: I hired a plumber to check all under my house. No signs of that much water and no leaks.

Did the utility district follow its policies or procedures? No they never wrote me or called me to say that I was using so much water for that month. So now they said that is why I got my meter locked off because bill was not paid.

Does the utility district lack policies and procedures that address this type of complaint?

I have been to there meeting and it seem like that they are not working with me at all.

Relief Sought: None

Please provide detailed information related to the remedy(ies) that you are seeking.

I ask them where did my \$1100 of water go to and they said it went down under the ground. I would just like my water turned back on.

I hereby certify that the information provided above is true and correct to the best of my knowledge.

Signature: X Tina Hodgson Date: 5-12-2016

Please mail, e-mail, or fax copies of any documentation, such as bills, that the Board would need to review when hearing the case, to:

John Greer
Utility Board Specialist
505 Deaderick Street, Suite 1700, James K. Polk Building
Nashville, TN 37243
Phone: (615) 401-7879
Fax: (615) 741-1551
john.greer@cot.tn.gov

If you will be represented by an attorney, please provide his/her contact information below:

Name: _____
Telephone – Primary: _____
Telephone – Secondary: _____
Email: _____
Address: _____

Zip Code: _____

Under Tenn. Code Ann. § 7-82-702(a)(8), any judicial review of any decision of the Utility Management Review Board will be held by common law certiorari within the county in which the informal hearing was held.

Legal Aid Society of Middle Tennessee and the Cumberland

1121 Trotwood Ave, Suite 4 • P.O. Box 1256 • Columbia, TN 38402 • www.las.org • (931) 381-5533 • f (931) 381-5541 • 1-866-660-7164

Gary D. Housepian, *Executive Director* • David Kozlowski, *Director of Advocacy & Columbia Managing Attorney*
• Sonya G. Bellafant • Patricia A. Jones • Joshua Thomas

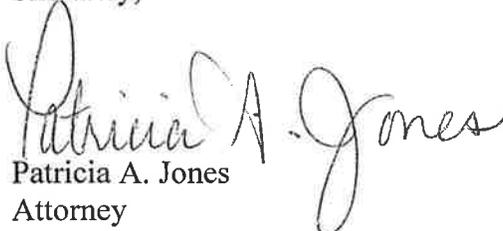
April 29, 2016

Tina Hodgeson
11904 Minor Hill Highway
Goodspring, TN 38460

Dear Ms. Hodgeson:

I hope this letter finds you doing well. As I was preparing your case file to close, I noticed that I had the original statement that you got from Middle Tennessee Valley Drain Services. It is our office policy to return all originals to clients. Therefore, please find enclosed the original statement. Thank you, and if you have any questions or concerns, please do not hesitate to contact me at (931) 381-5533, extension 260.

Sincerely,


Patricia A. Jones
Attorney

PJ/pj

Enclosure

Legal Aid Society of Middle Tennessee and the Cumberlandds

1121 Trotwood Ave, Suite 4 • P.O. Box 1256 • Columbia, TN 38402 • www.las.org • (931) 381-5533 • f (931) 381-5541 • 1-866-660-7164

Gary D. Houssepian, *Executive Director* • David Kozlowski, *Director of Advocacy & Columbia Managing Attorney* • Patricia Jones • Joshua Thomas

November 23, 2015

Tina Hodgeson
11904 Minor Hill Highway
Goodspring, TN 38460

Dear Ms. Hodgeson:

Please find enclosed a letter sent to Mr. Plant, the attorney for the utility company today. It was sent to him by facsimile so it is my hope that we hear something soon. Of course, I will let you know as soon as I do.

I also wanted to take this opportunity to send you a copy of the retainer you signed.

As always, please do not hesitate to contact me at (931) 381-5533, extension 260, if you have any concerns or questions. Thank you and take care.

Sincerely,


Patricia A. Jones
Attorney

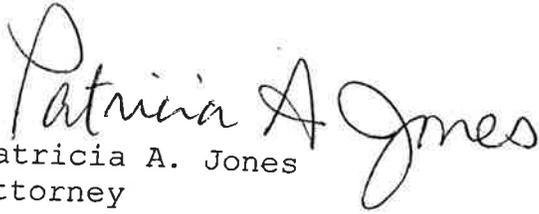
PJ/pj

Enclosures

Paul Plant, Esq.
November 23, 2015
Page 2 of 2

As my client is currently without water and has been for almost a week, I would appreciate you contacting me as soon as possible so that we may discuss this matter. You may reach me at (931) 381-5533, extension 260. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Patricia A. Jones". The signature is written in black ink and is positioned above the typed name and title.

Patricia A. Jones
Attorney

Legal Aid Society

of Middle Tennessee and the Cumberland

1121 Trotwood Ave, Suite 4 • P.O. Box 1256 • Columbia, TN 38402 • www.las.org • (931) 381-5533 • f (931) 381-5541 • 1-866-660-7164

Gary D. Housepian, *Executive Director* • David Kozlowski, *Director of Advocacy & Columbia Managing Attorney* • Patricia Jones • Joshua Thomas

November 23, 2015

Tina Hodgeson
11904 Minor Hill Highway
Goodspring, TN 38460

Dear Ms. Hodgeson:

Please find enclosed a letter sent to Mr. Plant, the attorney for the utility company today. It was sent to him by facsimile so it is my hope that we hear something soon. Of course, I will let you know as soon as I do.

I also wanted to take this opportunity to send you a copy of the retainer you signed.

As always, please do not hesitate to contact me at (931) 381-5533, extension 260, if you have any concerns or questions. Thank you and take care.

Sincerely,


Patricia A. Jones
Attorney

COPY

Legal Aid Society

of Middle Tennessee and the Cumberlandds

1121 Trotwood Ave, Suite 4 • P.O. Box 1256 • Columbia, TN 38402 • www.las.org • (931) 381-5533 • f (931) 381-5541 • 1-866-660-7164

Gary D. Housepian, *Executive Director* • David Kozlowski, *Director of Advocacy & Columbia Managing Attorney* • Patricia Jones • Joshua Thomas

November 23, 2015

SENT VIA U.S. Mail and Facsimile (931) 762-7520

Paul Plant, Esq.
225 Mahr Avenue
Lawrenceburg, TN 38464

**RE: Tina Hodgeson,
Minor Hill Utility District Account No. 5/4050-2**

Dear Mr. Plant:

Our office was recently contacted by Ms. Hodgeson in regard to an unusually high water bill, the amount of which she disputes. After discussing the matter with my client, a letter was sent on her behalf to Minor Hill Utility District. In my letter, I requested that Ms. Hodgeson's water not be disconnected until she was given an opportunity to meet with the utility company and discuss the matter. Unfortunately, she was not given such an opportunity, and her water has been disconnected since last Tuesday. As I have learned you represent Minor Hill Utility District, I wanted to send you the letter sent to the utility company and also ask that you contact me so that we may discuss this matter.

Since sending my letter to Minor Hill Utility District, my client has had a plumber inspect the premises. He found no leaks at the premises and provided Ms. Hodgeson with a letter stating such. Enclosed is a copy of the letter. As previously stated, while Ms. Hodgeson did have a small leak, it was repaired at the beginning of September. Therefore, it does not seem plausible that she would have used the amount of water reflected in her bill. It appears that the residence would have had visible flooding, which it did not.

In *Memphis Light, Gas and Water Division v. Craft*, 436 U.S. 1 at 21 (1978), the Court held that a public utility company shall provide "notice reasonably calculated to apprise [customers] of the availability of an administrative procedure to consider their complaint of an erroneous billing" and afford them an "opportunity to present their complaint to a designated employee empowered to review disputed bills and rectify error." As your client has failed to do this, it has deprived Ms. Hodgeson of an interest in property without due process of law. *Id.*



Legal Aid Society is funded in part by Legal Services Corporation, Tennessee Civil Access to Justice Fund, Tennessee Bar Foundation, private donation, and United Ways serving Anderson, Bedford, Campbell, Cannon, Davidson, Franklin, Houston, Lincoln, Macon, Maury, Montgomery, Rutherford, Stewart, Sumner, Williamson and Wilson counties.



Minor Hill Farm & Home Center

166 Wray Branch Rd.
 Minor Hill, TN 38473

Invoice

Date	Invoice #
9/11/2015	391

PAID
09/02/2015

Bill To
cash customer

Ship To

P.O. Number	Terms	Rep	Ship	Via	F.O.B.	Project
			9/11/2015			

Quantity	Item Code	Description	Price Each	Amount
1	MISC	3/4" coupling	0.79	0.79T
1	MISC	reducing bushing	1.79	1.79T
		Sales Tax	9.75%	0.25

Phone #	Fax #
931-565-3503	931-565-3509

Total	\$2.83
--------------	---------------

To Whom It May Concern,

Around the beginning of September 2015. We, Tina & I, repaired a leak near the pressure reducer.

There was a small amount of water that alerted us to this leak. We repaired it immediately.

If you have any questions.

Please call me at

House- 256-374-1337

Cell- 256-497-2659

Sincerely,
Mark Hardiman

Middle Tennessee Valley Drain Services

412 Old Florence Pulaski Rd

Leoma, TN 38468

931-2316499

* On, Nov. 15, 2015, called for
a water leak inspection, to address
11904, minor hill highway, TN.

* Upon inspection I found no
water leak on the premises.



MTV
Ashley Howell

FAX

TO: John Coover

FROM: MINOR
HILL UTILITY
DISTRICT

FAX: 615 941-1551

FAX: 931-565-
4521

PHONE:

PHONE: 931-565-
3436

SUBJECT: Tina Hodgeson

DATE: 05/23/2016

COMMENTS:



STATE OF TENNESSEE
 Utility Management Review Board
 James K. Polk State Office Building
 505 Deaderick Street, Suite 1700
 Nashville, Tennessee 37243-1402
 Phone (615) 401-7879 Fax (615) 741-1551

INFORMAL HEARING FORM

Customer Complaint, Tenn. Code Ann. § 7-82-702(a)(8)¹

Contact Information:

Complainant Utility District

Name: Tracy Harris

Utility District: Minor Hill Water Utility District

Telephone – Primary: 931-565-3436

Telephone – Alternate: 931-309-5002 cell

Email: mhud@ardmore.vnet

Address: PO Box 124

Minor Hill TN

Zip Code: 38473

Jurisdiction:

¹Tenn. Code Ann. § 7-82-702(a)(8) provides: "Upon the failure of the board of commissioners of a utility district to adopt the rules and regulations required by § 7-82-402(b), regardless of exemptions or exclusions as may be enumerated in § 7-82-103, or any other section of this chapter or, upon the failure of a utility district to consider and resolve consumer complaints in accordance with such rules and regulations, establish an alternate mechanism for consideration and resolution of such complaints through an informal hearing process. In making its decision as to whether the complaint was resolved in accordance with the utility district's rules and regulations, the utility management review board shall also take into account the reasonableness of the utility district's application of its rules, policies, and cost of service as well as any evidence presented during the hearing. Any judicial review of any decision of the board will be held by common law certiorari within the county in which the hearing was held".

Has complainant made a formal complaint with the Utility District?

Yes No

Please provide the date of the complaint and attach a copy of it to this form.

Date: May 10th 2016

Allegation of Facts:

Provide a detailed account of facts that led to this complaint. Please lay the case out chronologically and highlight the most important facts.

Attached

Causes of Action:

Did the utility district follow its policies or procedures? *Yes*

Does the utility district lack policies and procedures that address this type of complaint? *NO*

Relief Sought:

Please provide detailed information related to the remedy(ies) that you are seeking.

Attached

I hereby certify that the information provided above is true and correct to the best of my knowledge.

Signature: *[Handwritten Signature]* Date: *5-23-16*

Please mail, e-mail, or fax copies of any documentation, such as bills, that the Board would need to review when hearing the case, to:

Dear Water Comany,

I am requesting
all copies of my water bills for
the last 4yrs at my house at
11904 minor hill highway, Good spring,
TN 38460.

Thank you
Tina Hodgeson

Tina Hodgeson
11904 Minor Hill Hwy.
Goodspring, TN 38460

Tina Hodgeson
11904 Minor Hill Hwy.
Goodspring, TN 38460

NASHVILLE TN 370

12 MAR 2015 PM 6 L



This property
wasnt in her
name until
06/25/2014

Minor Hill utility District
P.O Box 124
Minor Hill, TN 38473

38473012424





Minor Hill Utility District

12950 Minor Hill Hwy.-P.O. Box 124

Minor Hill, TN 38473

Office-931-565-3436 Fax-931-565-4521

COPY

Board Minutes for May 10th, 2016 @ 5:30pm

Board Members Present- Sam Hobbs, Linda Sumners and Rex Miles

Office personnel- Connie Gatlin, Tracy Harris and Kimberly Kelley

Guest- Cory Wilson, Josh Livermore, Steve McCurry, Tony Hastings, Stoney Jackson, Jake Parsons, Mike King, Mary Harvey, Tina Hodgeson, Sheri Putnam, Greg Stanford, Jason Griffin and Arthur Harvey

1st order of business- The Stella and Hagan water Project, The board will get Jacob's engineering to draw up plans for this project. Deposits from at least 16 customers will have to be paid before this project will be put in motion. Rex Miles motioned and Sam Hobbs 2nd the motion.

2nd order of business- Tina Hodgeson wanted to discuss her water bill, Tina Hodgeson said that she did not have a leak and did not use this water. The Minor Hill Utility District sent her meter off to be tested and the meter came back fine. Tina Hodgeson has already had a Leak Adjustment so Miss. Hodgeson is not eligible for another. (Leak Adjustments are 1 from 12 months from last leak adjustment) Rex Miles spoke to Miss. Hodgeson and told her that Minor Hill Utility District had to stick to our Bi-Laws and could not change our policies. Rex Motioned and Linda Sumners 2nd the motion.

3rd order of business- Mary and Arthur Harvey spoke of their land easement. They want to be paid the property tax value of what they pay for the land. And they also want their water lines to be fixed within 3 days if there is a leak. The Harvey's also want easement to be updated and stated an extra \$200.00 for property tax. Rex Miles motioned and Sam Hobbs 2nd the motion.

4th order of business- Sheri Putnam went over the financial report, see attached report.

5th order of business- The Minor Hill Utility District will not be responsible for private property. There will be a charge for moving a meter off private property.

The new charge will be \$500.00 for moving meter and an extra charge to move any pipe. Sam Hobbs motioned and Rex Miles 2nd the motion.

6th order of business- Jacob's engineering discussed #407 project and \$10,000.00 moved to project #403. This is engineering fees from project #407, but transferring the fees to project #403. There is also an extra \$5000.00 in fee's to be added to project #403. Rex motioned and Sam Hobbs 2nd the motion.

Rex Miles adjourned meeting at 7:40pm and Sam Hobbs 2nd the motion

Sam Hobbs -President

COPY



Minor Hill Utility District

12950 Minor Hill Hwy-P.O. Box 124. Minor Hill, TN 38473

Off: 931-565-3436 Fax: 931-565-4521

Customer: Tina Hodgeson

Address: 11904 Minor Hill Hwy. Minor Hill, TN 38473

Meter was read on 09/30/15

On 09/01/15 her water usage was 2300 gallons and on 09/30/15 her water usage went to 121600 gallons. On 11/02/15 it dropped back down to 2600 gallons after the leak was fixed. Minor Hill Utility District does not know how many days service was leaking before customer fixed service. Minor Hill Utility District tried to notify customer but no answer and the Utility District left her a message. Customer came into office after bills had been mailed out and said that there was a mistake on her bill, that there was no way her bill could be that much. She said she had never seen any water but had her leak fixed as soon as she seen the bill. She also mentioned that there was no way this bill was right and she was not going to pay this. I asked her if she had a leak and the customer would not reply back, she just kept saying she was not going to pay this bill. She finally said she did have a small leak and had it fixed immediately. Ms. Hodgeson never would say when she discovered leak or when it was fixed. Ms. Hodgeson was told she could come to Minor Hill Utility District Board meeting and the meetings were every 2nd Tuesday of each month and she was given the time of 4:30pm. But Ms. Hodgeson would not stop yelling to acknowledge that she would come to meeting. She was also told that she had already had an adjustment for the year 2015 and was not eligible again until 2016. She was told that you were only allowed one adjustment a year. Ms. Hodgeson was locked for not paying her bill. During the time meter was locked Ms. Hodgeson turned water on when needed. So the Water Dept. removed the water meter. The Water Dept. went and rechecked meter twice after this to see if there was any leaks and there was not.

Connie Gatlin

Office Manager

C u s t o m e r C h a r g e s I n f o r m a t i o n

Customer General Information

=====
Number: 6038 Last Name: HODGESSON
Route: 5 First Name: TINA
Account: 4050 Billing Address: 11904 MINOR HILL HWY
Sub Account: 2 & TINA HODGES
Cycle: 1 City, State Zip: GOODSPRING ,TN 38460

Customer Charges

=====
Srv ID Service Type Status Deposit Rate Past Due Current Future

14376 WATER CHG WT1 A 0.00 WT1 1406.55 26.07 0.00
15594 LATE CHARGE LC A 0.00 LCR 133.02 0.00 0.00

Transaction Summary Information

Customer General Information

=====
 Number: 6038 Last Name: HODGESON
 Route: 5 First Name: TINA
 Account: 4050 Billing Address: 11904 MINOR HILL HWY
 Sub Account: 2 % TINA HODGES
 Cycle: 1 City, State Zip: GOODSRING , TN 38460

Transaction Summary

Post Date	Description	Tran Amt	Count	Balance
May 13, 2016	Billing	26.07	2	1,565.64
May 06, 2016	Late Charge	2.38	1	1,539.57
Apr 13, 2016	Billing	26.07	2	1,537.19
Apr 06, 2016	Late Charge	2.38	1	1,511.12
Mar 14, 2016	Billing	26.07	2	1,508.74
Mar 08, 2016	Late Charge	2.38	1	1,482.67
Feb 11, 2016	Billing	26.07	2	1,480.29
Feb 08, 2016	Late Charge	2.38	1	1,454.22
Jan 14, 2016	Billing	26.07	2	1,451.84
Jan 06, 2016	Late Charge	2.38	1	1,425.77
Dec 14, 2015	Billing	26.07	2	1,423.39
Dec 08, 2015	Late Charge	3.44	1	1,397.32
Nov 10, 2015	Billing	37.64	2	1,393.88
Nov 06, 2015	Late Charge	117.68	1	1,356.24
Nov 06, 2015	Payment	-50.00	2	1,238.56
Oct 14, 2015	Billing	1,288.56	2	1,288.56
Oct 06, 2015	Late Charge	3.15	1	0.00
Oct 06, 2015	Adjustment	-3.15	1	-3.15
Oct 06, 2015	Payment	-34.48	2	0.00
Sep 14, 2015	Billing	34.48	2	34.48
Sep 08, 2015	Payment	-54.45	2	0.00
Aug 13, 2015	Billing	54.45	2	54.45
Aug 05, 2015	Payment	-39.74	2	0.00
Jul 14, 2015	Billing	39.74	2	39.74
Jul 06, 2015	Payment	-26.07	2	0.00
Jun 11, 2015	Billing	26.07	2	26.07
Jun 06, 2015	Payment	-26.07	2	0.00
May 14, 2015	Billing	26.07	2	26.07
May 06, 2015	Payment	-33.43	2	0.00
Apr 14, 2015	Billing	33.43	2	33.43
Apr 07, 2015	Payment	-43.94	2	0.00
Mar 16, 2015	Billing	43.94	2	43.94
Mar 06, 2015	Payment	-114.54	2	0.00
Mar 03, 2015	Adjustment	-169.08	2	114.54
Feb 13, 2015	Billing	283.62	2	283.62
Feb 05, 2015	Payment	-33.46	2	0.00

7
 Leak Adjustment
 Wasnt eligible for another
 adjustment until After
 March 3rd 2016

Transaction Summary Information
 CONTINUED

Customer General Information

```

=====
Number:      6038      Last Name:      HODGESON
Route:       5        First Name:     TINA
Account:     4050     Billing Address: 11904 MINOR HILL HWY
Sub Account: 2        % TINA HODGES
Cycle:       1        City, State Zip: GOODSRING      ,TN 38460
  
```

Transaction Summary Continued

Post Date	Description	Tran Amt	Count	Balance
Jan 14, 2015	Billing	33.46	2	33.46
Jan 05, 2015	Payment	-35.50	2	0.00
Dec 11, 2014	Billing	35.50	2	35.50
Dec 05, 2014	Payment	-26.33	2	0.00
Nov 17, 2014	Billing	26.33	2	26.33
Nov 12, 2014	Payment	-28.37	2	0.00
Oct 15, 2014	Billing	28.37	2	28.37
Sep 25, 2014	Payment	-25.32	2	0.00
Sep 15, 2014	Billing	25.32	2	25.32
Sep 11, 2014	Payment	-48.74	2	0.00
Aug 15, 2014	Billing	48.74	2	48.74

Service General Detail Information

Service General Information

Service ID: 14376 Customer: 6038 Rt/Acct-Sub: 5/ 4050- 2
Line ID: 1908 Name: HODGEGON, TINA
Service Address: 11904 MINOR HILL HWY
Service Type: WT1 WATER CHG

Service General Detail

Status: A Activated: / / Work Ord#:
Class: Deactivated: / / to Status: Work Ord#:
Category:
Tenants: 0 Associate w/Service ID: Number of Dials: 0
Rate Code: WT1 Year Rd Use/(R)adio: Unit of Measure:
Tax Rate: TX1 High Pres/Volt: Multiplier:
Late Chg Rate: LC1 Constant: 0
Discount Rate:
Demand Min: 0.00 Important Dates
Dem Min Set: / / Turn On: / / Curr Bill: 05/13/2016
First Bill: / / Turn Off: / /
Prev Bill: 04/13/2016 Final Bill: / /

Service Deposit Information

Service Deposit

DEPOSIT APPLIED REFUNDED
Date: / / Date: / / Date: / /
Number: Number: Number:
Amount: Amount: Amount:

Deposit APR%: Mail Refund To:
Apply/Hold: Address:
Date to Auto Refund: / /
Credit to Account: City, State Zip:
Interest Refund Date: / / Comment:

S e r v i c e R e a d i n g s I n f o r m a t i o n

Service General Information

```

=====
Customer:          6038 Rt/Acct-Sub:   5/ 4050- 2
Service ID: 14376 Name:          HODGESON, TINA
Line ID: 1908 Service Address: 11904 MINOR HILL HWY
Service Type:      WT1 WATER CHG
  
```

Service Read Stats

Read Date	Reading	Usage Cmt	Charges	Adjust	Late Chg	Tax Chg
04/29/2016	3645	0	23.81			2.26
04/04/2016	3645	0	23.81		2.38	2.26
02/29/2016	3645	0	23.81		2.38	2.26
02/01/2016	3645	0	23.81		2.38	2.26
01/04/2016	3645	0	23.81		2.38	2.26
12/02/2015	3645	12	23.81		2.38	2.26
11/02/2015	3633	26	34.37		3.44	3.27
09/30/2015	3607	1216	1176.77		117.68	111.79
09/01/2015	2391	23	31.49		3.15	2.99
08/03/2015	2368	42	49.73			4.72
07/01/2015	2326	28	36.29			3.45
05/29/2015	2298	12	23.81			2.26
04/29/2015	2286	11	23.81			2.26
03/30/2015	2276	22	30.53			2.90
03/02/2015	2253	32	40.13			3.81
01/28/2015	2221	260	259.01	-154.41		9.94
12/31/2014	1961	23	30.56			2.90
12/04/2014	1938	25	32.42			3.08
10/29/2014	1913	16	24.05			2.28
10/01/2014	1897	18	25.91			2.46
08/29/2014	1879	13	23.12			2.20
07/30/2014	1866	38	44.51			4.23
12/30/2013	1828					
12/04/2013	1828					
11/01/2013	1828					

No Charge
Ready Customer

Minor Hill

01602

Water Utility District

P.O. BOX 124 / 12950 MINOR HILL HWY.

MINOR HILL, TN 38473

PHONE 931-565-3436

FAX 931-565-4521

This AGREEMENT, entered into by and between MINOR HILL WATER UTILITY DISTRICT of Giles County, Tennessee, a UTILITY established and existing under the laws of the State of Tennessee, hereinafter inferred to as the "Utility", and the applicant, hereinafter referred to as "customer".

Full legal name (s): Tina Hodgeson

Street address (for service): ~~2335~~ 1904 Minor Hill Hwy

Billing address (if different): _____

City Minor State TN Zip 38460

Driver Licen.# _____ SS # 551-25-7659

Phone No. of Service Address: 2335 Powell/school Goodspring TN

Phone No. of Billing Address: _____

Emergency contact person phone # _____

Work Phone No.: _____

Applicant is: Owner _____ Renter _____ Other _____

Is there any medical reason that service cannot be interrupted?
(Yes or No) If yes explain:

I understand do hereby certify to the Minor Hill Utility District that there is no cross connection from my existing water system, any sewer reservoir or any other means that might in any way back feed into or contaminate the treated water supply being made available to me from said Utility District.

By my signature, I obligate myself to obey all rules and regulations of the Utility and pay for all Utility service at the service address in accordance with the prevailing rate scheduled set by Governing Board. In the event of nonpayment or unauthorized partial payment, I agree that the Utility has the right and shall continue to have the right to make, amend and enforce any policies, regulations or by-laws that may be necessary or proper regarding any Utility matter, The Customer agrees to abide by such policies, regulations or by-laws.

Sign Tina Hodgeson

Date 6-25-14

READ AND SIGN THE BACK

In consideration of payment by the CUSTOMER of certain fees detailed in the SCHEDULE OF RATES AND CHARGES, the UTILITY agrees to furnish service to the service address listed herein, and the CUSTOMER agree to purchase services from the UTILITY, subject to the terms and conditions herein set forth.

- 1... The obligations of this contract shall be binding upon the executors, administrators and estate of the original parties, provided that no application, service agreement or service contract may be assigned or transferred without the written consent of the UTILITY.
- 2... It is agreed that if CUSTOMER sells, subdivides or leases the property herein described, CUSTOMER will notify the UTILITY in order that it may execute a new contract with the successor CUSTOMER.
3. It is understood and agreed that every condition of this contract is the essence of the contract, and if breached, the UTILITY may cut off one or all of its services and may not be reconnected except by order of the UTILITY, after the payment of all rates and charges have been made by the CUSTOMER.
4. Services provided by the UTILITY shall be supplied only to the applicant at the address named in this contract. CUSTOMER shall not connect any other dwelling or property to his service.
5. The meter and rented appurtenances serving the CUSTOMER'S service address shall remain the property of the UTILITY.
6. UTILITY or its agents reserve the right to make inspections of the service installation within the CUSTOMER'S premises upon reasonable notice and at reasonable time. The UTILITY assumes no liability for the operation or maintenance of the customer's plumbing.
7. The CUSTOMER agrees to keep the property at the service address accessible and free from impediments to UTILITY access, maintenance and meter reading. Upon notification from the UTILITY, the CUSTOMER agrees to remove any impediments to UTILITY access. If such impediments are not removed within such reasonable time as requested by the UTILITY, service will be disconnected. Service shall be reinstated after any impediments are removed and the CUSTOMER pays all bills, reconnection fees and other such fees. The CUSTOMER is responsible for all fees and attorney's fees associated with collecting unpaid bills.
8. The UTILITY shall have the right to restrict, control or discontinue service at any time during emergencies.
9. The UTILITY makes no guarantees, expressed or implied, as to service quality, quantity, pressure, consistency or continuity.
10. The UTILITY shall, at its discretion, specify how and what uses may be made of service provided to CUSTOMER. If the CUSTOMER fails to comply with the uses so specified, service shall be discontinued.
11. All pressure regulators, valves, service lines and other devices located on the CUSTOMER'S side of the meter are the responsibility of the CUSTOMER. No pump may be installed on portable water lines without the written permission of the UTILITY.
12. CUSTOMER agrees not to allow any cross-connection between UTILITY service and a private well or any other connection, either inside or outside of any building, in such manner that a flow of water from such connection may potentially be introduced into UTILITY service lines.
13. All requests for disconnection of service should be made either in writing or in person if possible. The utility will accept telephone request for discontinuance if caller give adequate identification. The UTILITY will make every effort to respond within a reasonable time.
14. If the applicant fails to connect to the system when service is available and a tap is made, the CUSTOMER will pay the minimum bill until such time as the CUSTOMER installs his service.
15. The CUSTOMER shall be responsible for installing and maintaining a pressure regulator device.
16. If the utility discontinues service for non-payment or any other reason and the service is turned on without authority of the UTILITY, the UTILITY shall charge a reconnection fee and penalty charge according to its Rates and Fees Schedule.
17. The CUSTOMER agrees that in the event any utility property is damaged, distorted or tampered with by the fault of the CUSTOMER, it shall be repaired or replaced at the CUSTOMER'S expense.
18. The UTILITY shall have the right to estimate or prorate any bill when conditions beyond the control of the UTILITY prevent the normal billing procedure.
19. If the CUSTOMER after signing this CONTRACT does not take the service for any reason, the CUSTOMER shall not reimburse the UTILITY for any connection fees.
20. The receipt by the UTILITY of the application for service of the prospective CUSTOMER, regardless of whether or not accompanied by payment of fees, shall not obligate the UTILITY to render such service. If the service cannot be supplied in accordance with the UTILITY'S policies, rules, regulations and general practice or those of any state or federal agency with oversight regarding service, the liability of UTILITY to the applicant for such service shall be limited to the return of any fees paid to the UTILITY by such applicant.
21. CUSTOMER agrees that this document is only an APPLICATION service and shall not be effective as a CONTRACT until approved by an official of the UTILITY. If the service in the opinion of the UTILITY cannot be supplied, the liability of the UTILITY to the CUSTOMER shall be limited to the return of any fees; less any project development cost as incurred by the UTILITY.
22. As a condition of service, the property owner shall provide at no cost a suitable place for the installation of the meter and related equipment and give an easement to the UTILITY for said location.
23. CUSTOMER should have and will be responsible for a cut-off valve on his service line.
24. If the Utility damages any underground facilities the CUSTOMER cannot locate, the CUSTOMER will be responsible for all repairs.

By my signature, I obligate myself to obey all rules and regulations of the utility and pay for all utility service at the service address in accordance with the prevailing rate scheduled set by the Governing Board. In the event of non-payment or unauthorized partial payment, I agree that the UTILITY has the right and shall continue to have the right to make, amend and enforce any policies, regulations or by-laws that may be necessary or proper regarding any UTILITY matter. The CUSTOMER agrees to abide by such policies, regulations or by-laws.

Signature: Lina Anderson Date: 6-25-14

Policy 2

Adjustments to Bills

Leak Adjustments



Minor Hill Utility District



12950 Minor Hill Hwy.

P.O. Box 124 Minor Hill, TN 38473

931-565-3436 Fax; 931-565-4521

Adjustments to Bills/Leak Adjustments

Policy

- 1... *The need to adjust a utility bill may be evident by a Customer complaint of excessive of leakage on the Customer side of the meter. To qualify for an adjustment the bill must be at least \$100.00.*
- 2... *It is the Customer's responsibility to keep his/her plumbing system in good working order.*
- 3... *No Customer shall receive more than one (1) adjustment in a 12 month period.*
- 4... *The Utility will first determine that the meter was properly read. If an investigation of the meter and meter records establishes that the meter was misread or that there was a failure of utility equipment, a new bill will be issued using an estimated reading based on average of the past (3) months' billings for this period. There will be no penalty assessed in the event the adjustment procedure delays payment past the penalty date.*
- 5... *If any investigation of the meter and meter record establishes that the meter was properly read and that there was no failure of the utility equipment, the bill will remain valid and payable.*
- 6... *If an adjustment of the Customer's bill is warranted, the amount of the bill will be determined based on an average of the billing period for the last 3 months billing plus 1/3 of Leak.*
- 7... *To be adjusted, the leak must not readily evident to a reasonable person (such as leaks that are underground, within walls or under floors) or the leak must occur while occupants are away from the premises.*
- 8... *Adjustments on water bills will NOT be made on the following:*
 - (a) *Routine dripping faucets, leaking commodes, or any type of faulty customer plumbing;*
 - (b) *Premises left or abandoned without reasonable care for the plumbing system;.....*

- (c) *More than one occurrence per 12 months;.....*
- (d) *Filling of swimming pools; and.....*
- (e) *Watering of lawns or gardens.....*

9... The Utility shall not be obligated to make adjustments of any bills not contested within ninety (90) days from the billing date.

10... The Utility shall be under no obligation to extend the discount or due date or the time for paying any bills because the Customer disputes the amount of the bill.

11... All request for billing adjustments must be received, in writing and in person at the business office of the Utility during regular business hours or official meetings of the Utility. All Customers requesting an adjustment must complete a Request for Adjustment form and present it to the Utility.

12... The Manager or his/her designee shall file with the Board at its regular monthly meetings all completed Request for Adjustment forms and these shall be reviewed by the Board and made part of the minutes.

Hood
v.
Ocoee UD

Russell

v.

First UD of
Hardin County

FAX COVER SHEET

DATE: JUNE 29, 2016

TO: PAUL GREER (FAX 615.741.1551)

FROM: JAMES RUSSELL (PHONE 901.277.6343)

PAGE TO FOLLOW: 10



STATE OF TENNESSEE
Utility Management Review Board

James K. Polk State Office Building
505 Deaderick Street, Suite 1700
Nashville, Tennessee 37243-1402
Phone (615) 401-7879 Fax (615) 741-1551

INFORMAL HEARING FORM

Customer Complaint, Tenn. Code Ann. § 7-82-702(a)(8)¹

Contact Information:

Complainant Utility District

Name: JAMES RUSSELL

Utility District: HARDIN COUNTY

Telephone – Primary: 901-277-6343

Telephone – Alternate: 901-386-0087

Email: cynthia@russellandassoc.com

Address: PO Box 34696

MEMPHIS, TN.

Zip Code: 38184

Jurisdiction:

¹ Tenn. Code Ann. § 7-82-702(a)(8) provides: "Upon the failure of the board of commissioners of a utility district to adopt the rules and regulations required by § 7-82-402(b), regardless of exemptions or exclusions as may be enumerated in § 7-82-103, or any other section of this chapter or, upon the failure of a utility district to consider and resolve consumer complaints in accordance with such rules and regulations, establish an alternate mechanism for consideration and resolution of such complaints through an informal hearing process. In making its decision as to whether the complaint was resolved in accordance with the utility district's rules and regulations, the utility management review board shall also take into account the reasonableness of the utility district's application of its rules, policies, and cost of service as well as any evidence presented during the hearing. Any judicial review of any decision of the board will be held by common law certiorari within the county in which the hearing was held".

Has complainant made a formal complaint with the Utility District?

Yes No

Please provide the date of the complaint and attach a copy of it to this form.

Date: 5/26/16

Allegation of Facts:

Provide a detailed account of facts that led to this complaint. Please lay the case out chronologically and highlight the most important facts.

see attached

Causes of Action:

Did the utility district follow its policies or procedures?

I do not have knowledge of their procedures

Does the utility district lack policies and procedures that address this type of complaint?

I don't know

Relief Sought:

Please provide detailed information related to the remedy(ies) that you are seeking.

See attachment

I hereby certify that the information provided above is true and correct to the best of my knowledge.

Signature: X Date: 6/29/16

Please mail, e-mail, or fax copies of any documentation, such as bills, that the Board would need to review when hearing the case, to:

John Greer

Utility Board Specialist

505 Deaderick Street, Suite 1700, James K. Polk Building

Nashville, TN 37243

Phone: (615) 401-7879

Fax: (615) 741-1551

john.greer@cot.tn.gov

If you will be represented by an attorney, please provide his/her contact information below:

Name: N/A

Telephone – Primary: _____

Telephone – Secondary: _____

Email: _____

Address: _____

Zip Code: _____

Under Tenn. Code Ann. § 7-82-702(a)(8), any judicial review of any decision of the Utility Management Review Board will be held by common law certiorari within the county in which the informal hearing was held.

**JAMES RUSSELL
PO BOX 34696
MEMPHIS TN. 38184
901.277.6343**

June 29, 2016

Mr. Paul Greer
State of Tennessee
Utility Management Board
505 Deaderick Street, Suite 1700
Nashville, TN. 37243-1402

Dear Mr. Greer,

I purchased a home at 25 Caney Hollow, Counce, TN. in the spring of 2007. In August of 2010 lightening struck the house and it was damaged by fire and subsequently razed and replaced with a larger house on the same site. The larger home required more water volume therefore required a larger supply line. A new valve was installed by the utility personnel I believe in late 2011 or early 2012. We were able to occupy the house in May 2012. We have had no problems with plumbing until the spontaneous rupture of the main line at the first joint downstream from the new valve sometime in March or April 2016.

I first learned of this rupture when I received a water bill in excess of \$10,000.00 for one month. Upon contacting the utility company I was informed that I had consumed a vast amount of water and the bill was valid and correct. I contacted my plumber and was informed of the rupture and that it had been discovered by my caretaker. Since this house is not my primary home no one was staying in the house at the time.

The plumber immediately repaired the rupture and turned the water back on. We have had no further problems since the repair. The explanation by my plumber for the rupture was that a pressure surge had most likely occurred upstream from the supply valve. He went on to explain that the utility company had experienced problems with high pressure while installing the new valve in that the new valve blew off when the water was turned on. The crew reinstalled the valve and it blew off a second time. They finally solved the problem by anchoring the valve to steel rods set in concrete to prevent the excessive pressure from continuing to blow off the valve.

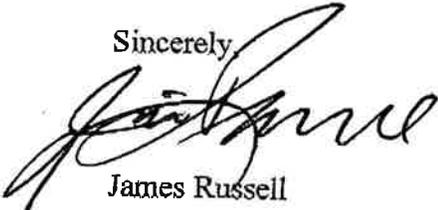
Upon witnessing this, the plumber was prompted to ask what measures he should take if any to handle this pressure. Would schedule 40 pipe be sufficient or should he have used

schedule 80? He was told that schedule 40 was more than adequate. Schedule 40 was installed and all went well until the event occurred.

I attended a meeting of the board at First Utility District and was given an opportunity to plead for relief due to the unusual circumstances leading to this rupture. I was treated with the utmost civility and compassion but was informed that anything that occurred downstream of the valve was my responsibility regardless of what may have happened upstream that may have caused the rupture.

It is my position that the cause of this failure originated upstream from the valve and that it was spontaneous and unusual since there had been no problem for several years. Although the utility company had knowledge of the possibility of this type of failure due to the problems they occurred during the installation of the valve. I believe they had the responsibility to inform me, the homeowner, of any steps that I should take to guard against this occurrence. Therefore I ask to be forgiven of this expense and I further ask for any explanation of why this occurred and what if anything we should do to prevent any future failure.

Sincerely,

A handwritten signature in cursive script, appearing to read "James Russell", written in black ink.

James Russell

From: greg martin <gregmartinconst@live.com>
To: karajim <karajim@aol.com>
Subject: Fw: Greg Martin Const.-- Plumbing Leak
Date: Wed, May 25, 2016 4:03 pm

Sent from Windows Mail

From: greg martin
Sent: Tuesday, May 10, 2016 7:43 AM
To: jimkara@aol.com

This is concerning leak at Jim Russell at 25 caney hollow road counce Tn.38326
I put the line in going to the home from the water meter . When then water meter was installed it had to be staked to the ground to keep pipe from blowing meter off . I watched the meter get blowed off the line twice . I asked the guys installing the meter if I needed to put in a heavier size pipe because of pressure and they said we would be fine with sch 40 pipe . The pipe was installed 3--5 years ago and it has been ok . This past month the pipe blowed apart at joint there was no cracks bad places or anything wrong with the pipe it just got such a build up of pressure it blowed out the first joint it came too . I think the reason for that is his house is at the end of the line and the road .

Thank you Greg Martin

Monday, June 27, 2016

12:52PM

Page 1 of 1

FIRST UTILITY DISTRICT

Customer Detail

RUSSELL, JAMES & KARA

Account Number

853

RUSSELL, JAMES & KARA
PO BOX 34696

JAMES RUSSELL

MEMPHIS TN
38184-0696 (901)386-0087
Service Address: 25 CANEY HOLLOW

PO BOX 34696 TN
MEMPHIS
38184-0696 0-0

Date Turned On 6/4/2012
Date Turned Off
Meter Check Date 7/21/2015
Rate Code 1
Pump/Well Number 1
Last Reading 1741
Previous Reading 1731
Usage 10,000
Meter Unit Size 1,000

Months On System 48
Total Usage 31,435,000
Average Usage 654,896
Sequence Number 33651
Meter Serial Number 14122653
Route Number 4
Last Read Date 6/23/2016
12 Month Average 157,636
Last Year Average 3,000
Previous Year Average 730,000
Last "Paid On Time" Date 4/7/2016
Last Late Charge Date 7/19/2013
Number Of Late Months 3
Next Due Date 7/15/2016
Year To Date Charges \$10,796.50

Radio Read S/N 68328294

Radio Read Type 100

Meter Type R

Old Acct Number 434900-2

Deposit Information

Deposit Amount	\$0.00	Deposit Date		
Deposit Amount 2	\$0.00	Deposit 2 Date		
0	Usage	Charges	Read Date	Reading
January	2,000	15.21	1/25/2016	16
February	2,000	15.21	2/23/2016	18
March	15,000	93.97	3/24/2016	33
April	1,691,000	10,748.76	4/27/2016	1724
May	7,000	47.74	5/24/2016	1731
June	1,000	0.07	6/25/2015	30077
July	5,000	33.31	7/27/2015	3
August	4,000	27.27	8/25/2015	7
September	2,000	15.18	9/24/2015	9
October	0	15.21	10/26/2015	9
November	2,000	15.21	11/20/2015	11
December	3,000	21.27	12/24/2015	14

Certificate Number	0
Services	Current Balance
Water	\$60.87

Last Payment 4/7/2016 \$93.97 Check Number 3243
Age 1 \$47.74 Age 2 \$10,748.76 Age 3 \$0.00

Sales Tax	\$5.93
Previous Charges	\$10,796.50
Current Balance	10,863.30

Handwritten:
- 5,661.28
5,202.02
Balance for July 15

CALCULATION OF WATER ADJUSTMENT

AMOUNT OF LEAK

1691000

RATE CODE

1

Past 11 Month Usage

1	0
2	1000
3	5000
4	4000
5	2000
6	0
7	2000
8	3000
9	2000
10	2000
11	15000

- 1 TN RESID
- 3 TN COMM
- 4 TN COMM INDUST
- 6 MS RESID ****
- 7 MS COMM ****

ENTER 1
ENTER 3

*** FILL IN LEAK AMOUNT AND PAST 11 MONTHS USAGE**

3,272.73 ** If less than 11 months usage change formula**

Water Bill 1691000.00
 Less Ave 3,272.73
 Overage 1,687,727.27

1/2 overage 843,863.64
 Plus Ave 3,272.73

Total Due 847,136.39

10,796.50 - Your original amount

IF RESIDENTIAL
4,679.01 WATER
456.20 TAX
5,135.22 TOTAL

-5,661.28

this is the credit

5,135.22

+ 66.80 - July balance

5,202.02 - Total due by July 15

~~This month~~

TOTAL DN/BEFORE PENALTY DATE
\$ 10,748.76
PAY NOW - SAVE \$1,074.88
TOTAL AFTER PENALTY DATE
\$ 11,823.64

FIRST UTILITY DISTRICT OF HARDIN COUNTY
 7075 HWY 57
 COUNCE, TN 38326
 (731) 689-4454
 Office Hours - M-F 8-4

RUSSELL, JAMES & KARA
 PO BOX 34696
 MEMPHIS TN 38184-0696

ACCOUNT NO. 853

PENALTY DATE 5/15/2016

IF YOUR MAILING ADDRESS HAS CHANGED PLEASE CORRECT
 PLEASE RETURN TOP PORTION WITH PAYMENT

Yes! Sign me up for the Pickwick Southside School Roundup!

Route #4

Rate Code #1

Reading Date
 4/27/2016

BILLING FROM TO
 PERIOD Service From 3/24/2016 TO 4/27/2016

ACCOUNT NO. 853
 RUSSELL, JAMES & KARA

Print Date: 4/28/2016

SERVICE ADDRESS:
 25 CANEY HOLLOW

PRESENT READING	1724000
PREVIOUS READING	33000

Usage 1,691,000

	Charges
Water	9,793.86
Sales Tax	954.90

FAILURE TO RECEIVE STATEMENT IN THE MAIL DOES NOT RELEASE YOUR RESPONSIBILITY TO PAY.

BOARD MEETS FOURTH THURSDAY EACH MONTH 4:30 AT BUSINESS OFFICE.
 SERVICE WILL BE DISCONNECTED IF NOT PAID BY THE 20TH OF THE MONTH.

**PLEASE NOTICE THE 5% INCREASE TO YOUR BILL
 HAVE A SAFE AND HAPPY MEMORIAL DAY!!**

PAY YOUR BILL ONLINE AT www.firstud.com

Account #: 853

TOTAL DUE NOW	10,748.76
---------------	-----------

SAVE THIS PENALTY	PAY THIS AMOUNT AFTER
\$1,074.88	5/15/2016
	11,823.64

PAYMENT MUST BE RECEIVED BY THE 15TH TO AVOID LATE CHARGES



STATE OF TENNESSEE
Utility Management Review Board
James K. Polk State Office Building
505 Deaderick Street, Suite 1700
Nashville, Tennessee 37243-1402
Phone (615) 401-7879 Fax (615) 741-1551

INFORMAL HEARING FORM

Customer Complaint, Tenn. Code Ann. § 7-82-702(a)(8)¹

Contact Information:

Complainant Utility District

Name: LARRY VANDIVER

Utility District: First Ut. Dist of HARDIN Co.

Telephone – Primary: 731-689-4454

Telephone – Alternate: 731-926-6898

Email: _____

Address: 7075 Hwy 57

Counce TN

Zip Code: 38326

¹ Tenn. Code Ann. § 7-82-702(a)(8) provides: "Upon the failure of the board of commissioners of a utility district to adopt the rules and regulations required by § 7-82-402(b), regardless of exemptions or exclusions as may be enumerated in § 7-82-103, or any other section of this chapter or, upon the failure of a utility district to consider and resolve consumer complaints in accordance with such rules and regulations, establish an alternate mechanism for consideration and resolution of such complaints through an informal hearing process. In making its decision as to whether the complaint was resolved in accordance with the utility district's rules and regulations, the utility management review board shall also take into account the reasonableness of the utility district's application of its rules, policies, and cost of service as well as any evidence presented during the hearing. Any judicial review of any decision of the board will be held by common law certiorari within the county in which the hearing was held".

Jurisdiction:

Has complainant made a formal complaint with the Utility District?

Yes No

Please provide the date of the complaint and attach a copy of it to this form.

Date: 5-26-16

Allegation of Facts:

Provide a detailed account of facts that led to this complaint. Please lay the case out chronologically and highlight the most important facts.

see attached

Causes of Action:

Did the utility district follow its policies or procedures?

Yes

Does the utility district lack policies and procedures that address this type of complaint?

NO

Relief Sought:

Please provide detailed information related to the remedy(ies) that you are seeking.

*We offered him a leak adjustment and
we offered to work with him on paying the bill
since it was so great of a bill*

I hereby certify that the information provided above is true and correct to the best of my knowledge.

Signature: X *Larry Vandiver* Date: 7-7-16

Please mail, e-mail, or fax copies of any documentation, such as bills, that the Board would need to review when hearing the case, to:

John Greer
Utility Board Specialist
505 Deaderick Street, Suite 1700, James K. Polk Building
Nashville, TN 37243
Phone: (615) 401-7879
Fax: (615) 741-1551
john.greer@cot.tn.gov

If you will be represented by an attorney, please provide his/her contact information below:

Name: None
Telephone – Primary: _____
Telephone – Secondary: _____
Email: _____
Address: _____
Zip Code: _____

Under Tenn. Code Ann. § 7-82-702(a)(8), any judicial review of any decision of the Utility Management Review Board will be held by common law certiorari within the county in which the informal hearing was held.

FIRST UTILITY DISTRICT OF HARDIN COUNTY

Policy No.:	Policy Description:	Page No :	Issue Date:
D	Adjustments To Bills For Leakage	1	5/1/01

RESPONSIBLE FOR ADMINISTERING POLICY

Board of Commissioners and General Manager.

BACKGROUND AND PURPOSE

It is generally accepted utility practice in the United States that the customer is responsible for utility service on the customer's side of the meter. This includes leakage. A customer seeking a leak adjustment should always realize that the water he or she doesn't pay for will be paid for by other customers.

The District is run for the benefit of all present and future customers, and while no customer shall intentionally be treated unfairly, no customer shall be treated in a way that compromises the interests of other customers.

LIMITATIONS

The District is subject to various state and federal regulations and has no discretion to adjust bills in a manner which would violate these regulations.

POLICY STATEMENT

1. Determination of Need For Adjustment

The need to adjust a utility bill may be evident by a customer complaint of excessive billing or of leakage on the customer's side of the meter.

2. Notice of Possible Leaks

It is the customer's responsibility to keep his plumbing system in good working order. If, however, District meter readers or other employees suspect leakage on the customer's side of the meter, they shall attempt to notify the customer on the premises or by telephone.

3. Frequency of Adjustments

No customer shall receive more than one (1) adjustment in a twelve (12) month period.

FIRST UTILITY DISTRICT OF HARDIN COUNTY

Policy No.:	Policy Description:	Page No :	Issue Date:
D	Adjustments to Bills/Leak Adjustments	2	4/15/99

4. Improper Meter Reading

The District will first determine that the meter was properly read. If an investigation of the meter shows that it was misread or that there was a failure of utility equipment, a new bill will be issued using an estimated reading based on an average of the past twelve (12) months billings for this period. If the customer does not have a twelve month (12) month period to average, a lesser period may be utilized, but not less than three (3) months (See Policy C-3). A customer who does not have at least three (3) months bills to average for a leak adjustment will be required to pay at least a minimum bill. There will be no penalty assessed in the event the adjustment procedure delays payment past the penalty date.

If an investigation of the meter and meter record establishes that the meter was properly read and that there was no failure of utility equipment, the bill will remain valid and payable.

5. Request For Leak Adjustment

- Also OK from phone calls.

All requests for billing adjustments must be received in writing or in person at the business office of the District during regular business hours. Customer must locate and repair the leak before any request for a leak adjustment is made. Accommodations will be made for handicapped customers via request to the business office. The District shall be under no obligation to extend the discount or the due date of the time for paying any bills because of a billing adjustment.

6. Amount of Time For Adjustment

The District shall not be obligated to make any adjustments of any bills not contested after ninety (90) days from the billing date.

7. Calculation of Billing Adjustment

If an adjustment of the customer's bill is warranted, the amount of the bill will be determined based on an average for the billing period for the last twelve (12) months billing in excess of the average. If the customer does not have a twelve (12) month period to average, a lesser period may be used, but not less than three (3) months. The customer's bill must be at least two (2) times the average for the billing period for the last twelve (12) months or a lesser period if the customer does not have a twelve (12) month period to average, but not less that (3) months to be eligible for a leak adjustment. A customer who does not have at least three (3) months bills to average for a leak adjustment will be required to pay one-half (1/2) of the bill reflecting the leak.

FIRST UTILITY DISTRICT OF HARDIN COUNTY

Policy No.:	Policy Description:	Page No :	Issue Date:
D	Adjustments To Bills For Leakage	3	4/15/99

The General Manager or his designee shall complete a Leak Adjustment Report (See Exhibit D-2) for all adjustments.

8. Eligible Leaks

To be adjusted, the leak must not be readily evident to a reasonable person (such as leaks that are underground, within walls or under floors) or the leak must occur while the occupants are away from the premises.

9. Ineligible Leaks

Adjustments on water bills will not be made for the following:

- a. Premises left or abandoned without reasonable care for the plumbing system.
- b. Filling of swimming pools.
- c. Watering of lawns or gardens.

10. Extension of Time - Cutoff Date

If an adjustment to a customer's bill for an **eligible leak** cannot be allowed [i.e. one (1) adjustment in a twelve (12) month period or any bill not contested after ninety (90) days], and the customer's bill is at least five (5) times an average for the billing period for the last twelve months billing, the customer may request **in writing** an extension of time up to three (3) months past the cutoff date in order to pay the bill reflecting the leak as follows:

- a. The bill reflecting the leak including any fees and/or penalties must be paid in four (4) equal installments by the respective cutoff date each month.
- b. Any subsequent bills must be paid in full including any fees and/or penalties by the respective cutoff date each month.
- c. A payment schedule for the above procedures will be established by the Business Office for the customer to follow. Any failure by the customer to follow the payment schedule will be cause for termination of service in accordance with the **Discontinuance of Service (Cut-offs) Policy (Policy F)**.

FIRST UTILITY DISTRICT OF HARDIN COUNTY

Policy No.:	Policy Description:	Page No :	Issue Date:
D	Adjustments To Bills For Leakage	4	5/1/01

RECORD KEEPING DURATION

All records of billing adjustments shall be kept for a minimum of ten (10) years.

OMISSIONS

In the absence of specific rules, regulations or policies, the disposition of billing adjustments shall be made by the Board of Commissioners in accordance with its usual and customary practices.

First Utility District of Hardin County

Board Meeting Agenda

June 23, 2016

4:30 p.m.

- I. Call to order**
- II. Floor Open to the Public**
- III. Approval of Minutes from previous month**
- IV. Approval of Payouts from previous month**
- V. Approval of Water Bill Adjustments from previous month**
- VI. Approval of Previous Months Water Loss**
- VII. Approval of Previous Months Financials**

OPEN ISSUES

- a. Customers James and Kara Russell**

NEW BUSINESS

Adjournment

**MINUTES OF BOARD MEETING
OF
THE COMMISSIONERS OF THE FIRST UTILITY DISTRICT
OF HARDIN COUNTY**

Date May 26, 2016

The regular scheduled meeting of The Board of Commissioners of the First Utility District of Hardin County was held May 26, 2016 at the Business Office in Counce, TN.

PRESENT:

Commissioners: **Richard Childers, President
Jamie Lee Johnson, Secretary
Tommy Willcutt, Commissioner
Hulon Terry, Commissioner**

Employees: **Larry Vandiver, General Manager
Ron Smith, Plant Manager
Jennifer Phillips, Office Manager
Marty Hammock
Vicky Wilkerson
Wayne Beck
Aaron Riley Adams**

Guests **Customer Jim Russell
Henry Williams with Williams Engineering Co.**

GM Vandiver opened the meeting with a prayer.

FLOOR OPEN TO THE PUBLIC

Customer Jim Russell addressed the Board about his very high water bill. The bill is for \$10,748.76. He didn't know about the leak until he got the bill and this is the first leak on the property. According to his plumber, Greg Martin, a pipe came apart underground. Mr. Martin sent Mr. Russell an e-mail (attached) detailing a pressure problem when the meter was first installed. Marty explained that when Mr. Russell's 2" meter was installed his lines from the home weren't connected yet and when they turned the water on to test the meter the pipe blew apart at a joint. Marty staked the meter to the ground to be able to test the meter. President Childers asked if anyone in the area with a 2" meter has a regulator. Marty answered that the State Park has one on theirs. Mr. Russell said it would be more beneficial to have Greg Martin at the meeting since he is more knowledgeable. President Childers told Mr. Russell that there is a policy for water leak adjustments and he is eligible for one. Mr. Russell is concerned that there was a pressure surge on the District side and President Childers offered to poll the neighboring customers and research some more before a decision is made on Mr. Russell's bill. President Childers also asked Mr. Russell to attend the next Board meeting to discuss the findings.

Mr. Henry Williams spoke next. He said, first of all, GM Vandiver has been very helpful to him on the Oak Creek Development. Mr. Williams also said the he got with Nan Barlow and printed a standard easement agreement to pass on to future developers. He suggested having our attorney look over the papers. Mr. Williams then said we need to have the Developers Policy looked at concerning the cul-de-sac rules. For someone in the future it may be difficult to connect new and existing lines without easement agreements. Finally, Mr. Williams is working on scanning plans of water lines and he asked that if we find any lying around he is more than happy to include them in his work. He said it would help him and he would do this free of charge. After the scans are complete he will give us a disk of the maps.

APPROVE PREVIOUS MONTHS MINUTES

President Childers stated that all commissioners had received a copy of printed minutes prior to meeting date, allowing time to have read them.

Commissioner Terry made a motion to approve.
Commissioner Willcutt seconded the motion.

All in favor-motion carried.

APPROVE PAYOUTS FROM PREVIOUS MONTH

President Childers stated that all commissioners had received a copy of printed payouts prior to meeting date, allowing time to have read them.

Sec. Johnson made a motion to approve.
VP Brooks seconds the motion.

All in favor - motion carried.

OPEN ISSUES

NEW BUSINESS

Customers James and Kara Russell

President Childers wanted to discuss this matter further. GM Vandiver explained that our pipes just slip together and aren't glued, 25% of pressure would blow the lines apart. President Childers asked to find out the amount of pressure in the lines for that area first. GM Vandiver said that the entire system is gravity fed and some areas have more pressure than others. Marty said his water should have been reduced some anyway because of a RP device located right after his meter. President Childers also asked GM Vandiver to poll the area around Mr. Russell's home. Mrs. Phillips said she would like to know who found the leak and didn't inform Mr. Russell because he didn't even know about it until he received his bill. President Childers calls G.W. Martin and he said that he wasn't with Greg when it was repaired. President Childers called Greg Martin next but didn't get an answer.

OPEN DISCUSSION

There hasn't been any news from the Culver lawsuit.

GM Vandiver told the Board that attorney Lee Lackey is working on our tank land problem.

GM Vandiver also told the Board that Dean Harrison had sent an easement agreement to the owners of the land for the line relocation on Kendrick Road and Highway 57.

President Childers asked if there were any issues with the trucks and GM Vandiver said no and that everything was repaired a while back. GM Vandiver also said that there is a clipboard hanging in the shop for any repairs needed.

President Childers thinks we should look into putting a barrier in front of the drive thru window to prevent someone from running through the building.

GM Vandiver informed the Board that Tony Smith had completed the construction on the kitchen restroom to make it handicap accessible.

GM Vandiver told the Board he wanted to move the shed over the track hoe to the land between the storage buildings. The Board is ok with that.

Mrs. Phillips informed the Board that the office will be sending out a letter letting the customers know that an election will be held on August 25, 2016. The positions up for election are #1 and #2. President Childers asked for a number to reach the Comptroller's office to see if they are eligible to run again.

FIRST UTILITY DISTRICT

Customer Detail

RUSSELL, JAMES & KARA

RUSSELL, JAMES & KARA
PO BOX 34696

MEMPHIS TN
38184-0696 (901)386-0087
Service Address: 25 CANEY HOLLOW

Date Turned On 6/4/2012
Date Turned Off
Meter Check Date 7/21/2015
Rate Code 1
Pump/Well Number 1
Last Reading 1724
Previous Reading 33
Usage 1,691,000
Meter Unit Size 1.000

Radio Read S/N 68828294

Meter Type R

Account Number

853

JAMES RUSSELL

PO BOX 34696
MEMPHIS TN
38184-0696 0-0

Months On System 47
Total Usage 31,428,000
Average Usage 668,681
Sequence Number 33651
Meter Serial Number 14122653
Route Number 4
Last Read Date 4/27/2016
12 Month Average 172,700
Last Year Average 3,000
Previous Year Average 730,000
Last "Paid On Time" Date 4/7/2016
Last Late Charge Date 7/19/2013
Number Of Late Months 3
Next Due Date 6/15/2016
Year To Date Charges \$10,748.76

Radio Read Type 100

Old Acct Number 434900-2

Deposit Information

Deposit Amount	\$0.00	Deposit Date	Certificate Number	0
Deposit Amount 2	\$0.00	Deposit 2 Date	Services	Current Balance
0	Usage	Charges	Read Date	Reading
January	2,000	15.21	1/25/2016	16
February	2,000	15.21	2/23/2016	18
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April	1,691,000	10,748.76	4/27/2016	1724
May	0	0.00	5/26/2015	30076
June	1,000	0.07	6/25/2015	30077
July	5,000	33.31	7/27/2015	3
August	4,000	27.27	8/25/2015	7
September	2,000	15.18	9/24/2015	9
October	0	15.21	10/26/2015	9
November	2,000	15.21	11/20/2015	11
December	3,000	21.27	12/24/2015	14

Previous Charges \$10,748.76

Current Balance 10,748.76

Last Payment 4/7/2016 \$93.97 Check Number 3243
Age 1 \$10,748.76 Age 2 \$0.00 Age 3 \$0.00

CALCULATION OF WATER ADJUSTMENT

AMOUNT OF LEAK 1691000

RATE CODE 1

Past 11 Month Usage

1	0
2	1000
3	5000
4	4000
5	2000
6	0
7	2000
8	3000
9	2000
10	2000
11	15000

- 1 TN RESID
- 3 TN COMM
- 4 TN COMM INDUST
- 6 MS RESID **** ENTER 1
- 7 MS COMM **** ENTER 3

*** FILL IN LEAK AMOUNT AND PAST 11 MONTHS USAGE**

3,272.73 ** If less than 11 months usage change formula**

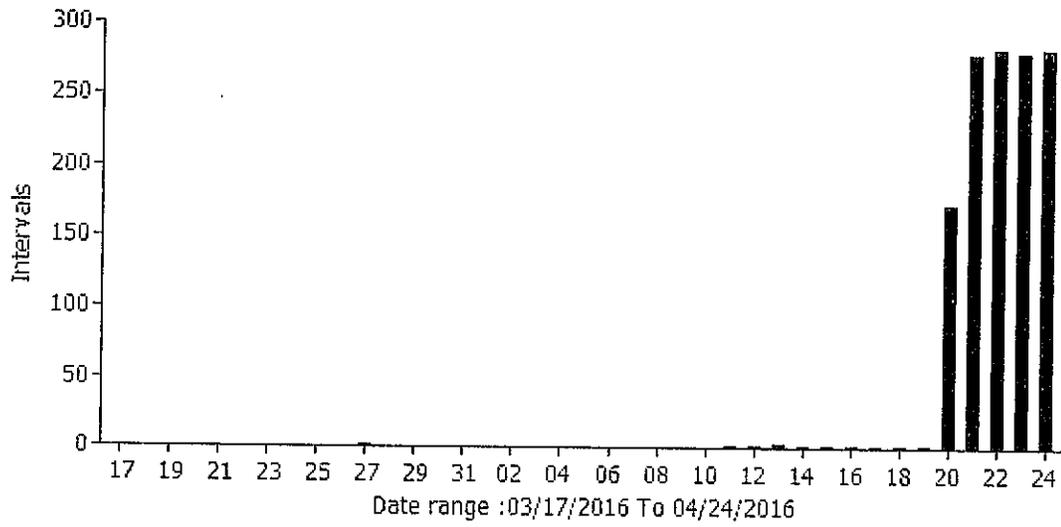
Water Bill	1691000.00
Less Ave	3,272.73
Overage	1,687,727.27
1/2 overage	843,863.64
Plus Ave	3,272.73
Total Due	847,136.36

10,748.76

IF RESIDENTIAL
4,679.01 WATER
456.20 TAX
5,135.22 TOTAL

5,613.54

Device ID:68828294
Customer Name :RUSSELL, JAMES & KAR



#853

730-5300
Cleveland

Route Id	Current Read	Date	Timehh	4/24/2016	4/23/2016	4/22/2016	4/21/2016	4/20/2016	4/19/2016
99000004	1363	4/25/2016	8:00 AM	286	284	286	282	175	2

-76,000 284,000 284,000 286,000 282,000 175,000

4/25/16
4/27/16
282,000

4/27/16 Reading 1724

From: greg martin <gregmartinconst@live.com>
To: karajim <karajim@aol.com>
Subject: Fw: Greg Martin Const.-- Plumbing Leak
Date: Wed, May 25, 2016 4:03 pm

Sent from Windows Mail

From: greg martin
Sent: Tuesday, May 10, 2016 7:43 AM
To: jimkara@aol.com

This is concerning leak at Jim Russell at 25 caney hollow road counce Tn.38326
I put the line in going to the home from the water meter . When then water meter was installed it had to be staked to the ground to keep pipe from blowing meter off . I watched the meter get blowed off the line twice . I asked the guys installing the meter if I needed to put in a heavier size pipe because of pressure and they said we would be fine with sch 40 pipe . The pipe was installed 3--5 years ago and it has been ok . This past month the pipe blowed apart at joint there was no cracks bad places or anything wrong with the pipe it just got such a build up of pressure it blowed out the first joint it came too . I think the reason for that is his house is at the end of the line and the road .

Thank you Greg Martin

We had been losing a lot of water
on April 27 2016 After reading meters
we notice that Mr Russells meter had used
a lot of water so we went to check it
and found that the meter had been turned
off and the reading was right so we investigated
it and found that 99' from the meter we found
where it was a leak, we took pictures
This meter had been in since Feb 2012
When it was installed the maintaince men
turned it on it was not hooked to nothing
and it came off once and they drove steel
down to hold it to check it because there
was no pipe hooked to it and it held
There are two more houses at the end and no
problems with them.





FIRST UTILITY DISTRICT OF HARDIN COUNTY

7075 HWY 57
COUNCE, TN 38326
(731) 689-4454
Office Hours - M-F 8-4

July - 66.80

TOTAL ON/BEFORE PENALTY DATE	
\$ 10,748.76	
PAY NOW - SAVE	\$1,074.88
TOTAL AFTER PENALTY DATE	
\$ 11,823.64	

*Balance
pending
appeal*

ACCOUNT NO. 853

RUSSELL, JAMES & KARA
PO BOX 34696
MEMPHIS TN 38184-0696

PENALTY DATE 5/15/2016

IF YOUR MAILING ADDRESS HAS CHANGED PLEASE CORRECT

Colp
v.
East Sevier
County UD



RECEIVED

JUN 22 2016

DEPT: COMPTROLLER
OFFICE OF ADMINISTRATION

STATE OF TENNESSEE
Utility Management Review Board
James K. Polk State Office Building
505 Deaderick Street, Suite 1700
Nashville, Tennessee 37243-1402
Phone (615) 401-7879 Fax (615) 741-1551

RECEIVED
JUN 2016
DEPT: COMPTROLLER
OFFICE OF ADMINISTRATION

INFORMAL HEARING FORM

Customer Complaint, Tenn. Code Ann. § 7-82-702(a)(8)¹

Contact Information:

Complainant Utility District

Name: ROBERT COLP

Utility District: EAST SEWER COUNTY

Telephone – Primary: 615-292-5666

Telephone – Alternate: _____

Email: BLINDNAILER@MSN.COM

Address: 1379 YELLOWWOOD DR
SEVIERVILLE

Zip Code: 37876

¹ Tenn. Code Ann. § 7-82-702(a)(8) provides: "Upon the failure of the board of commissioners of a utility district to adopt the rules and regulations required by § 7-82-402(b), regardless of exemptions or exclusions as may be enumerated in § 7-82-103, or any other section of this chapter or, upon the failure of a utility district to consider and resolve consumer complaints in accordance with such rules and regulations, establish an alternate mechanism for consideration and resolution of such complaints through an informal hearing process. In making its decision as to whether the complaint was resolved in accordance with the utility district's rules and regulations, the utility management review board shall also take into account the reasonableness of the utility district's application of its rules, policies, and cost of service as well as any evidence presented during the hearing. Any judicial review of any decision of the board will be held by common law certiorari within the county in which the hearing was held".

Jurisdiction:

Has complainant made a formal complaint with the Utility District?

I WENT TO THE MEETING
ON THE SECOND TUESDAY OF
MAY

Yes No

Please provide the date of the complaint and attach a copy of it to this form.

Date: _____

Allegation of Facts:

Provide a detailed account of facts that led to this complaint. Please lay the case out chronologically and highlight the most important facts.

Causes of Action:

Did the utility district follow its policies or procedures?

Does the utility district lack policies and procedures that address this type of complaint?

Relief Sought:

Please provide detailed information related to the remedy(ies) that you are seeking.

I hereby certify that the information provided above is true and correct to the best of my knowledge.

Signature: X F. J. Cap Date: 6/20/2016

Please mail, e-mail, or fax copies of any documentation, such as bills, that the Board would need to review when hearing the case, to:

John Greer
Utility Board Specialist
505 Deaderick Street, Suite 1700, James K. Polk Building
Nashville, TN 37243
Phone: (615) 401-7879
Fax: (615) 741-1551
john.greer@cot.tn.gov

If you will be represented by an attorney, please provide his/her contact information below:

Name: _____
Telephone – Primary: _____
Telephone – Secondary: _____
Email: _____
Address: _____

Zip Code: _____

Under Tenn. Code Ann. § 7-82-702(a)(8), any judicial review of any decision of the Utility Management Review Board will be held by common law certiorari within the county in which the informal hearing was held.

May 30, 2016

To: John Greer

From: Robert Colp 1379 Yellowwood Dr. Sevierville, Tn. 37876

In January 2015 I was injured and not able to work. By March 2015 , ESCUD locked my meter for non payment of the water bill. Since March of 2015 ESCUD has billed me for water and sewer usage. In April 2016 I went to the ESCUD office to negotiate a payment to have the lock removed. I was told I couldn't negotiate my bill and I had to talk to Roy Ivey. I was given a rules and regulation paper explaining their right to lock my meter. In that paper I didn't find anything explaining termination of water because of non payment. I was also given the address and phone number of the water review board in Nashville.

I followed up by attending the officers meeting on the second Tuesday in May. I met with Roy Ivey to negotiate my bill with no results. I spoke with Roy explaining to him that I felt it was unjustified for them to charge me for water, when they have denied access to the water. His reply was, I had to pay what I owe, otherwise a lien would be put on the property. I told him that is a form of extortion. Definition of extortion "the practice of obtaining something, especially money, through force or threats". I said to him that if I went to the store and paid for my water I can leave with the water. Roy told me an owner comes in twice a year to check on his rental and he pays what he owes. I think it's great that someone can afford a rental property to pay their bills. That is not my situation, this is my full time residence.

We are being charged for usage of water and sewer. The definition of usage " the act of using something". The rule states from 0-3000 gallons per month. If your usage is "0" then you are not using it. I believe this rule that was written in 1973 should be amended to 1-3000 gallons. This implies usage. I also believe that you should only have to pay for what you use. Scud in Sevierville charges you for water that you use. I was living in Sevierville and had an incident that my meter was locked. My usage stopped and I paid for what I used. ESCUD or SCUD what's the difference, they are both state run agencies. The print out of my water and sewer bill shows I use an average of 100 gallons per month. My water and sewer bill is just about \$100.00 per month. I'm paying a dollar per gallon to use water that I believe to be unusable. That is unbelievable!!

AS PREVIOUSLY STATED, the water ESCUD provides this community is unusable! The only use it has is for the toilet! I believe there are nine wells for this community. Occasionally, they will open wells that have such bad water, you can't even see through it. If you let the water sit in a glass, sediment appears in the bottom, not to mention the smell of chlorine coming from the glass. Miraculously though, they pass their water tests each time!! Something is not right here!! I won't drink the water, shower with the water, water my plants with the water, cook with the water, feed it to my animals or wash my clothes with it because they come discolored afterwards. Why am I paying for something I believe is unusable? Why can't a well be drilled on the property? Just because the previous water company said it was so!! Everyone should have a choice!! Their rules are outdated and need to be amended. It's their way or the highway so to speak!! Water is a God given right to every human on this planet!

The following are a list of things I disagree with in their so called "district restrictions"

- 1) the heading on the page says "East Sevier County Utility District" with a December 5, 1973 timeline. I believe ESCUD took over English Mountain Water and Sewer around 2000. Using the original transcript and changing the name.
- 2) Intimidation towards the owner. Scare tactic if you are uneducated.
- 3) first mention of legalized extortion. Pay for it whether it's there or not. Seriously!
- 4) Intimidation from previous #2 and extortion
- 5) Extortion, forcing people to pay whether they use it or not.
- 6) Intimidation
- 7) implies usage which means the water is on. They locked me out!!
- 8) Extortion at its finest "compelled to pay"
- 9) property taxes is not water!
- 10) justifying that their water is as important as property taxes. Two things certain in life, "death and taxes" should we add paying the water bill too?!

11) and to sum up, more intimidation!!

This document is the most one sided thing I have ever read!! It's their way or the highway! Maybe in 1973 it was accepted, but this is 2016. I'm no lawyer but things have changed in the last 43 years. I believe this document is nothing more than a form of legalized extortion drawn up by some greedy land owners long ago!! I can't believe the state of Tennessee would stand behind such a document today!!

I have been forced to change my lifestyle to accommodate out dated rules. I have been forced to use Mother Nature as my toilet since March 2015. I bring in my store bought water for drinking and cooking. This madness has to stop!! I would like to resolve this issue. My resolution is to pay my balance through March 2015 which is \$397.37 also, 3% of the sewer bill from April 2015 to the present, which is \$662.00 total $\times 3\% = \$20.01$. All surcharges and penalties forgiven from March 2015 to the present. The total is \$417.38. I believe this resolution is just and fair.

Respectfully, Robert Colp

East Sevier County Utility District

Some questions have arisen regarding the East Sevier County Utility District ("District") and its fees for both water and sewer service. This addresses those questions.

1. Q: How can the District charge a property owner for water and sewer service even when the residence is empty or when the meter has been locked down and service cut off?
A: The English Mountain Development Declaration of Protective Covenants, also known as the "Restrictions," was recorded on December 5, 1973,¹ and provides certain rights to the District. The Restrictions themselves, which have been upheld by the Tennessee Supreme Court at least twice,² actually provide that monthly service charges may be assessed beginning when the water lines and/or sewer lines are run in front of the lot. That means that, under the Restrictions, fees are collectible whether or not a house is built on the lot.³ Initially, the District took that position, but quickly compromised and simply charges its fees, without interruption, once service to a property has actually commenced as opposed to once the lines run in front of the property. Because the Restrictions have been repeatedly upheld, the District has always felt comfortable with its charging structure.⁴

If the residence is removed or otherwise destroyed, the District's policy is that charges for sewer and water service do not continue to accrue. As long as a residence remains on the property, however, those charges continue to be due and owing each month.⁵
2. Q: How can the District charge the owner of a property for water and sewer fees when a tenant, and not the owner, established service and failed to pay?
A: Once again, the Restrictions and the lien in favor of the District created by the Restrictions allow the District to collect in this situation.⁶ The lot itself stands for the payment of the water and sewer fees, which means that if the person using the water and sewer does not pay, the owner of the lot can be compelled to pay.⁸ This is just like the situation with property taxes,⁹ if a tenant is supposed to pay the property taxes, but that tenant does not do so, the county can sell the property at a delinquent tax sale, and it is up to the owner of the property to pay the taxes. The service charges for the District, in that sense, are exactly like the obligation to pay property taxes to the county trustee.¹⁰

Much of this was intensely litigated in the mid-1970s and early 1980s in lawsuits between the District and the property owners and the banks who loaned money on the development. The result of those lawsuits was that the Restrictions were upheld, and were determined to be valid and enforceable.¹¹

EAST SEVIER COUNTY UTILITY DISTRICT

Sevierville, TN 37876

Re: Lien in Favor of East Sevier County Utility District

ANOTHER SCARE TACTIC!

To Whom It May Concern:

A Declaration of Protective Covenants for the English Mountain Development was signed on November 30, 1973, and recorded in the Sevier County Register of Deeds Office on December 5, 1973.

These covenants have been widely accepted, by no less authority than the Tennessee Supreme Court, as establishing a lien in favor of the East Sevier County Utility District, which lien is not subordinate to purchase money deeds of trust. For example, in a Tennessee Supreme Court case, East Sevier County Utility District of Sevier County, Tennessee v. Wachovia Bank & Trust Co., et al., the Tennessee Supreme Court quoted Wachovia's answer to the complaint filed in the lawsuit, "The defendant admits that the lien of the Utility District is superior to any Wachovia lien as to deeds of trust recorded after December 5, 1973." Sevier County Utility District of Sevier County, Tennessee v. Wachovia Bank & Trust Co., 570 S.W.2d 850, 853 (Tenn. 1978).

While the covenants themselves indicate that the lien is reserved in favor of the developer, the Tennessee Supreme Court has also recognized that the developer assigned to the Utility District "all of its collection and lien rights for water and sewer service to lot owners by instrument dated March 11, 1974." East Sevier County Utility District v. Wachovia Bank & Trust Co., 655 S.W.2d 924, 925 (Tenn. 1983).

Therefore, it has long been recognized that the lien of East Sevier County Utility District for sewer and water service holds priority over any deed of trust recorded after December 5, 1973.

Sincerely,

East Sevier County Utility District

**East Sevier Co. Utility Distr.
Customer History Report**

Service Type All
AR Code All
Beginning Date All
Ending Date

Use Reading Factor
Start Balance With Zero
Print Breakdown By Transaction Service Taxes Totals Only

History For Account 0006-41700-002 McCarter, Melody

Tran Date	Post Date	Code	Description	Service Desc	Service Usage	Service Local Tax	Surcharge1 State Tax	Surcharge2 Penalty	Unapplied	Balance
04/23/14	04/23/14	100	Cash Payment	Cust Unapp Cash	0	\$0.00	\$0.00	\$0.00		
<input type="checkbox"/>	Ed Wagner	990579			0	\$0.00	\$0.00	\$0.00	(\$50.00)	(\$50.00)
05/06/14	05/06/14	BSW	Billing Sewer	Sewer	06	\$43.00	\$0.00	\$0.00		
	Ed Wagner				0	\$0.00	\$0.00	\$0.00	\$0.00	(\$7.00)
05/06/14	05/06/14	BWA	Billing Water	Water	06	\$43.00	\$0.00	\$0.00		
	Ed Wagner				0	\$1.18	\$3.01	\$0.00	\$0.00	\$40.19
05/06/14	05/06/14	SVC	Service Charge	Service Char	01	\$50.00	\$0.00	\$0.00		
	Ed Wagner				0	\$0.00	\$0.00	\$0.00	\$0.00	\$90.19
05/06/14	05/06/14	OVP	Over Payment		0	\$0.00	\$0.00	\$0.00		
	Ed Wagner				0	\$0.00	\$0.00	\$0.00	\$50.00	\$140.19
05/06/14	05/06/14	OVP	Over Payment	Water	06	(\$43.00)	\$0.00	\$0.00		
	Ed Wagner				0	(\$1.18)	(\$3.01)	\$0.00	\$0.00	\$93.00
05/06/14	05/06/14	OVP	Over Payment	Sewer	06	(\$2.81)	\$0.00	\$0.00		
	Ed Wagner				0	\$0.00	\$0.00	\$0.00	\$0.00	\$90.19
05/30/14	05/30/14	CHG	Charge	Sewer	06	\$0.00	\$0.00	\$0.00		
	Ed Wagner				0	\$0.00	\$0.00	\$4.30	\$0.00	\$94.49
06/05/14	06/05/14	BSW	Billing Sewer	Sewer	06	\$43.00	\$0.67	\$0.00		
	Ed Wagner				0	\$0.00	\$0.00	\$0.00	\$0.00	\$138.16
06/05/14	06/05/14	BWA	Billing Water	Water	06	\$43.00	\$0.00	\$0.00		
	Ed Wagner				0	\$1.18	\$3.01	\$0.00	\$0.00	\$185.35
06/16/14	06/17/14	200	Check Paymen	Water	06	(\$43.00)	\$0.00	\$0.00		
<input type="checkbox"/>	Ed Wagner	96			0	(\$1.18)	(\$3.01)	\$0.00	\$0.00	\$138.16
06/16/14	06/17/14	200	Check Paymen	Sewer	06	(\$83.19)	(\$0.67)	\$0.00		
<input type="checkbox"/>	Ed Wagner	96			0	\$0.00	\$0.00	(\$4.30)	\$0.00	\$50.00
06/16/14	06/17/14	200	Check Paymen	Service Char	01	(\$50.00)	\$0.00	\$0.00		
<input type="checkbox"/>	Ed Wagner	96			0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
06/30/14	07/01/14	BSW	Billing Sewer	Sewer	06	\$43.00	\$0.00	\$0.00		
	Ed Wagner				0	\$0.00	\$0.00	\$0.00	\$0.00	\$43.00
06/30/14	07/01/14	BWA	Billing Water	Water	06	\$43.00	\$0.00	\$0.00		
	Ed Wagner				0	\$1.18	\$3.01	\$0.00	\$0.00	\$90.19
07/24/14	07/24/14	200	Check Paymen	Water	06	(\$43.00)	\$0.00	\$0.00		
<input type="checkbox"/>	Ed Wagner	196			0	(\$1.18)	(\$3.01)	\$0.00	\$0.00	\$43.00
07/24/14	07/24/14	200	Check Paymen	Sewer	06	(\$43.00)	\$0.00	\$0.00		
<input type="checkbox"/>	Ed Wagner	196			0	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
08/01/14	08/01/14	BSW	Billing Sewer	Sewer	06	\$43.00	\$0.00	\$0.00		
	Ed Wagner		BROKEN		3,000	\$0.00	\$0.00	\$0.00	\$0.00	\$43.00
08/01/14	08/01/14	BWA	Billing Water	Water	06	\$43.00	\$0.00	\$0.00		
	Ed Wagner		PIPE		3,000	\$1.18	\$3.01	\$0.00	\$0.00	\$90.19

History For Account 0006-41700-002 McCarter, Melody

Tran Date	Post Date	Code	Description	Service Desc	Service Usage	Service Local Tax	Surcharge1 State Tax	Surcharge2 Penalty	Unapplied	Balance
08/29/14	08/29/14	200	Check Paymen	Cust Unapp Cash	0	\$0.00	\$0.00	\$0.00		
	<input type="checkbox"/> Ed Wagner	199				\$0.00	\$0.00	\$0.00	(\$8.60)	\$81.59
08/29/14	08/29/14	200	Check Paymen	Water	06	(\$43.00)	\$0.00	\$0.00		
	<input type="checkbox"/> Ed Wagner	199			0	(\$1.18)	(\$3.01)	\$0.00	\$0.00	\$34.40
08/29/14	08/29/14	200	Check Paymen	Sewer	06	(\$43.00)	\$0.00	\$0.00		
	<input type="checkbox"/> Ed Wagner	199			0	\$0.00	\$0.00	\$0.00	\$0.00	(\$8.60)
09/03/14	09/03/14	BSW	Billing Sewer	Sewer	06	\$43.00	\$0.00	\$0.00		
	Ed Wagner				0	\$0.00	\$0.00	\$0.00	\$0.00	\$34.40
09/03/14	09/03/14	BWA	Billing Water	Water	06	\$43.00	\$0.00	\$0.00		
	Ed Wagner				0	\$1.18	\$3.01	\$0.00	\$0.00	\$81.59
09/03/14	09/03/14	OVP	Over Payment		0	\$0.00	\$0.00	\$0.00		
	Ed Wagner				0	\$0.00	\$0.00	\$0.00	\$8.60	\$90.19
09/03/14	09/03/14	OVP	Over Payment	Water	06	(\$8.60)	\$0.00	\$0.00		
	Ed Wagner				0	\$0.00	\$0.00	\$0.00	\$0.00	\$81.59
09/29/14	09/29/14	200	Check Paymen	Cust Unapp Cash	0	\$0.00	\$0.00	\$0.00		
	<input type="checkbox"/> Ed Wagner	201			0	\$0.00	\$0.00	\$0.00	(\$8.60)	\$72.99
09/29/14	09/29/14	200	Check Paymen	Water	06	(\$34.40)	\$0.00	\$0.00		
	<input type="checkbox"/> Ed Wagner	201			0	(\$1.18)	(\$3.01)	\$0.00	\$0.00	\$34.40
09/29/14	09/29/14	200	Check Paymen	Sewer	06	(\$43.00)	\$0.00	\$0.00		
	<input type="checkbox"/> Ed Wagner	201			0	\$0.00	\$0.00	\$0.00	\$0.00	(\$8.60)
10/03/14	10/03/14	BSW	Billing Sewer	Sewer	06	\$43.00	\$0.00	\$0.00		
	Ed Wagner				20	\$0.00	\$0.00	\$0.00	\$0.00	\$34.40
10/03/14	10/03/14	BWA	Billing Water	Water	06	\$43.00	\$0.00	\$0.00		
	Ed Wagner				20	\$1.18	\$3.01	\$0.00	\$0.00	\$81.59
10/03/14	10/03/14	OVP	Over Payment		0	\$0.00	\$0.00	\$0.00		
	Ed Wagner				0	\$0.00	\$0.00	\$0.00	\$8.60	\$90.19
10/03/14	10/03/14	OVP	Over Payment	Water	06	(\$8.60)	\$0.00	\$0.00		
	Ed Wagner				0	\$0.00	\$0.00	\$0.00	\$0.00	\$81.59
10/24/14	10/24/14	CHG	Charge	Water	06	\$0.00	\$0.00	\$0.00		
	Ed Wagner				0	\$0.00	\$0.00	\$4.30	\$0.00	\$85.89
10/24/14	10/24/14	CHG	Charge	Sewer	06	\$0.00	\$0.00	\$0.00		
	Ed Wagner				0	\$0.00	\$0.00	\$4.30	\$0.00	\$90.19
10/30/14	10/30/14	200	Check Paymen	Water	06	(\$34.40)	\$0.00	\$0.00		
	<input type="checkbox"/> Ed Wagner	206			0	(\$1.18)	(\$3.01)	(\$4.30)	\$0.00	\$47.30
10/30/14	10/30/14	200	Check Paymen	Sewer	06	(\$43.00)	\$0.00	\$0.00		
	<input type="checkbox"/> Ed Wagner	206			0	\$0.00	\$0.00	(\$4.30)	\$0.00	\$0.00
11/03/14	11/03/14	BSW	Billing Sewer	Sewer	06	\$43.00	\$0.00	\$0.00		
	Ed Wagner				0	\$0.00	\$0.00	\$0.00	\$0.00	\$43.00
11/03/14	11/03/14	BWA	Billing Water	Water	06	\$43.00	\$0.00	\$0.00		
	Ed Wagner				0	\$1.18	\$3.01	\$0.00	\$0.00	\$90.19
12/03/14	12/03/14	CHG	Charge	Water	06	\$0.00	\$0.00	\$0.00		
	Ed Wagner				0	\$0.00	\$0.00	\$4.30	\$0.00	\$94.49
12/03/14	12/03/14	CHG	Charge	Sewer	06	\$0.00	\$0.00	\$0.00		
	Ed Wagner				0	\$0.00	\$0.00	\$4.30	\$0.00	\$98.79

USAGE → 20

History For Account 0006-41700-002 McCarter, Melody

Tran Date	Post Date	Code	Description	Service Desc	Usage	Service Local Tax	Surcharge1 State Tax	Surcharge2 Penalty	Unapplied	Balance
12/03/14	12/03/14	BSW	Billing Sewer	Sewer	06	\$43.00	\$0.71	\$0.00		
	Ed Wagner				100	\$0.00	\$0.00	\$0.00	\$0.00	\$142.50
12/03/14	12/03/14	BWA	Billing Water	Water	06	\$43.00	\$0.77	\$0.00		
	Ed Wagner				100	\$1.18	\$3.01	\$0.00	\$0.00	\$190.46
01/02/15	01/02/15	CHG	Charge	Water	06	\$0.00	\$0.00	\$0.00		
	Ed Wagner				0	\$0.00	\$0.00	\$4.30	\$0.00	\$194.76
01/02/15	01/02/15	CHG	Charge	Sewer	06	\$0.00	\$0.00	\$0.00		
	Ed Wagner				0	\$0.00	\$0.00	\$4.30	\$0.00	\$199.06
01/04/15	01/04/15	BSW	Billing Sewer	Sewer	06	\$43.00	\$1.43	\$0.00		
	Ed Wagner				100	\$0.00	\$0.00	\$0.00	\$0.00	\$243.49
01/04/15	01/04/15	BWA	Billing Water	Water	06	\$43.00	\$1.56	\$0.00		
	Ed Wagner				100	\$1.18	\$3.01	\$0.00	\$0.00	\$292.24
02/05/15	02/05/15	100	Cash Payment	Water	06	(\$86.00)	(\$0.77)	\$0.00		
	Ed Wagner	708190			0	(\$2.36)	(\$6.02)	(\$4.85)	\$0.00	\$192.24
02/06/15	02/06/15	CHG	Charge	Water	06	\$0.00	\$0.00	\$0.00		
	Ed Wagner				0	\$0.00	\$0.00	\$4.30	\$0.00	\$196.54
02/06/15	02/06/15	CHG	Charge	Sewer	06	\$0.00	\$0.00	\$0.00		
	Ed Wagner				0	\$0.00	\$0.00	\$4.30	\$0.00	\$200.84
02/06/15	02/06/15	BSW	Billing Sewer	Sewer	06	\$43.00	\$2.16	\$0.00		
	Ed Wagner				80	\$0.00	\$0.00	\$0.00	\$0.00	\$246.00
02/06/15	02/06/15	BWA	Billing Water	Water	06	\$43.00	\$0.85	\$0.00		
	Ed Wagner				80	\$1.18	\$3.01	\$0.00	\$0.00	\$294.04
03/01/15	03/01/15	CHG	Charge	Water	06	\$0.00	\$0.00	\$0.00		
	Ed Wagner				0	\$0.00	\$0.00	\$4.30	\$0.00	\$298.34
03/01/15	03/01/15	CHG	Charge	Sewer	06	\$0.00	\$0.00	\$0.00		
	Ed Wagner				0	\$0.00	\$0.00	\$4.30	\$0.00	\$302.64
03/05/15	03/05/15	BSW	Billing Sewer	Sewer	06	\$43.00	\$2.90	\$0.00		
	Ed Wagner				60	\$0.00	\$0.00	\$0.00	\$0.00	\$348.54
03/05/15	03/05/15	BWA	Billing Water	Water	06	\$43.00	\$1.64	\$0.00		
	Ed Wagner				60	\$1.18	\$3.01	\$0.00	\$0.00	\$397.37
04/06/15	04/06/15	CHG	Charge	Water	06	\$0.00	\$0.00	\$0.00		
	Ed Wagner				0	\$0.00	\$0.00	\$4.30	\$0.00	\$401.67
04/06/15	04/06/15	CHG	Charge	Sewer	06	\$0.00	\$0.00	\$0.00		
	Ed Wagner				0	\$0.00	\$0.00	\$4.30	\$0.00	\$405.97
04/06/15	04/06/15	BSW	Billing Sewer	Sewer	06	\$43.00	\$3.66	\$0.00		
	Ed Wagner				0	\$0.00	\$0.00	\$0.00	\$0.00	\$452.63
04/06/15	04/06/15	BWA	Billing Water	Water	06	\$43.00	\$2.43	\$0.00		
	Ed Wagner				0	\$1.18	\$3.01	\$0.00	\$0.00	\$502.25
04/23/15	04/23/15	CHG	Charge	Water	06	\$0.00	\$0.00	\$0.00		
	Ed Wagner				0	\$0.00	\$0.00	\$4.30	\$0.00	\$506.55
04/23/15	04/23/15	CHG	Charge	Sewer	06	\$0.00	\$0.00	\$0.00		
	Ed Wagner				0	\$0.00	\$0.00	\$4.30	\$0.00	\$510.85
04/30/15	04/30/15	BSW	Billing Sewer	Sewer	06	\$43.00	\$4.42	\$0.00		
	Ed Wagner				0	\$0.00	\$0.00	\$0.00	\$0.00	\$558.27

USAGE →

LAST MONTH OF USAGE

History For Account 0006-41700-002 McCarter, Melody

Tran Date	Post Date	Code	Description	Service	Desc	Usage	Service Local Tax	Surcharge1 State Tax	Surcharge2 Penalty	Unapplied	Balance
Void	Posted By	Check#									
04/30/15	04/30/15	BWA	Billing Water	Water	06	0	\$43.00	\$3.24	\$0.00		
	Ed Wagner						\$1.18	\$3.01	\$0.00	\$0.00	\$608.70
05/29/15	05/29/15	CHG	Charge	Water	06	0	\$0.00	\$0.00	\$0.00	\$0.00	\$613.00
	Ed Wagner						\$0.00	\$0.00	\$4.30	\$0.00	\$613.00
05/29/15	05/29/15	CHG	Charge	Sewer	06	0	\$0.00	\$0.00	\$0.00	\$0.00	\$617.30
	Ed Wagner						\$0.00	\$0.00	\$4.30	\$0.00	\$617.30
06/03/15	06/03/15	BSW	Billing Sewer	Sewer	06	0	\$43.00	\$5.20	\$0.00	\$0.00	\$665.50
	Ed Wagner						\$0.00	\$0.00	\$0.00	\$0.00	\$665.50
06/03/15	06/03/15	BWA	Billing Water	Water	06	0	\$43.00	\$4.06	\$0.00	\$0.00	\$716.75
	Ed Wagner						\$1.18	\$3.01	\$0.00	\$0.00	\$716.75
07/01/15	07/06/15	CHG	Charge	Water	06	0	\$0.00	\$0.00	\$0.00	\$0.00	\$721.05
	Ed Wagner						\$0.00	\$0.00	\$4.30	\$0.00	\$721.05
07/01/15	07/06/15	CHG	Charge	Sewer	06	0	\$0.00	\$0.00	\$0.00	\$0.00	\$725.35
	Ed Wagner						\$0.00	\$0.00	\$4.30	\$0.00	\$725.35
07/01/15	07/06/15	BSW	Billing Sewer	Sewer	06	0	\$43.00	\$5.98	\$0.00	\$0.00	\$774.33
	Ed Wagner						\$0.00	\$0.00	\$0.00	\$0.00	\$774.33
07/01/15	07/06/15	BWA	Billing Water	Water	06	0	\$43.00	\$4.90	\$0.00	\$0.00	\$826.42
	Ed Wagner						\$1.18	\$3.01	\$0.00	\$0.00	\$826.42
08/05/15	08/05/15	CHG	Charge	Water	06	0	\$0.00	\$0.00	\$0.00	\$0.00	\$830.72
	Ed Wagner						\$0.00	\$0.00	\$4.30	\$0.00	\$830.72
08/05/15	08/05/15	CHG	Charge	Sewer	06	0	\$0.00	\$0.00	\$0.00	\$0.00	\$835.02
	Ed Wagner						\$0.00	\$0.00	\$4.30	\$0.00	\$835.02
08/05/15	08/05/15	BSW	Billing Sewer	Sewer	06	0	\$45.00	\$6.78	\$0.00	\$0.00	\$886.80
	Ed Wagner						\$0.00	\$0.00	\$0.00	\$0.00	\$886.80
08/05/15	08/05/15	BWA	Billing Water	Water	06	0	\$48.00	\$5.74	\$0.00	\$0.00	\$945.22
	Ed Wagner						\$1.32	\$3.36	\$0.00	\$0.00	\$945.22
09/03/15	09/03/15	CHG	Charge	Water	06	0	\$0.00	\$0.00	\$0.00	\$0.00	\$950.02
	Ed Wagner						\$0.00	\$0.00	\$4.80	\$0.00	\$950.02
09/03/15	09/03/15	CHG	Charge	Sewer	06	0	\$0.00	\$0.00	\$0.00	\$0.00	\$954.52
	Ed Wagner						\$0.00	\$0.00	\$4.50	\$0.00	\$954.52
09/03/15	09/03/15	BSW	Billing Sewer	Sewer	06	0	\$45.00	\$0.00	\$0.00	\$0.00	\$999.52
	Ed Wagner						\$0.00	\$0.00	\$0.00	\$0.00	\$999.52
09/03/15	09/03/15	BWA	Billing Water	Water	06	0	\$48.00	\$0.00	\$0.00	\$0.00	\$1,052.20
	Ed Wagner						\$1.32	\$3.36	\$0.00	\$0.00	\$1,052.20
10/02/15	10/02/15	BSW	Billing Sewer	Sewer	06	0	\$45.00	\$0.00	\$0.00	\$0.00	\$1,097.20
	Ed Wagner						\$0.00	\$0.00	\$0.00	\$0.00	\$1,097.20
10/02/15	10/02/15	BWA	Billing Water	Water	06	0	\$48.00	\$0.00	\$0.00	\$0.00	\$1,149.88
	Ed Wagner						\$1.32	\$3.36	\$0.00	\$0.00	\$1,149.88
11/04/15	11/04/15	BSW	Billing Sewer	Sewer	06	0	\$45.00	\$0.00	\$0.00	\$0.00	\$1,194.88
	Ed Wagner						\$0.00	\$0.00	\$0.00	\$0.00	\$1,194.88
11/04/15	11/04/15	BWA	Billing Water	Water	06	0	\$48.00	\$0.00	\$0.00	\$0.00	\$1,247.56
	Ed Wagner						\$1.32	\$3.36	\$0.00	\$0.00	\$1,247.56
12/04/15	12/04/15	BSW	Billing Sewer	Sewer	06	0	\$45.00	\$0.00	\$0.00	\$0.00	\$1,292.56
	Ed Wagner						\$0.00	\$0.00	\$0.00	\$0.00	\$1,292.56

History For Account 0006-41700-002 McCarter, Melody

Tran Date	Post Date	Code	Description	Service Desc	Service Usage	Service Local Tax	Surcharge1 State Tax	Surcharge2 Penalty	Unapplied	Balance
12/04/15	12/04/15	BWA	Billing Water	Water	06	\$48.00	\$0.00	\$0.00		
	Ed Wagner				0	\$1.32	\$3.36	\$0.00	\$0.00	\$1,345.24
01/03/16	01/03/16	BWA	Billing Water	Water	06	\$48.00	\$0.00	\$0.00		
	Ed Wagner				0	\$1.32	\$3.36	\$0.00	\$0.00	\$1,397.92
01/03/16	01/03/16	BSW	Billing Sewer	Sewer	06	\$45.00	\$0.00	\$0.00		
	Ed Wagner				0	\$0.00	\$0.00	\$0.00	\$0.00	\$1,442.92
02/04/16	02/04/16	BWA	Billing Water	Water	06	\$48.00	\$0.00	\$0.00		
	Ed Wagner				0	\$1.32	\$3.36	\$0.00	\$0.00	\$1,495.60
02/04/16	02/04/16	BSW	Billing Sewer	Sewer	06	\$45.00	\$0.00	\$0.00		
	Ed Wagner				0	\$0.00	\$0.00	\$0.00	\$0.00	\$1,540.60
03/05/16	03/05/16	BWA	Billing Water	Water	06	\$48.00	\$0.00	\$0.00		
	Ed Wagner				0	\$1.32	\$3.36	\$0.00	\$0.00	\$1,593.28
03/05/16	03/05/16	BSW	Billing Sewer	Sewer	06	\$45.00	\$0.00	\$0.00		
	Ed Wagner				0	\$0.00	\$0.00	\$0.00	\$0.00	\$1,638.28
04/03/16	04/03/16	BWA	Billing Water	Water	06	\$48.00	\$0.00	\$0.00		
	Ed Wagner				0	\$1.32	\$3.36	\$0.00	\$0.00	\$1,690.96
04/03/16	04/03/16	BSW	Billing Sewer	Sewer	06	\$45.00	\$0.00	\$0.00		
	Ed Wagner				0	\$0.00	\$0.00	\$0.00	\$0.00	\$1,735.96
05/03/16	05/03/16	BWA	Billing Water	Water	06	\$48.00	\$0.00	\$0.00		
	Ed Wagner				0	\$1.32	\$3.36	\$0.00	\$0.00	\$1,788.64
05/03/16	05/03/16	BSW	Billing Sewer	Sewer	06	\$45.00	\$0.00	\$0.00		
	Ed Wagner				0	\$0.00	\$0.00	\$0.00	\$0.00	\$1,833.64
06/03/16	06/03/16	BWA	Billing Water	Water	06	\$48.00	\$0.00	\$0.00		
	Ed Wagner				0	\$1.32	\$3.36	\$0.00	\$0.00	\$1,886.32
06/03/16	06/03/16	BSW	Billing Sewer	Sewer	06	\$45.00	\$0.00	\$0.00		
	Ed Wagner				0	\$0.00	\$0.00	\$0.00	\$0.00	\$1,931.32
Total For Selection						\$1,711.00	\$57.66	\$0.00		
						\$22.78	\$58.03	\$81.85	\$0.00	\$1,931.32
Ending Balance						\$1,711.00	\$57.66	\$0.00		
						\$22.78	\$58.03	\$81.85	\$0.00	\$1,931.32

66.7

Water Quality Data

What does this chart mean?

- **MCLG** - Maximum Contaminant Level Goal, or the level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.
- **MCL** - Maximum Contaminant Level, or the highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology. To understand the possible health effects described for many regulated constituents, a person would have to drink 2 liters of water every day at the MCL level for a lifetime to have a one-in-a-million chance of having the described health effect.
- **MRDL**: Maximum Residual Disinfectant Level or MRDL: The highest level of a disinfectant allowed in drinking water. There is convincing evidence that addition of a disinfectant is necessary for the control of microbial contaminants.
- **MRDLG**: Maximum residual disinfectant level goal. The level of a drinking water disinfectant below which there is no known or expected risk to health. MRDLGs do not reflect the benefits of the use of disinfectants to control microbial contaminants.
- **AL** - Action Level, or the concentration of a contaminant which, when exceeded, triggers treatment or other requirements which a water system must follow.
- **Below Detection Level (BDL)** - laboratory analysis indicates that the contaminant is not present at a level that can be detected.
- **Parts per million (ppm) or Milligrams per liter (mg/l)** - explained as a relation to time and money as one part per million corresponds to one minute in two years or a single penny in \$10,000.
- **Parts per billion (ppb) or Micrograms per liter** - explained as a relation to time and money as one part per billion corresponds to one minute in 2,000 years, or a single penny in \$10,000,000.

Contaminant	Violation Yes/No	Level Detected	Range of Detections	Date of Sample	Unit Measurement	MCLG	MCL	Likely Source of Contamination
Total Coliform Bacteria	No	0		Monthly 2015		0	1 positive sample	Naturally present in the environment
Copper*	No	90 th % = 0.183 ppm		2015	ppm	1.3	AL=1.3	Corrosion of household plumbing systems; erosion of natural deposits; leaching from wood preservatives
Lead*	No	3.39		2015	ppb	0	AL=15	Corrosion of household plumbing systems, erosion of natural deposits
Sodium	No	14.9		2015	ppm	N/A	N/A	Erosion of natural deposits; used in water treatment
TTHM** [Total trihalomethanes]	No	7.37		2015	ppb	n/a	80	By-product of drinking water chlorination
Haloacetic Acids ** (HAA5)	No	1.97		2015	ppb	N/A	60	By-product of drinking water disinfection.
Contaminant	Violation Yes/No	Level Detected	Range of Detections	Date of Sample	Unit Measurement	MRDL	MRDLG	Likely Source of Contamination
Chlorine**	No	2.23 Avg.	0.8-3.9	2015	ppm	4	4	Water additive used to control microbes.

*During the most recent round of Lead and Copper testing, only 0 out of 10 households sampled contained concentrations exceeding the action level.

****PUBLIC NOTICE**
 Important Information About Your Drinking Water
 Monitoring Requirements not met for
 Trihalomethanes and Haloacetic Acid compounds
 East Sevier County Utility District
 PWSID # 0000618

I QUESTION THIS RESULT!

We incurred a monitoring violation. Even though this was not an emergency, as our customers, you have a right to know what happened and what we are doing to correct this situation.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During August of 2015 we did not monitor for trihalomethanes and haloacetic acids as outlined in our stage-2 disinfection by-product monitoring plan. These are known as disinfection byproducts. Therefore we were not sure of the quality of our drinking water at that time.

Steps we have taken: We monitored for trihalomethanes and haloacetic acids on October 6, 2015. Test results for these chemicals did not exceed drinking water standards. We have returned to compliance and will continue to monitor for these chemicals in the future according to our approved monitoring schedule.

For more information, please contact East Sevier County Utility District at 865-453-6704.

Please share this information with all the other people who drink this water, especially those who may not receive this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.





STATE OF TENNESSEE
 Utility Management Review Board
 James K. Polk State Office Building
 505 Deaderick Street, Suite 1700
 Nashville, Tennessee 37243-1402
 Phone (615) 401-7879 Fax (615) 741-1551

INFORMAL HEARING FORM

Customer Complaint, Tenn. Code Ann. § 7-82-702(a)(8)¹

Contact Information:

Complainant Utility District

Name: ROBERT COLP

Utility District: EAST SEVIER COUNTY

Telephone – Primary: 865-292-5666

Telephone – Alternate: _____

Email: BLINDNAILER@MSN.COM

Address: 1379 YELLOWWOOD DR
SEVIERVILLE TN

Zip Code: 37876

¹ Tenn. Code Ann. § 7-82-702(a)(8) provides: "Upon the failure of the board of commissioners of a utility district to adopt the rules and regulations required by § 7-82-402(b), regardless of exemptions or exclusions as may be enumerated in § 7-82-103, or any other section of this chapter or, upon the failure of a utility district to consider and resolve consumer complaints in accordance with such rules and regulations, establish an alternate mechanism for consideration and resolution of such complaints through an informal hearing process. In making its decision as to whether the complaint was resolved in accordance with the utility district's rules and regulations, the utility management review board shall also take into account the reasonableness of the utility district's application of its rules, policies, and cost of service as well as any evidence presented during the hearing. Any judicial review of any decision of the board will be held by common law certiorari within the county in which the hearing was held".

Jurisdiction: _____

Has complainant made a formal complaint with the Utility District?

Yes No

I WENT TO AN OFFICER'S MEETING TO MEET WITH ROY IVEY (PRES)
Please provide the date of the complaint and attach a copy of it to this form.

Date: 5-10-2016

Allegation of Facts: _____

Provide a detailed account of facts that led to this complaint. Please lay the case out chronologically and highlight the most important facts. FINANCIAL HARDSHIP - JAN 2015

WATER METER LOCKED 3-15-2015 - NON PAYMENT.
NEGOTIATED TO PAY 4-1-2016 PAST DUE AMOUNT ONLY!
I WAS TOLD TO PAY IN FULL 5-10-2016 I DON'T AGREE I BELIEVE THIS TO BE EXTORTION

Causes of Action: _____

Did the utility district follow its policies or procedures? YES, WITH OBJECTIONS LISTED IN PREVIOUS LETTER

Does the utility district lack policies and procedures that address this type of complaint? YES, THERE IS NOTHING IN PAPER POLICIES ADDRESSING NON-PAYMENT, HARDSHIP. I THINK THE USAGE SHOULD BE AMENDED FROM 0-3000 GALS TO 1-3000 GALS. I BELIEVE YOU SHOULD PAY FOR WHAT YOU USE. "COMPULSED TO PAY" - EXTORTION

Relief Sought: _____

Please provide detailed information related to the remedy(ies) that you are seeking. I WOULD LIKE TO PAY FOR WHAT I USED. I WOULD LIKE TO KNOW WHY I CAN'T INSTALL A WELL AND NOT USE THEIR UNUSABLE WATER. I AM WILLING TO PAY \$417.38 FOR MY USAGE I WOULD LIKE TO BE ABLE TO USE MY HOME WITH RUNNING WATER.
I hereby certify that the information provided above is true and correct to the best of my knowledge.

Signature: X R. I. Calp

Date: 6/30/2016

Please mail, e-mail, or fax copies of any documentation, such as bills, that the Board would need to review when hearing the case, to:

John Greer
Utility Board Specialist
505 Deaderick Street, Suite 1700, James K. Polk Building
Nashville, TN 37243
Phone: (615) 401-7879
Fax: (615) 741-1551
john.greer@cot.tn.gov

If you will be represented by an attorney, please provide his/her contact information below:

Name: _____
Telephone – Primary: _____
Telephone – Secondary: _____
Email: _____
Address: _____

Zip Code: _____

Under Tenn. Code Ann. § 7-82-702(a)(8), any judicial review of any decision of the Utility Management Review Board will be held by common law certiorari within the county in which the informal hearing was held.

JULY 22 2016

TO WHOM IT MAY CONCERN.

MELODY McCARTER AND ROBERT COLP ARE
CO-TENANTS AT 1379 XE WOOD DR. SEVIERVILLE.

MELODY McCARTER HAS GIVEN ROBERT COLP
PERMISSION TO REPRESENT HER IN THE MATTER
OF THE ESCUD WATER + SEWER BILL NEGOTIATIONS

RESPECTFULLY,

ROBERT COLP

R. Colp

MELODY McCARTER

Melody M. Carter

Mark Jendrek, P.C.
ATTORNEY AT LAW
800 SOUTH GAY STREET
SUITE 1900
KNOXVILLE, TENNESSEE 37929

865/824-1900
865/824-1910 FAX

ALSO ADMITTED IN MARYLAND

August 1, 2016

REPLY TO:
P.O. BOX 549
KNOXVILLE, TENNESSEE 37901
E-MAIL TO: mj@jendrekpc.com

via email

John Greer, Utility Board Specialist
505 Deaderick Street, Suite 1700
James K. Polk Building
Nashville, Tennessee 37243

Re: East Sevier County Utility District; Complaint by Robert Colp

Dear Mr. Greer:

I have been asked to prepare a response on behalf of East Sevier County Utility District ("District") to the Complaint filed by Robert Colp dated May 30, 2016.

In that regard, on July 20, 2016, I forwarded to you the last page of the form you sent to the District, providing my name and contact information. Enclosed with this letter is the form itself, completed with references to Exhibits that are attached. Given the lengthy discourse provided by Mr. Colp, a response in the limited space provided on the form was simply not possible. Therefore, I have made reference to **Exhibit A** and **Exhibit B** on the form. Attached to the form are those Exhibits which provide more detailed discussion of the District's position on this Complaint.

Please review the documents and contact me if they are deficient or if they fail to adequately respond.

Thank you very much for your help. If you have any questions, please call.

Very truly yours,



Mark Jendrek

enc

cc: Client with enclosures (*via email*)



STATE OF TENNESSEE
Utility Management Review Board
James K. Polk State Office Building
505 Deaderick Street, Suite 1700
Nashville, Tennessee 37248-1402
Phone (615) 401-7879 Fax (615) 741-1551

INFORMAL HEARING FORM

Customer Complaint, Tenn. Code Ann. § 7-82-702(a)(8)¹

Contact Information:

Complainant Utility District

Name: Mark Jendrek

Utility District: East Sevier County Utility District

Telephone – Primary: 865-824-1900

Telephone – Alternate: _____

Email: mjendrek@gmail.com

Address: 800 South Gay Street, Suite 1900
Knoxville, Tennessee

Zip Code: 37929

¹ Tenn. Code Ann. § 7-82-702(a)(8) provides: "Upon the failure of the board of commissioners of a utility district to adopt the rules and regulations required by § 7-82-402(b), regardless of exemptions or exclusions as may be enumerated in § 7-82-103, or any other section of this chapter or, upon the failure of a utility district to consider and resolve consumer complaints in accordance with such rules and regulations, establish an alternate mechanism for consideration and resolution of such complaints through an informal hearing process. In making its decision as to whether the complaint was resolved in accordance with the utility district's rules and regulations, the utility management review board shall also take into account the reasonableness of the utility district's application of its rules, policies, and cost of service as well as any evidence presented during the hearing. Any judicial review of any decision of the board will be held by common law certiorari within the county in which the hearing was held".

Jurisdiction:

Has complainant made a formal complaint with the Utility District?

Yes No

Please provide the date of the complaint and attach a copy of it to this form.

Date: _____

Allegation of Facts:

Provide a detailed account of facts that led to this complaint. Please lay the case out chronologically and highlight the most important facts.

Please see Exhibit A, attached.

Causes of Action:

Did the utility district follow its policies or procedures?

Please see Exhibit B, attached.

Does the utility district lack policies and procedures that address this type of complaint?

No. There are policies and procedures in place to address this type of complaint.

Relief Sought:

Please provide detailed information related to the remedy(ies) that you are seeking.

The District is unaware of any remedies to pursue as against Mr. Colp. The service is now, and always has been in the name of Melody McCarter. Ms. McCarter owed the District in excess of \$2,000 as a result of her failure to pay for services.

I hereby certify that the information provided above is true and correct to the best of my knowledge.

Signature: X  for E.S.C.U.D. Date: 08-01-2016

Exhibit A
East Sevier County Utility District
Informal Hearing Form
Customer Complaint

East Sevier County Utility District (“District”) has reviewed the Complaint dated May 30, 2016, filed by Mr. Robert Colp, along with the document provided on Monday, August 1, 2016, regarding Mr. Colp “representing” Ms. McCarter in this matter.

At the outset, it should be pointed out that Mr. Colp is not a customer of the District, nor does he appear to be licensed to practice law in Tennessee. The latter issue is raised given the most recent notice that Mr. Colp is authorized to “represent” Ms. McCarter in this matter. He has attached to his Complaint a statement generated by the District on behalf of customer Melody McCarter, who is a customer of the District. Prior to receiving the document you provided to me on Monday, August 1 regarding Mr. Colp “representing” Ms. McCarter, Mr. Colp had not filed this Complaint on behalf of Ms. McCarter, and Mr. Colp is not a customer of the District. It is difficult to understand how a non-customer can complain about rate practices and charges. It is equally puzzling how a non-lawyer can provide representation in an administrative proceeding.

That said, it is also difficult to respond to Mr. Colp’s Complaint given that it seems to ramble, from providing definitions of “extortion” to the quality of the water to the origin of the District. Mr. Colp concludes that “water is a God-given right to every human on this planet,” a statement with which the District can neither agree nor disagree, but which the District would suggest has nothing to do with the amount owed by Ms. McCarter for water service.

Mr. Colp takes issue, on page 2 of his Complaint, with the one-page Q&A handout the District provides detailing the protective covenants that have been in

place since 1973, and that have been upheld by the Tennessee Supreme Court at least twice. This Q&A sheet is intended to explain to customers who are genuinely interested in, and have questions about, the District's practices, procedures, and policies. The second sheet on which Mr. Colp has hand-written "another scare tactic!!" is a sheet that is generally provided to lenders in the process of foreclosing on deeds of trust securing the payment of their mortgages when those lenders assert that the foreclosure will wipe out the District's lien. This is actually not a scare tactic, but a document intended to be informative to foreclosing lenders and their respective Trustees or Substitute Trustees.

At the end of the day, it remains unknown how or why Mr. Colp, and not Ms. McCarter herself is complaining about Ms. McCarter's bill. Were Mr. Colp, or Ms. McCarter to provide a coherent, fact-based objection, a more specific response would be possible. As it is, however, given the Complaint as filed, the District simply offers its long-standing policies and procedures for dealing with customers who fail or refuse to pay for the District's services.

As an aside, in the last paragraph of Mr. Colp's Complaint, he indicates that he has "been forced to use Mother Nature as my toilet since March 2015." I suspect that, at some level, the Sevier County Health Department and/or the Tennessee Division of Environment and Conservation might be interested in that. Given that the assertion has been made to the State of Tennessee as a part of Mr. Colp's Complaint and not to the District, I will leave that to you.

Exhibit B
East Sevier County Utility District
Informal Hearing Form
Customer Complaint

The District has had in place, for years, policies and procedures on how to deal with customers who fail or refuse to pay for the District's services. Those policies and procedures are quite lenient at first, but as the situation goes on without payment, those policies and procedures become more stringent, culminating in a termination of service and a Notice of Lien being placed of record in the Register of Deeds Office for Sevier County.

The District went through a very difficult financial situation in the mid-1990s and ended up filing a Chapter 9 bankruptcy proceeding. It does not wish to find itself in that same dire scenario by allowing customers to continue to receive services without payment. That is simply a recipe with no positive yield.

East Sevier County Utility District

Some questions have arisen regarding the East Sevier County Utility District (“District”) and its fees for both water and sewer service. This addresses those questions.

1. Q: How can the District charge a property owner for water and sewer service even when the residence is empty or when the meter has been locked down and service cut off?
A: The English Mountain Development Declaration of Protective Covenants, also known as the “Restrictions,” was recorded on December 5, 1973, and provides certain rights to the District. The Restrictions themselves, which have been upheld by the Tennessee Supreme Court at least twice, actually provide that monthly service charges may be assessed beginning when the water lines and/or sewer lines are run in front of the lot. That means that, under the Restrictions, fees are collectible whether or not a house is built on the lot. Initially, the District took that position, but quickly compromised and simply charges its fees, without interruption, once service to a property has actually commenced as opposed to once the lines run in front of the property. Because the Restrictions have been repeatedly upheld, the District has always felt comfortable with its charging structure.

If the residence is removed or otherwise destroyed, the District’s policy is that charges for sewer and water service do not continue to accrue. As long as a residence remains on the property, however, those charges continue to be due and owing each month.

2. Q: How can the District charge the owner of a property for water and sewer fees when a tenant, and not the owner, established service and failed to pay?
A: Once again, the Restrictions and the lien in favor of the District created by the Restrictions allow the District to collect in this situation. The lot itself stands for the payment of the water and sewer fees, which means that if the person using the water and sewer does not pay, the owner of the lot can be compelled to pay. This is just like the situation with property taxes; if a tenant is supposed to pay the property taxes, but that tenant does not do so, the county can sell the property at a delinquent tax sale, and it is up to the owner of the property to pay the taxes. The service charges for the District, in that sense, are exactly like the obligation to pay property taxes to the county trustee.

Much of this was intensely litigated in the mid-1970s and early 1980s in lawsuits between the District and the property owners and the banks who loaned money on the development. The result of those lawsuits was that the Restrictions were upheld, and were determined to be valid and enforceable.

Collection Policy

Presented & ratified at January 2016 meeting

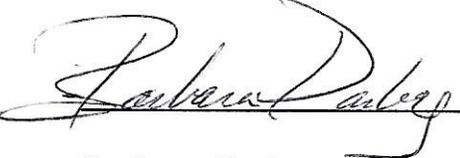
CUTOFF Policy: Customers are billed for the water they have used. ESCUD's water bill is due on the 15th of every month. Customers have five business days grace to pay the bill. After that time, customers may receive notice that their service will be CUT OFF. To regain service, the bill must be paid in full. There will be a reconnection fee, starting at \$50. There will be NO EXCEPTIONS.

There will be a one time opportunity to pay delinquent accounts, with fees and interest waived. Water will be reconnected when bill, with reconnection fee, is paid in full. NO EXCEPTIONS.

+++++

 January 11, 2016

Roy Ivey

 January 11, 2016

Barbara Darby

 January 11, 2016

Janice Brooks-Headrick

From: [Mark Jendrek](#)
To: [John Greer](#)
Subject: Re: Colp Complaint
Date: Tuesday, September 06, 2016 11:13:48 AM

John--My apologies for taking a while to gather this, but Ed Wagner had a vacation in between your last email to me and this reply.

Prior to January 2016, the policy was:

1. The customer would be allowed to get two months behind in payment, while continuing to invoice for service.
2. If the invoice for the third month was not paid within 15 calendar days of the date of that invoice, a delinquent notice was sent to the customer.
3. The delinquent notice provided that if payment was not brought current within 10 days of the delinquent notice, service would be terminated.

Ed Wagner was given that policy on his arrival in 2007 or 2008, and followed it until January 2016, when the new policy was enacted.

I hope this helps.

Mark Jendrek

On 8/23/2016 11:53 AM, John Greer wrote:

Have you had a chance to see what policies were in place prior to January 2016?

John

From: "**Mark Jendrek**" <mjendrek@gmail.com>
Date: Tue, Aug 9, 2016 at 10:27 AM -0400
Subject: Re: East Sevier County Utility District; Complaint by Robert Colp
To: "John Greer" <John.Greer@cot.tn.gov>

John--I dropped the ball on this one. Ed Wagner got these two documents to me on August 4 and I failed to send them until now.

My apologies.

I do not have Mr. Colp's complaint before me, but one of these may be the same as he sent with his complaint.

The other is new to me, and it looks like it was adopted in January 2016. I have two follow-up questions out to Ed:

1. What was the policy prior to the adoption of the January 2016 policy; and
2. Is the January 2016 policy being enforced to the letter?

The reason for question 1 is that I suspect most of the fees addressed by the Colp complaint predate the January 2016 policy.

The reason for question 2 is to discover whether this policy, if it is being enforced, has made a difference in the number of delinquent accounts.

Obviously question 2 is not relevant to the Colp complaint, but I am still interested.

Please let me know if you need additional information. If I get a copy of the policy in effect prior to January 2016, I will send it along to you.

Again, my apologies for being so late in getting this to you.

MJ

--

Mark Jendrek, PC
800 South Gay Street, Suite 1900
Knoxville, Tennessee 37929
865-824-1900

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written to be used, and cannot be used, for the purpose of (i) avoiding
penalties
under the Internal Revenue Code or (ii) promoting, marketing, or recommending
to
another party any transaction or matter addressed herein.

Caldwell
v.
Southside UD



STATE OF TENNESSEE
Utility Management Review Board
James K. Polk State Office Building
505 Deaderick Street, Suite 1700
Nashville, Tennessee 37243-1402
Phone (615) 401-7879 Fax (615) 741-1551

INFORMAL HEARING FORM

Customer Complaint, Tenn. Code Ann. § 7-82-702(a)(8)¹

Contact Information:

Complainant

Utility District

Name:

William and Terri Caldwell

Utility District:

South Side Utility District

Telephone – Primary:

615-292-5021

Telephone – Alternate:

615-642-2761

Email:

t.caldwell912@Comcast.net

Address:

912 Caldwell Lane
Nashville, TN

Zip Code:

37204

Jurisdiction:

1 Tenn. Code Ann. § 7-82-702(a)(8) provides: "Upon the failure of the board of commissioners of a utility district to adopt the rules and regulations required by § 7-82-402(b), regardless of exemptions or exclusions as may be enumerated in § 7-82-103, or any other section of this chapter or, upon the failure of a utility district to consider and resolve consumer complaints in accordance with such rules and regulations, establish an alternate mechanism for consideration and resolution of such complaints through an informal hearing process. In making its decision as to whether the complaint was resolved in accordance with the utility district's rules and regulations, the utility management review board shall also take into account the reasonableness of the utility district's application of its rules, policies, and cost of service as well as any evidence presented during the hearing. Any judicial review of any decision of the board will be held by common law certiorari within the county in which the hearing was held".

Has complainant made a formal complaint with the Utility District?

Yes

No

Please provide the date of the complaint and attach a copy of it to this form.

Date: June 23, 2016

Allegation of Facts:

Provide a detailed account of facts that led to this complaint. Please lay the case out chronologically and highlight the most important facts.

Please see document labeled Complaint. Please see map- the map will show where the water is located on Walter Morris Road. If you need additional information we recorded our meeting and the transcription is enclosed. Copies of letters of communication Causes of Action: were handed out at the meeting - We have enclosed those letters.

Did the utility district follow its policies or procedures?

NO

Does the utility district lack policies and procedures that address this type of complaint?

Yes

Relief Sought:

Please provide detailed information related to the remedy(ies) that you are seeking.

We would like the same access to water provided by South Side Utility District that our neighbors have on Walter Morris Road. We would like the same access to SSUD water that other residence have that live outside

I hereby certify that the information provided above is true and correct to the best of my knowledge.

Smith county. We would like access to SSUD water that rural county residence are receiving.

Signature: X William Caldwell
Jen Caldwell

Date: 7-8-2016

Please mail, e-mail, or fax copies of any documentation, such as bills, that the Board would need to review when hearing the case, to:

John Greer
Utility Board Specialist
505 Deaderick Street, Suite 1700, James K. Polk Building
Nashville, TN 37243
Phone: (615) 401-7879
Fax: (615) 741-1551
john.greer@cot.tn.gov

If you will be represented by an attorney, please provide his/her contact information below:

We have been talking with an attorney. We have not ask for representation.

Name: _____
Telephone – Primary: _____
Telephone – Secondary: _____
Email: _____
Address: _____

Zip Code: _____

Under Tenn. Code Ann. § 7-82-702(a)(8), any judicial review of any decision of the Utility Management Review Board will be held by common law certiorari within the county in which the informal hearing was held.

①

Complaint: South Side Utility District has made it very clear they will not put a meter on our property line even though 90% of the property owners on our street are served by South Side Utility District. Our property and one other property are the only two properties that they refuse to provide water service to. The three neighbors we discussed at the meeting are neighbors that pay Wilson County taxes but are receiving South Side Utility District water. The manager of the Wilson County water utility company that would service part of Walter Morris Road, (which would be us, the property owner next to us, and the three neighbors being served by South Side Utility District) told us it is too far out and it would cost them over \$100,000 to provide the water service to us and the other neighbors in their service area on Walter Morris Road. They told us they would never be able to recoup their money if they had to provide water service for so few people. The three neighbors had well water before they had access to city water. Also, we owned our property on Walter Morris Road before they did. Our property is in Wilson County just like the three neighbors. Currently, our property is being blocked by neighbors who refuse to allow a right of way for us to run a public water utility line to our property line – South Side Utility District told us we would have to take the neighbors to court and it will be very costly and very expensive. South Side will give us a meter only where their county line ends, which is 750 feet away from our property line. South Side has refused to put a meter at our property line – while providing neighbors on our street meters at their property line. We offered to pay South Side (in reason) all expenses to put a meter on our property and to run the water line to our property line, they have said no. The only option they have offered is putting the meter where the Smith County line ends which is approximately 750 feet from our property line. They told us we would have to either get permission from the neighbor or see if the Wilson County Roads Commission will grant a right of way. The neighbors have told us no and the Wilson County Roads Commission has refused to give us an answer on where the public road right of way is located. The Road Commission Superintendent is resistant to the idea of allowing us to install a private waterline at the edge of the public road right-of-way. We have talked with the Wilson County Roads Commission Superintendent who knows two of the neighbors. The Road Superintendent has refused to give us information on how we should go about installing a water line to our property. We have exhausted all means available for us to have access to water – our only recourse is to file a complaint – in hopes that South Side Utility District can be required to extend their water line, approximately 750 feet, to our property.

THIS IS A COPY OF THE LETTER SENT TO THE MANAGER. WE RECEIVED A WRITTEN RESPONSE FROM SOUTH SIDE'S ATTORNEY – MR. MCKINNEY BOARD MEMBERS RECEIVED A COPY OF THIS LETTER AT OUR BOARD MEETING ON JUNE 26, 2016. A COPY OF THE ATTORNEY'S LETTER IS ENCLOSED.

June 10, 2016

Earl North

South Side Utility District

251 JMZ Drive

Gordonsville, Tennessee 38563

Dear Mr. North,

I have talked with you several different times about getting water to my property on Walter Morris Road. My property is right beside a neighbor who has water - that address is 383 Walter Morris Road. Two neighbors across the street have water, and one of the neighbors lives directly across from my property.

I have owned my property longer than the three neighbors who have city water. I have been waiting for years to get city water. The neighbors had well water, prior to getting city water. I am the only property owner on Walter Morris Road that doesn't have city water. Also, I have been told that you service other Wilson County residents with water that don't live on Walter Morris Road.

I am disabled and so is my son. I have the property for sale. I plan to use some of the proceeds to help take care of my son. My son has cerebral palsy and stage 3 kidney failure, he is 24 years old. If we can't get a good offer for the property we will keep the property and my son will put a home on it. I don't think my son could physically take care of a well.

Please send me a written response to my question - will you be able to provide me with city water?

Thank you,

Terri Caldwell

912 Caldwell Lane

Nashville, TN 37204

6152925021

Attorney's response to our letter addressed to the
Manager, Mr. North *Charles W. McKinney*

ATTORNEY AT LAW
363 MAIN STREET
GORDONSVILLE, TENNESSEE 38563
615 - 683-8278

June 14, 2016

Ms. Teri Caldwell
912 Caldwell Lane
Nashville, TN 37204

Dear Ms. Caldwell:

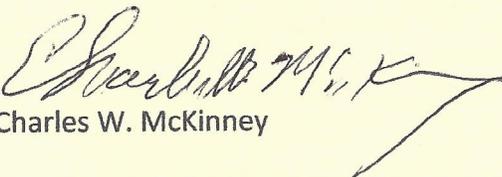
I represent Southside Utility District. I have been asked to respond to your letter to Mr. Earl North dated June 10, 2016.

All of your neighbors that you mention that have water on Walter Morris Road have their water meter located at the end of Southside Utility District's line and each individual has run a line from their meter to their own home. These lines from the meter to their home were of course done at their own expense.

Provided that a suitable easement can be obtained to place the meter, the District will certainly provide you a water meter at the same location that your neighbors' meters are placed. It would then be up to you to obtain a right-of-way and run your own water lines to your property from this meter.

Before a meter can be installed for you, you will also need to pay the standard \$2,050.00 fee.

Respectfully,


Charles W. McKinney

CWM/pm

I HAD THE OPPORTUNITY TO SEPARATELY TALK WITH EACH BOARD MEMBER BY PHONE. THIS LETTER WAS GIVEN TO EACH MEMBER AT THE BOARD MEETING CONFIRMING OUR CONVERSATION AND WHAT WAS DISCUSSED. THE LETTER WAS HANDED OUT ON JUNE 23, 2016

June 13, 2016

Thank you for taking the time to speak with me on June 13, 2016, and agreeing that 750 feet is not that far away to provide someone water. I appreciate your time and willingness to discuss this matter. At your request, I made an appointment to be present for the next utility board meeting. The manager confirmed the appointment for June 23, at 4:00, location South Side Utility District. I have enclosed a copy of the letter I wrote to Mr. North. In Mr. North's letter I am referring to city water, what I actually mean is South Side Utility District water.

Per our conversation – this is what was discussed: My farm doesn't have a well. Almost 30 years has passed and we still don't have water. My Wilson county neighbors have water on the same road my property is located. They are paying a Southside Utility District water bill and South Side Utility District is providing water service to them. The neighbors live very close to me. The neighbor across the road is so close to our property that I could throw a rock at his door, and this neighbor has water. We have owned our property longer than the three neighbors with water. It was brought to my attention that Southside Utility District services additional Wilson County residents that don't live on Walter Morris Road.

Water is important and you need it to live. I am disabled and so is my son. If the property doesn't sell, my son Drake will need a place to live, and he will need to build a home on the property. Drake will need the same access to water as our Wilson County neighbors currently have.

Respectfully,

Terri Caldwell

THIS A COPY OF THE LETTER THAT WAS GIVEN TO THE
BOARD OF COMMISSIONER ON JUNE 23, 2016

Good Afternoon,

Thank you for agreeing to meet with me and my husband,
William Caldwell. We do have a few questions we would
like answered, and we will be recording this evenings.

meeting. The questions are as follows:

1. What is South Side Utility District's written policy on running lines one new service connection?
2. What is South Side Utility District's written policy on serving people outside the service area?
3. How did our neighbors on Walter Morris Road get served outside the service area?
4. If we are willing to pay for the installation of the water line, will South Side Utility District install the line for us?

SOUTH SIDE UTILITY DISTRICT BOARD MEETING WITH THE CALDWELL'S

Date of Meeting 6-23-16 – The meeting was taped

**Attending: Board Members: Mr. Bennett, Mr. Stuart, and Mr. Baker
Line Installer: Jim, Attorney For South Side: Mr. McKinney
Property Owners: Mr. and Mrs. William Caldwell**

TRANSCRIPTION – PAGE 1 OF 15

Mr. Bennett – Let's transact business. Everybody is here, all of the board members are present. Mr. North is not able to be with us due to some health problems. We have Mr. and Mrs Caldwell, with us we have our attorney Mr. Charles McKinney and so you want to say what you have to say or

Mrs. Caldwell – Yeah, I think I'll let my husband go first

Mr. Caldwell – I guess uh the thing I was uh the thing that jumps out to me not being a legal

Mrs. Caldwell – OK We have questions have

Mr. Caldwell – OK do you want to start? That is fine.

Mrs. Caldwell – but I wanted to say that uh that we have been talking about the water line for quite sometime, for years and we have had the property for almost 30 years and everyone that is on Walter Morris Road, including those who live in Wilson County have water. I am disabled and I have a child that has cerebral palsy and stage 3 kidney disease at 24. He was born with cerebral palsy. We have the property up for sale. There is a possibility that it may not sell for the price that we need for it to sell for, because we would like to use the proceeds to help take care of any more expense the he might have as he gets older. As I said he is only 24. So um if we don't get the price that we need we will need to um probably build a home or put a modular up there on the property for him to live. He would not be able to physically handle a well, so at the present time our property once again is the only property on that street that doesn't have water. I have some questions here and I would like to first, I guess I should have said in the beginning thank you for agreeing to meet with me and my husband today. One of the questions would be

- 1. What is South Side Utility District's written policy on running lines on new service connection? What is the written policy for that?**

Mr. Bennett – Well if it is on the customers land we have no problem. We run the line

TRANSCRIPTION – SOUTH SIDE UTILITY DISTRICT CONTINUED PAGE 2

Mrs. Caldwell- ok

Mr. Bennett – We can not cross someone else's property, you know it has to be the property that the one that is getting the meter on

Mrs Caldwell – ok

Mrs. Caldwell – 2. What is South Side's written policy on serving people outside the service area?

Mr. Bennett – That is hard to answer, because uh we uh got another utility here, Smith Utility District and they serve a lot of people. At the time this company begin operation they weren't able or didn't serve these people that we are serving. So we attempted to start going out on, out in the country up in the hill and holler, and putting in meters for people, so you know but

Mrs. Caldwell – Are these in other counties as well?

Mr. Bennett – yes, we do have

Jim – Parts over in the edge, just over in the edge of Putnam County.

Mr. McKinney – This territory was divided up in set blocks

Mr. Bennett – Right

Mr. McKinney – Smith Utility has there area. South Side has there area and you don't dare cross into Smith's Utility District . In fact, over at my house there's a branch or creek that runs down, South Side furnishes me from this side, and the people just 100 yards across is served by Smith.

Mrs. Caldwell – OK

Mrs. Caldwell – Do you have lines going into Wilson County at all? Because I was told that you do have lines going into Wilson County.

Mr. Bennett – yes

Mrs. Caldwell – ok

TRANSCRIPTION SOUTH SIDE UTILITY DISTRICT PAGE 3

Mrs. Caldwell – 3. My next question is, how did our neighbor on Walter Morris Road get service, get served outside the service area?

Mr. Bennett – What I am told was that no one down in that area would provide them water, and we set our lines there, we run our lines to that area, and they hooked on, and run that to there house.

Mrs. Caldwell – ok, so you provided additional line

Mr. Bennett – Massey (jim) can you answer that question

Jim – Well you know, you are wanting to know what our

Mrs. Caldwell – How did our neighbor get service, get served outside the service area?

Jim – I don't know

Mrs. Caldwell - Did you provide additional line?

Jim – I don't know, is that outside our service area, I don't know

Mrs. Caldwell – they are in Wilson County

Jim – Well like I say

Mrs. Caldwell – They are in Wilson County just like we are

Jim – Well but

Mr. Caldwell – I have a map here that is Walter Morris Road, it runs to there and this is our neighbor and that is our lot, that blue, Smith just hooks out.

Jim – yeah it does

Mrs. Caldwell – Part of our property is in Smith County

Jim – I don't know I can't say that it is outside our service area

Mrs. Caldwell – well, did you extend lines down the road for the hook on.

Jim – There meters are at the end of the line

TRANSCRIPTION SOUTH SIDE UTILITY DISTRICT PAGE 4

Mr. Caldwell – Is that a 4 inch line?

Jim – It is a 3

Mr. Caldwell – How many people would that serve? What is the normal

Mrs. Caldwell – Well we know that on Walter Morris Road where Wilson County is located there is a water company that would service if they went out that far because they service Conaster or Conasta

Jim – yes

Mrs. Caldwell – So they would actually be, that would be who would actually be serving them water if indeed they were getting water but you guys (South Side Utility District) went on and serviced them anyway so I would assume

Mr. Caldwell – So you are saying that may not be outside your service area?

Jim – yes

Mrs. Caldwell – OK well, I think we have got that answered because we know our property is on Walter Morris Road and we are 200 feet from those being served, 200 feet, and I was told by the other utility district if provided water those that is who they would serve. So they are outside the service area. There is a different utility

Mr. Caldwell – On that map these two here have South Side Utility water and they are not in Smith County, they are fully in Wilson County.

Mrs. Caldwell – yes

Mrs. Caldwell – you are outside the service area because there is a utility company that said if they would be servicing these people, they would be on our main meter but we don't go that far. My next question is, because I talked to them and asked. My next question is

Mrs. Caldwell – 4. If we are willing to pay for the installation of the water lines would South Side Utility District install the lines and get a permit to do so? We are willing to pay for it all.

Mr. Bennett – Are you talking about to your property

TRANSCRIPTION SOUTH SIDE UTILITY DISTRICT PAGE 5

Mrs. Caldwell – yes

Mr. Bennett – no

Mrs. Caldwell – ok

Mr. McKinney – To put a meter at the end of your line where all your neighbors meters are, of course you take the water from there as with all customers do, anywhere you want to take it so long you don't encroach on some other water district.

Mrs. Caldwell – There is no water

Mr. McKinney – I don't think you will run into that problem, don't get me wrong.

Mrs. Caldwell- yeah there is no water in that area

Mrs. Caldwell – and these neighbors that you are providing water for there not in your service area and there getting water. We have talked to them about using the right of way and of course they have said no. Some of the people not interested in doing so, are interested in purchasing the property and they offered us almost \$100,000 less than what we have it up for sale. So I can stand at my driveway area and throw a rock and hit his door. He said to me how are you going to sale your land for the price if you don't have water. That was his statement to me, and I said well, I am hoping I can get water the same way you got water. You live in Wilson County like I live in Wilson County, and so do the other two people, and your paying taxes in Wilson County. So I am assuming if you got city water I can get city water too, and that is what has brought us to this point.

Mr. Bennett – Well this letter that our attorney sent to you, how do you respond to that letter?

Mrs. Caldwell – I am not going to respond to it right now. Simply because I need to share the information that you have given us to the State, and they are just going to look at it and go from there. They asked me to take three steps 1, 2, and 3 and this is my third step. and this is where I end.

Mr. Bennett – Are you going to show the State this letter?

Mrs. Caldwell – Oh! Yes! Absolutely! I have the original here. I will be more than happy to share the letter.

Mr. Bennett – with the State?

TRANSCRIPTION SOUTH SIDE UTILITY DISTRICT PAGE 6

Mrs. Caldwell - Oh! Yes sir, I will, yes. They ask me to take certain steps. I completed step 1, I am suppose to go to step 2, I have completed that, and this is my last step. We just wanted to know basically what your answers would be.

Mr. McKinney – Just let me give you some legal advice. The person between you and the meter cannot stop you from putting the line across there. However, what you have to do is go into court and file a private condemnation suit for that easement to go across for however, much it takes 10 feet, 15 feet whatever, whatever it takes. The court then will if that is the only way you can get water, the court will give you the right to do so however, just like any other condemnation/imminent domain in that there will be a jury. A jury of view, appointed by the court, they will go out look at what you are going to take from this person. They will set damages that you have to pay that person, it is like being cut off in a way where you couldn't get to a public road with a right away like. I will say it will be expensive you will have to have a lawyer. You will have to pay the damages and so forth but you can get no problem at all putting a meter in. Put a meter where all your neighbors meters are. It is just you have to take as they have to take it from that meter to your property.

Mr. Bennett – That's right. He is telling you right

Mr. Baker – It wouldn't be a problem if they would give you a right of way.

Mr. Stuart – We would be glad to help you, that is all I do.

Mr. Caldwell – This thing I went back and looked on the state just to get wilson smith county I am saying it looks like it is probably 90% of walter morris road that you guys have got a line. How is that put in? Did you have to do that condemnation?

Mr. McKenny – I am sure they give the right of way for that

Jim – those people gave that right of way to get that water back there.

Mr. Bennet – yeah

Mr. Caldwell – All the way from Highway 70?

Jim – yes

Mr. McKenny – They told everybody the righ of way

Jim – nah nah

TRANSCRIPTION SOUTH SIDE UTILITY DISTRICT PAGE 7

Mrs. Caldwell – They did that with constasa road. They had to widened it when they put in the asphalt, and it was just an old gravel road. It already had water there they needed enough space to put in the asphalt to make a road. So I talked to the neighbor on constasta, I am probably not saying that word right constaster, conasta sorry. The neighbor said they took, you aren't going to believe this, probably from here to maybe the end of that table, that much to put in the right of way. It was huge, almost half, not half his yard but well above the ditch, into the middle part of his yard he no longer owns and they didn't pay for it. They just took it.

Mr. Caldwell – I guess what my question is

Mr Mckinney – he is mistaken

Mrs. Caldwell – that is what he told me

Mrs. Caldwell – I am not saying we would take anything. I am saying that is what they did with that road.

Jim – I have a question. Do they have city water on Conaster Road?

Mrs. Caldwell – They have it to three houses.

Jim – ok, can you come in on the other side?

Mr. Caldwell – no

Jim – why can't you?

Mr. Caldwell – it is a mile and a half from us

Mrs. Caldwell – The utility district said it is 2000 feet, it is a mile and a half.

Mr. Caldwell – it is way down there by Rome Pike

Mrs. Caldwell – yes, where as we are only 700 it is here (using the map) this is where it is right to there

Mr. Caldwell – I guess my

Mrs. Caldwell – where that little loop is.

TRANSCRIPTION SOUTH SIDE UTILITY DISTRICT PAGE 8

Mr. Caldwell – I guess my confusion is how we can have an easement on 90% you guys already have your public line I guess your supply line is already here (using the map) and there not being an easement for that last 10% of that road it either is or isn't is what in laymen's mind I would think, you either have a right of way easement or whatever you call that to run it or you don't but it is already run down 90% of that road.

Mr. McKenny – do they have no right of way or no easement beyond our line, the end of our line. If yall can't get a right of way, he certainly wouldn't give the utility district a right of way across the neighbor.

Mrs. Caldwell – I am thinking that wilson county has a right of way because the state says that all roads have a right of way and a easement.

Mr. McKenny – not necessarily a utility easement. That's an easement for ingress and egress not a utility easement.

Mrs. Caldwell – We believe that the easement is approximately down past the ditch.

Mr. McKenny – If you can get them to give you a right of way down the edge of the road if Wilson county will give you the right of way, or just let you run the line down the end of the road.

Mr. Caldwell – right on the edge of the road that was kind of what I was thinking

Mr. McKenny - that would be you know yall could do that

Mrs. Caldwell – would you guys be willing to install it? Would smith county be willing to install it at our expense?

Jim – No, we don't do that

Mrs. Caldwell - you don't do any installation?

Mr. Bennett – We know people that do that

Mr. Caldwell – can you recommend somebody that can

Mr. Stuart – I do it

Mrs. Caldwell – you do it?

TRANSCRIPTION SOUTH SIDE UTILITY DISTRICT PAGE 9

Mrs. Caldwell – this gentlemen says he does it.

Mr. Caldwell – ok

Mrs. Caldwell – then we need you name

Mr. Stuart – Walter Stuart

Mrs. Caldwell – we got your name one time from Mr. North

Mr. Stuart – yeap

Mrs. Caldwell – ok let me put it here

Mrs. Caldwell – we need your name and I have your name that is how nervous I am today

Mrs. Caldwell – so

Mr. McKenny – Don't be nervous now

Mr. Caldwell – This has been an ongoing thorn in the side

Mrs. Caldwell – for years

Mr. Caldwell - and (with the map) it's that close. That is the worse thing about it

Mr, McKenny – It seems to me fine point all you gotta do is get a way to get your line to that last 700 feet

Mr. Bennett – that paragraph there that letter we sent you actually explains itself now we are willing to put your water in we can only take it so far to the end of our line to put a meter in.

Mr. Caldwell – jim took me out a year and a half ago and was real helpful showing me the meters and the 700 feet. I still don't understand how that county line was cut out like it is that makes no sense to me why it just didn't go straight. If it went straight and it was in smith county I guess that line could have gone all the way to the end of walter morris road smith county went straight across.

Mrs. Caldwell -I guess we have those answers, the questions answered that we needed.

Mr. Caldwell – Yeap

TRANSCRIPTION SOUTH SIDE UTILITY DISTRICT PAGE 10

Mrs. Caldwell – and uh

Mr. Stuart– If you can get your right of way through there, I mean, permission you know.

Mr. Caldwell – Who do we need to talk to – the road commission?

Mr. Stuart – the road commission I would say

Mr. Caldwell – ok

Mr. Stuart – we want be diggning with a back hoe we will be sawing

Mr. Caldwell – how wide of a space would you need- less than a foot?

Mr. Stuart – 8 and three quarters inches wide

Mrs. Caldwell – what is the name of your company?

Mr. Stuart – Stuart Excavating

Mrs. Caldwell – Do you do all the excavation for them when they are laying lines?

Mr. Stuart - no

Mrs. Caldwell – ok alright

Mr. Stuart – well we've not laid no lines, well, in several years

Mrs. Caldwell – ok

Mr. Stuart – they may run just an extension maybe a couple a hundred foot

Mrs. Caldwell – ok

Mr. Stuart – you know

Mr. Mckenny – now well you are free to get any contractor, you can get anybody you want

Mrs. Caldwell – yeah, I realize that but if he is living in this area and is he is familiar with everything he knows the ground in Wilson county and I am sure you do

TRANSCRIPTION SOUTH SIDE UTILITY DISTRICT PAGE 11

Mr. Stuart – yes I do

Mrs. Caldwell – I would feel more comfortable with him doing it.

Jim– I guess if you get the easement and you get the right of way to do it and walter puts it in whoever does put in ok from that we are going to set a meter at the end of this line right and that line wherever you put it your property will be your line its your responsibility from then on and another thing if you track this up same person. We've got one meter per property owner you can't divide it up let's say well you put 10 houses the next person that owns it is going to go through the same criteria that you do. You will all be responsible for that line from that meter to your property

Mr. Caldwell – that goes back to a question

Jim – that what I that's my question

Mr. Mckenney – that is the way I understand it

Jim – yeah thats it

Mr. McKenny – everything to the meter is the water distict's problem if there is a leak from the meter back .

Mrs. Caldwell – so who services those people line when it burst/breaks?

Mr. McKenny – whoever contractor they get or they can dig it up themselves

Mrs. Caldwell – that is a wild set-up

Mr. Caldwell – How much can a 3 inch line serve?

Mr. Bennett – I don't know

Jim – Really as a utility district the way I am taking it we are setting the meter right there (using the map) and you are responsible from there to your property so if that line from that ever has trouble it is your responsibility we are in charge of the meter from that, that is our line/

Mrs. Caldwell –Can you set the meter on our property line? Would you be willing to do that?

TRANSCRIPTION SOUTH SIDE UTILITY DISTRICT PAGE 12

JIM – No, the company don't do that. You know we got to end somewhere. Our line has got to end somewhere and it ends down there where it ends right now, and we are not going any further. We will set you a meter there just like the other 3 people are .

Mrs. Caldwell – There meters are on their property line

Jim – well yeah, but

Mrs. Caldwell – Aren't there meters on their property line?

Jim – two of them are and one of them is not.

Mrs. Caldwell – ok which one

Jim – I

Mrs Caldwell - so are you saying two of them to the right if you are going on conaster you know where conaster is two of them on the right is on there property line.

Jim – two on the right, one of them is

Mrs. Caldwell – and one of them is not

Jim – one of them is not

Mrs. Caldwell – so one is on the right of way

Jim – I,

Mrs. Caldwell – if it is not there property line

Jim - if somebody could tell me where the right of way is

Mrs Caldwell – ok

Jim – if somebody could tell me where the right of way is. I don't know exactly. I hear 20 feet, 3 feet, off the road and all that.

Mrs. Caldwell –ok yeah, and on the road. So you are telling me one meter is on the property line and I've got it recorded one is not, ok. What about the other one that is on the left side? Isn't that the old concrete meter? Because there are three people hooked up.

TRANSCRIPTION SOUTH SIDE UTILITY DISTRICT PAGE 13

Jim – three people hooked up if you are coming in from conaster road.

Mrs. Caldwell – it would on the right

Jim – one meter on the right, two meters on the left

Mrs. Caldwell – that one on the right, what about that one, is it on the property line?

Jim – the one on the right?

Mrs. Caldwell – uh un

Jim- it goes to that property, now exactly whether it's on the right of way you know its going to that property there, I would say it is on the property but you know its one of them to me you would have to get a surveyor out there to survey everything to know exactly where the property line is.

Mrs. Caldwell – did it go straight or did it go like that (using map)

Jim – I don't know, I know where the meter is and that is as far as we know anything.

Mrs. Caldwell – that is an old meter

Jim – no, well

Mrs. Caldwell – cause it is concrete

Jim – well the concrete don't have nothing to do with it we put in concrete blocks every day.

Mr. Bennett – yes

Mrs. Caldwell – ok and that one is on the property line

Mr. Caldwell – we can get a meter on either side of the road it sounds like and I would rather have it on, it would need to be on our side.

Jim – as far as us if somebody is on the other side of the road from our water line we put the meter on that side of the road, on there side of the road

Mrs. Caldwell – it looks like they may have had to bore through the road

TRANSCRIPTION SOUTH SIDE UTILITY DISTRICT PAGE 14

Jim – yes

Mrs. Caldwell – and go under because the one facing conaster the one that is on the left you wouldn't have to bore through the road because it like right (looking at the map) you go down and there's the house the ones on the right you wouldn't have to bore down the road on one house because it goes like that (using the map) on the other one it is directly across the street from me opposite of their meter so they had to bore through the street to get water, under the street, they had to tear the road up.

Jim – I don't know

Mrs. Caldwell – we know they did

Jim – well all I know is where the meters are and from there to the houses we don't have any clue

Mrs. Caldwell – ok

Jim – and we don't care, we are done

Mr. Caldwell – (with map) that is where you stop, yeah

Jim – we are done with everything, 1700 people we are done at the meter

Mrs Caldwell – ok, alright we just ask these questions

Mr. Caldwell – it is eight inches wide and wilson county we are talking we could almost run it right down the edge of the road way. I know he said the road way was 20 feet and I think that is what Wilson County told her and I don't think the asphalt is more than 14 or 15 maybe

Mr. Stuart – you can put it on the shoulder

Mr. Caldwell – that can be done?

Mr. Stuart – oh yeah

Mr. Bennett – I think that right there proves where we stand if you can get the right of way or easement or whatever or you know like he said we will certainly provide you a meter at the same location of the others.

TRANSCRIPTION SOUTH SIDE UTILITY DISTRICT PAGE 15

Mrs. Caldwell – ok we do appreciate all the time that you could give us

Mr. Caldwell – we appreciate it.

Received from Wilson County
Road Superintendent.

06/13/16

Wilson County Roads Superintendent

Please provide the legal width of public right-of-way for the portion of Walter Morris Road extending into Wilson County.

Do not write letters

Road Width 20 Foot

 Road Superintendent

Thank you,

William & Terri Caldwell

912 Caldwell Lane

Nashville, TN 37204

From: t.caldwell912@comcast.net
To: [John Greer](mailto:John.Greer@cot.tn.gov)
Subject: Re: WALTER MORRIS WATER LINE QUOTE
Date: Tuesday, September 27, 2016 2:04:54 PM

John,

I wanted to add the rock excavation which would cost additional...so the estimate could go over the \$21,390.00.

The guy that owns the company said it could cost and additional \$3000 to \$9000. So the estimate could go as high as 24,390.00 to \$30,390.000.

From: "t caldwell912" <t.caldwell912@comcast.net>
To: "John Greer" <john.greer@cot.tn.gov>
Sent: Tuesday, September 27, 2016 12:56:26 PM
Subject: Re: WALTER MORRIS WATER LINE QUOTE

Good Afternoon John,

I just wanted to touch base with you on the inflated price that the lawyer for South Side Utility District quoted to have the

waterline installed. I have received an estimate from a commercial plumbing/excavation company. Please see the attached quote. Also, if an easement had to be obtained my South Side Utility District or if it had to be obtained by us, we

came up with the following numbers - worse case scenario if the next door neighbor wanted the highest price

for his easement - a 3ft easement going down the side of the road at about 926 feet would cost \$900, South Side would

only be taking one tenth of an acre.. According to the contractor getting an engineer involved - only means looking at the

plans and having the plans stamped. The contractor stated that would be the least of our expenses. So all in all it

would it not be the \$25,000/\$50,000 that was quoted by the lawyer. The expense to provide water in an area that

South Side Utility District already services would cost \$21,390.00.

Thank you,
Terri Caldwell

From: "Robbie Stilts" <rstilts@tds.net>
To: "t caldwell912" <t.caldwell912@comcast.net>
Sent: Tuesday, September 27, 2016 9:02:50 AM
Subject: WALTER MORRIS WATER LINE QUOTE

Terri,

Please see attachment for your quote. I try to think of everything possibly needed up front with no surprises or unforeseen change orders. I just do not operate that way. With that being said here are my thoughts on the extras. The padding material we can dig a barrow pit and put the extra rock and spoil in it, should not affect the selling price of your property. I think just less than half the ditch will have rock and will need padding. Just a guess 450 FT. X \$40.00 each FT. = (18,000.00) in addition to the base bid. Also this quote is not meant to be a commercial quote to the respective utility company for their water main installation, for that I would need an engineered and stamped set of drawings. Thank you for having the confidence in me and my company to service your needs.

respectively,

Robbie Stilts

Double J Enterprises Inc.
3200 Old Lebanon Dirt Road
Mount Juliet Tn. 37122
Office (615) 754-8086
Cell (615) 417-2401
Fax (615) 758-5866
rstilts@tds.net



STATE OF TENNESSEE
 Utility Management Review Board
 James K. Polk State Office Building
 505 Deaderick Street, Suite 1700
 Nashville, Tennessee 37243-1402
 Phone (615) 401-7879 Fax (615) 741-1551

RECEIVED

SEP 19 2016

DEPT: COMPTROLLER
 OFFICE OF ADMINISTRATION

INFORMAL HEARING FORM

Customer Complaint, Tenn. Code Ann. § 7-82-702(a)(8)¹

Contact Information:

Complainant Utility District

Name: William and Terri Caldwell

Utility District: South Side Utility District

Telephone – Primary: 615-683-6464

Telephone – Alternate: Fax 615-683-8744

Email: _____

Address: 251 JMZ Drive
Gordonsville, TN

Zip Code: 38563

Jurisdiction:

¹ Tenn. Code Ann. § 7-82-702(a)(8) provides: "Upon the failure of the board of commissioners of a utility district to adopt the rules and regulations required by § 7-82-402(b), regardless of exemptions or exclusions as may be enumerated in § 7-82-103, or any other section of this chapter or, upon the failure of a utility district to consider and resolve consumer complaints in accordance with such rules and regulations, establish an alternate mechanism for consideration and resolution of such complaints through an informal hearing process. In making its decision as to whether the complaint was resolved in accordance with the utility district's rules and regulations, the utility management review board shall also take into account the reasonableness of the utility district's application of its rules, policies, and cost of service as well as any evidence presented during the hearing. Any judicial review of any decision of the board will be held by common law certiorari within the county in which the hearing was held".

Has the Utility District Board of Commissioners heard the complaint at a public meeting?

Yes No

Please provide the date of the complaint and attach a copy of it to this form.

Date: June 23, 2016

Allegation of Facts:

Provide a detailed account of facts that led to this complaint. Please lay the case out chronologically and highlight the most important facts.

See attached

Causes of Action:

Did the utility district follow its policies or procedures? *Yes*

Does the utility district lack policies and procedures that address this type of complaint?

Only in so far as it relates to the encroachment on other water utility districts franchised area

Relief Sought:

Please provide detailed information related to the remedy(ies) that you are seeking.

See attached

I hereby certify that the information provided above is true and correct to the best of my knowledge.

Signature: X *Charles W. McK...* Date: *08/29/2016*

Please mail, e-mail, or fax copies of any documentation, such as bills, that the Board would need to review when hearing the case, to:

John Greer
Utility Board Specialist
505 Deaderick Street, Suite 1700, James K. Polk Building
Nashville, TN 37243
Phone: (615) 401-7879
Fax: (615) 741-1551
john.greer@cot.tn.gov

If you will be represented by an attorney, please provide his/her contact information below:

Name: Charles W. McKinney
Telephone – Primary: 615-714-1518
Telephone – Secondary: 615-683-8278
Email: PeggyMcKinney@ADL.com.
Address: 2 Main St. East
Gordonville, TN
Zip Code: 38563

Under Tenn. Code Ann. § 7-82-702(a)(8), any judicial review of any decision of the Utility Management Review Board will be held by common law certiorari within the county in which the informal hearing was held.

①

Complaint: South Side Utility District has made it very clear they will not put a meter on our property line even though 90% of the property owners on our street are served by South Side Utility District. Our property and one other property are the only two properties that they refuse to provide water service to. The three neighbors we discussed at the meeting are neighbors that pay wilson county taxes but are receiving South Side Utility District water. The manager of the Wilson County water utility company that would service part of walter morris road, (which would be us, the property owner next to us, and the three neighbors being served by South Side Utility District) told us it is to far out and it would cost them over \$100,000 to provide the water service to us and the other neighbors in there service area on walter morris road. They told us they would never be able to recoup their money if they had to provide water service for so few people. The three neighbors had well water before they had access to city water. Also, we owned our property on walter morris road before they did. Our property is in wilson county just like the three neighbors. Currently, our property is being blocked by neighbors who refuse to allow a right of way for us to run a public water utility line to our property line – South Side Utility District told us we would have to take the neighbors to court and it will be very costly and very expensive. South side will give us a meter only where there county line ends, which is 750 feet away from our property line. South Side has refused to put a meter at our property line – while providing neighbors on our street meters at their property line. We offered to pay South Side (in reason) all expenses to put a meter on our propety and to run the water line to our property line, they have said no. The only option they have offered is putting the meter where the Smith County line ends which is approximatley 750 feet from our property line.. They told us we would have to either get permission from the neighbor or see if the wilson county roads commission will grant a right of way. The neighbors have told us no and the wilson county roads commission has refused to give us an answer on where the public road right of way is located. The road commission superintendent is resistant to the idea of allowing us to install a private waterline at the edge of the public road right-of-way . We have talked with the Wilson County roads commission superintendent who knows two of the neighbors. The road superintendent has refused to give us information on how we should go about installing a water line to our property. We have exhausted all means available for us to have access to water – our only recourse is to file a complaint – in hopes that South Side Utility District can be required to extend their water line, approximatley 750 feet, to our property.

RESPONSE TO CALDWELL COMPLAINT

In reply to the Complaint filed by William and Terri Caldwell seeking to have water furnished to their property on Walter Morris Road in Wilson County, Tennessee, this is to be an explanation of South Side Utility District's position in this matter.

South Side Utility is a water district that is primarily located in Smith County, Tennessee. It has no treatment plant or independent source of water but rather purchases water from other utility districts and transfers the water through its lines to its own customers. South Side Utility District is a successor to Multi Community Water Project, Inc.

Its franchised areas in Smith County were ceded to it by Smith Utility District. Smith Utility District's franchised service area was created June 3, 1961 and encompassed that territory in Smith County, Tennessee located south of the Cumberland River. The Smith County portion of Walter Morris Road is located in this area.

In 1998 Multi Community, at the request of 13 property owners along Walter Morris Road (wherein said residents paid \$2,000.00 each and furnished the right-of-way for said lines) installed 7,960 feet of 3 inch water line along Walter Morris Rd. (It is interesting to note that even though Complainants say they have owned their property for 30 years they did not, for whatever reason, participate in this initial installation.)

The 7,960 feet of lines ends several feet from the Wilson County Line. (Exhibit 1) All meters that have been installed along Walter Morris Rd. by South Side Utility District have been installed in Smith County. Any persons who have water in Wilson County have run a line from their meter over into Wilson County from near the end of the South Side main line.

As can be seen from a representative Contract, all owners along Walter Morris Road granted Multi Community an "easement for use in connection with its water distribution system" (Exhibit 2 (5)). Likewise, the consumer was "responsible for obtaining any easement necessary to run water service lines over adjacent landowners' property. Same shall be provided at no expense to Multi Community Water Project, Inc." (Exhibit 2 (8))

The Caldwells' property lies approximately 750feet into Wilson County. (Exhibit 3)

The Caldwell property has no residence located on it (Exhibit 4) nor are there presently plans to construct one. It is admitted by the Caldwells that their major goal for getting water to the property is to increase its value when they sell the property. It is very possible that the new owner, especially if it is one of the properties' neighbors, may not need water and may never hook on to the meter. In fact, the neighbor owner whose land the water line would have to cross has made the Caldwells an offer, which certainly indicates he is a potential buyer.

South Side Utility District has offered to put the Caldwell's in a meter at the end of South Side's present line if the Caldwell's can get an easement for the meter to be placed on the landowner at the end of the line. This is exactly what was required of the people who now have water. South Side has no present right to put its lines over the Wilson County border into another Utility District's franchised area.

The Caldwell's have offered to pay for (within reason) the expense of South Side Utility to run its lines to their property. For South Side to do so would require at a minimum 1) obtain through a court proceeding for the water district servicing that area to cede the necessary territory to South Side Utility (and this may well be impossible if that district has certain debt obligations), 2) South Side would have to through court eminent domain proceedings obtain an easement through both the rest of Smith County and through the Wilson County properties, 3) Employ an engineer to do the proper engineering studies in preparation for installation of the line, 4) procure the necessary 3" pipe, 5) let a contract for the installation of the line. Between the legal fees, court costs, payment to the owners of the land for the easements, engineering studies, cost of pipe, and the cost of the installation, could easily run between \$25,000.00 - \$50,000.00, a figure I doubt the Caldwell's would find reasonable.

South Side still stands ready to place the Caldwell's a meter near the end of its line, provided that the Caldwell's can obtain an easement on which the meter can be located and pay the \$2,050.00 fee. This, as has been stated, is what others that have water on Walter Morris Road have done.

The right of an individual or group to demand an extension of a utility line is set out in Chandler Investment 6 v. Whitehaven Utility District, 311SW 2nd 603.

The right of an inhabitant or group of inhabitants of a community or territory served by a public service company to demand an extension of service for their benefit is not absolute and unqualified, but is to be determined by the reasonableness of the demand therefor under the circumstances involved. The duty of a public service company to extend its service facilities, and the reasonableness of a demand for such extension, depend in general, upon the need and cost of such extension, and the return in revenue which may be expected as a result of the extension; the financial condition of the utility; the advantages to the public from such an extension.....
....."In regard to the reasonableness of the cost which an extension will entail, it is not necessary that a particular extension of service shall be immediately profitable, or that there shall be no unprofitable extensions, the criterion being generally whether the proposed extension will place an

unreasonable burden upon the utility as a whole, or upon its existing customers.....

South Side Utility's return in revenue which may be reasonably expected is one residential hook up and very likely could be the minimum bill for five years charged by the utility on an inactive meter.

As far as can be determined there would be no benefit to the public as all landowners along the extension already have water.

To require the rate payers of South Side Utility District to spend \$25,000.00 - \$50,000.00 for the sole purpose of theoretically increasing the value of the Caldwell's property is unjust and unreasonable.

One further note in closing – In the “Relief Sought” section of the Caldwell's “Informal Hearing Form”, they state “We would like the same access to water provided by South Side Utility District that our neighbors have on Walter Morris Road. We would like the same access to South Side Utility District's water that other residences have that live outside Smith County. We would like access to South Side Utility District water that rural county residents are receiving.” That is exactly what South Side Utility District is offering to them.

--CONSTRUCTION PLANS--
MULTI-COMMUNITY INCORPORATED
WALTER MORRIS ROAD
WATERLINE
SMITH COUNTY, TENNESSEE

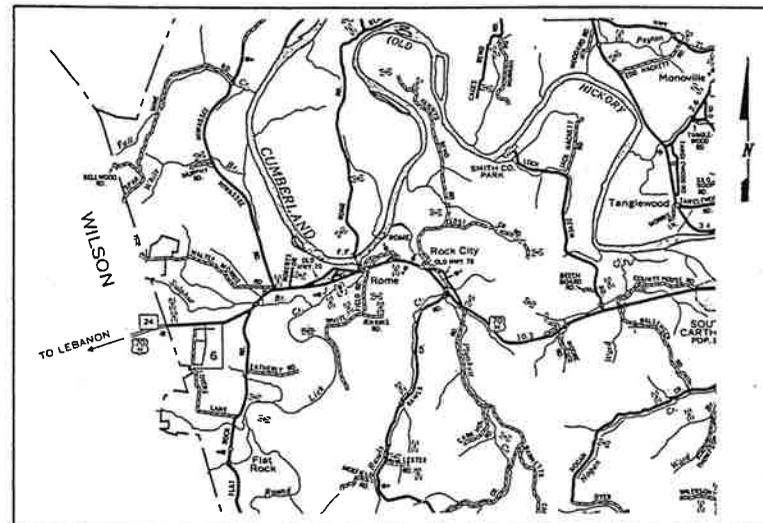
APPROVED FOR CONSTRUCTION
 THE DOCUMENT BEARING THIS STAMP HAS BEEN RECEIVED AND REVIEWED BY THE
 TENNESSEE DEPT OF ENVIRONMENT AND CONSERVATION
 DIVISION OF WATER SUPPLY
 AND IS HEREBY APPROVED FOR CONSTRUCTION BY THE COMMISSIONER

JUN 29 1998

THIS APPROVAL SHALL NOT BE CONSIDERED AS GUARANTEEING A PRESUMPTION OF CORRECT OPERATION OR AS WARRANTING BY THE COMMISSIONER THAT THE APPROVED FACILITIES WILL REACH THE DESIGNED GOAL FOR THE COMMISSIONER TITLE

INDEX OF DRAWINGS

<u>DESCRIPTION</u>	<u>SHEET</u>
TITLE SHEET	1
INDEX MAP	2
PLAN SHEET	3
PLAN SHEET	4
GENERAL NOTES & DETAILS	5



MULTI-COMMUNITY INCORPORATED APPROVAL

APPROVED C. E. Hackett DATE 5-28-98

MR. C. E. HACKETT

SET NO. _____
 JOB NO. 809801

RONNIE G. REECE, P.E.
 7A COOK ST., PO BOX 812
 SPARTA, TN 38583
 (931) 836-3764



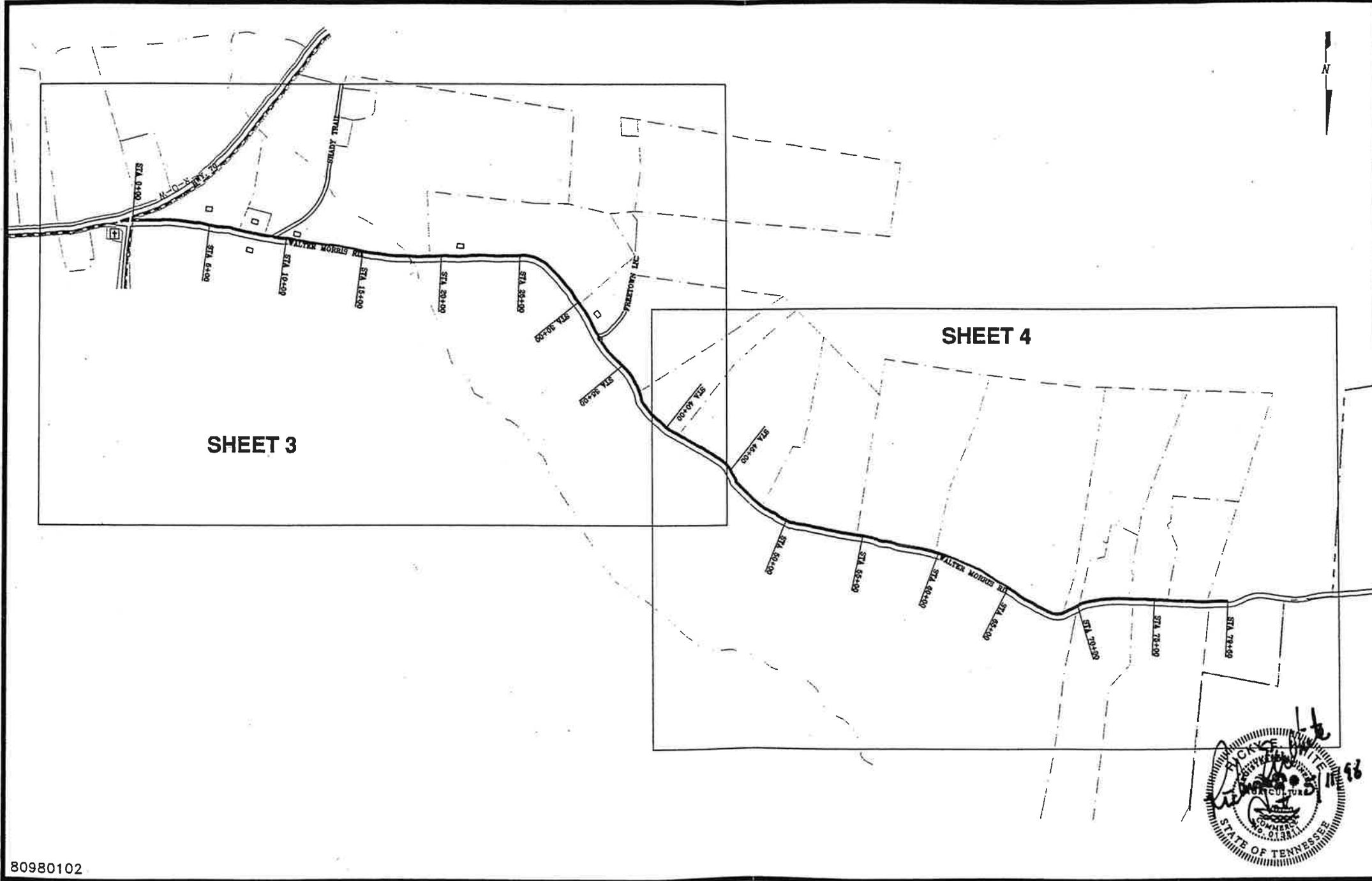
RICKY E. WHITE, P.E.
 204 W. LOCUST STREET
 LAFAYETTE, TN 37083
 (615) 666-2385

APPROVAL EXPIRES
 JUN 29 1999
 TENN DEPT OF ENVIRONMENT & CONSERVATION
 DIVISION OF WATER SUPPLY



Exhibit 1

WS 98 0794



REVISIONS		
NO.	DATE	DESCRIPTION

INDEX SHEET
SCALE: 1" = 600'

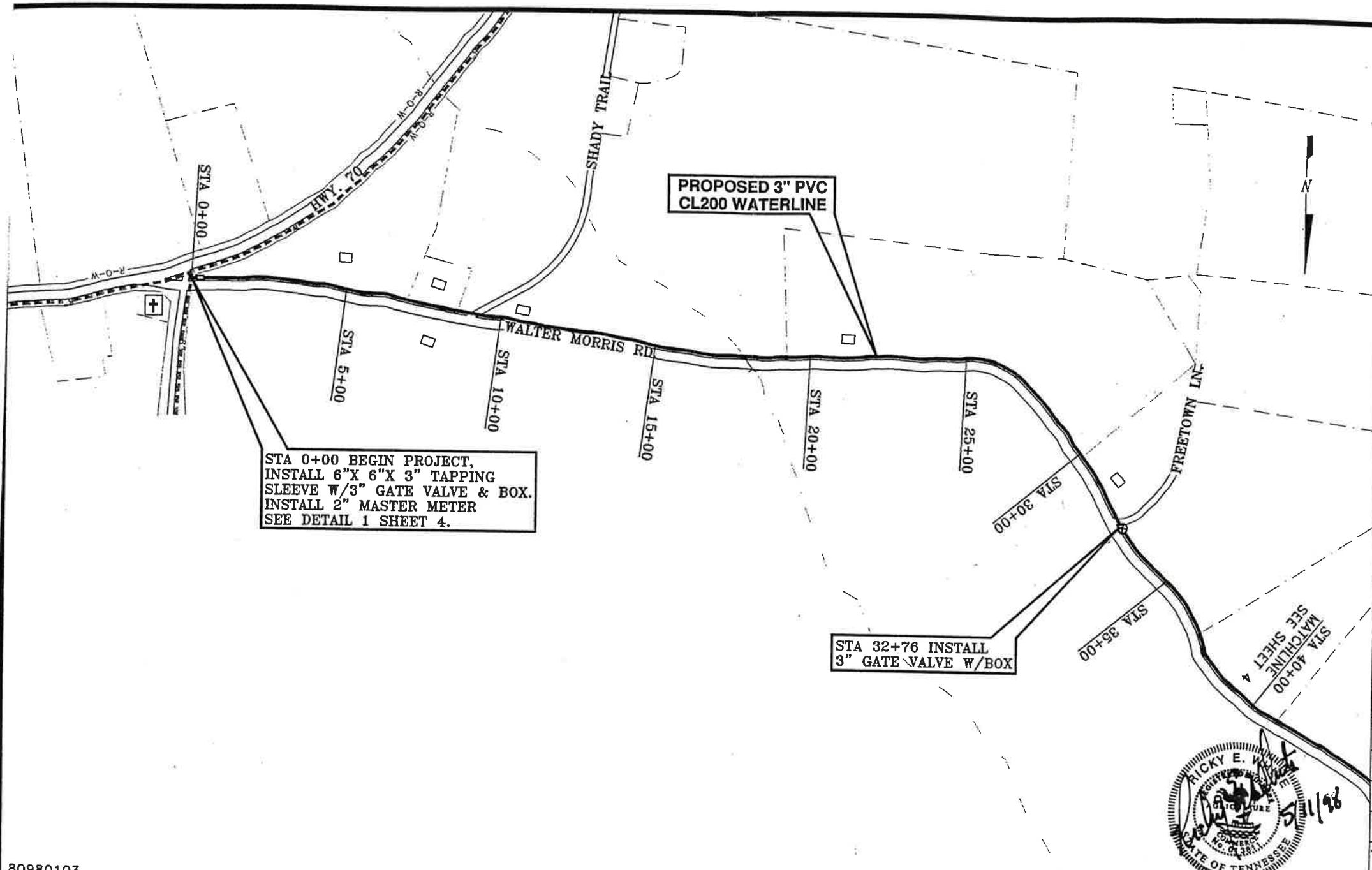
MULTI-COMMUNITY
INCORPORATED
WALTER MORRIS ROAD
WATERLINE
SMITH COUNTY, TENNESSEE

**PROFESSIONAL
ENGINEERING
SERVICES, INC.**
7A COOK STREET
SPARTA, TN 38583
(931) 836-3764

DRAWN BY:
K.B.N.
DESIGNED BY:
R.E.W.
CHECKED BY:
R.E.W.
DATE:
5/7/98
JOB NO.
809801
SHEET 2 OF 5



80980102



STA 0+00 BEGIN PROJECT.
 INSTALL 6"X 6"X 3" TAPPING
 SLEEVE W/3" GATE VALVE & BOX.
 INSTALL 2" MASTER METER
 SEE DETAIL 1 SHEET 4.

PROPOSED 3" PVC
 CL200 WATERLINE

STA 32+76 INSTALL
 3" GATE VALVE W/BOX

STA 40+00
 MATCHLINE
 SEE SHEET 4

NO.	DATE	DESCRIPTION	BY

PLAN SHEET

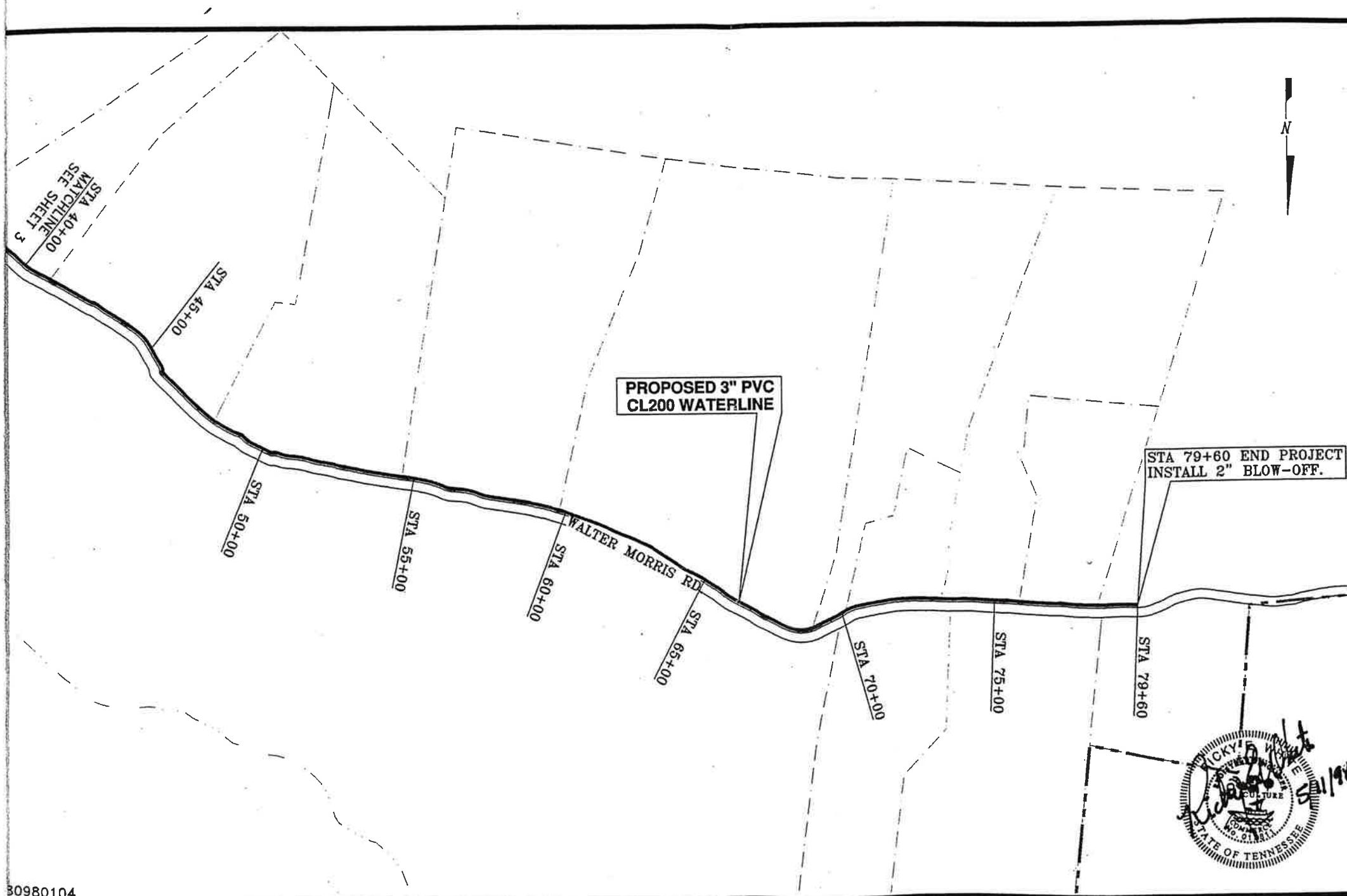
SCALE: 1" = 300'

MULTI-COMMUNITY
 INCORPORATED
 WALTER MORRIS ROAD
 WATERLINE
 SMITH COUNTY, TENNESSEE

PROFESSIONAL
 ENGINEERING
 SERVICES, INC.
 7A COOK STREET
 SPARTA, TN 38583
 (931) 836-3764



DRAWN BY:
 K.B.N.
 DESIGNED BY:
 R.E.W.
 CHECKED BY:
 R.E.W.
 DATE:
 5/7/98
 JOB NO.
 899801



REVISIONS	
NO.	DATE DESCRIPTION BY

PLAN SHEET

SCALE: 1" = 300'

MULTI-COMMUNITY
INCORPORATED
WALTER MORRIS ROAD
WATERLINE
SMITH COUNTY, TENNESSEE

PROFESSIONAL ENGINEERING SERVICES, INC.
7A COOK STREET
SPARTA, TN 38583
(931) 836-3764

DRAWN BY:
K.B.N.

DESIGNED BY:
R.E.W.

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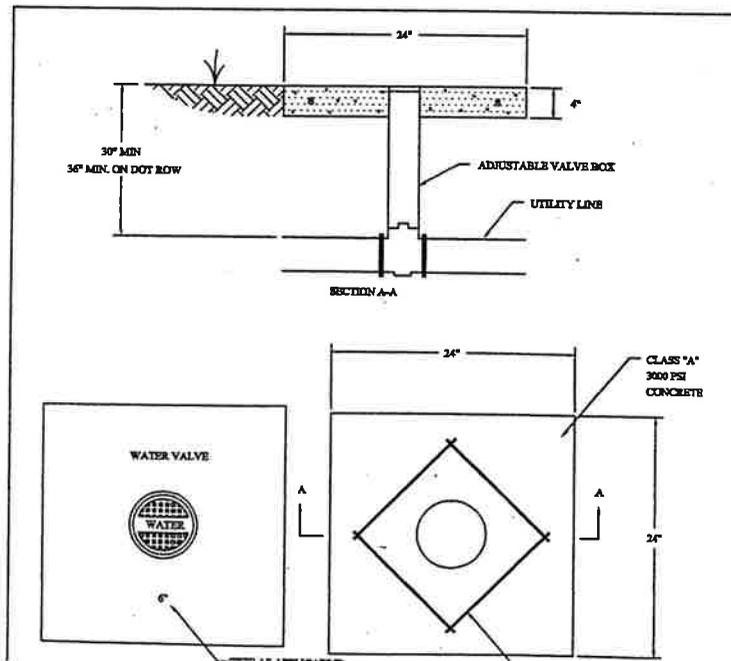
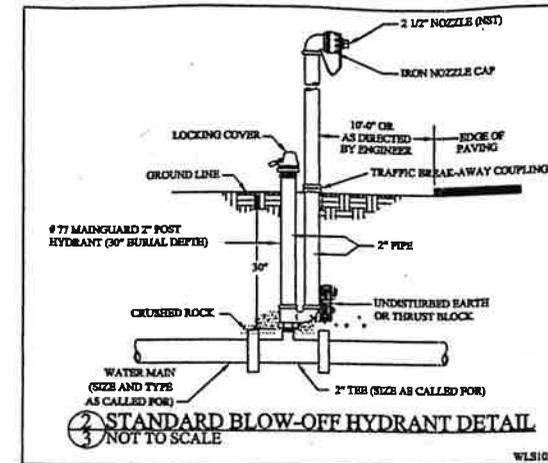
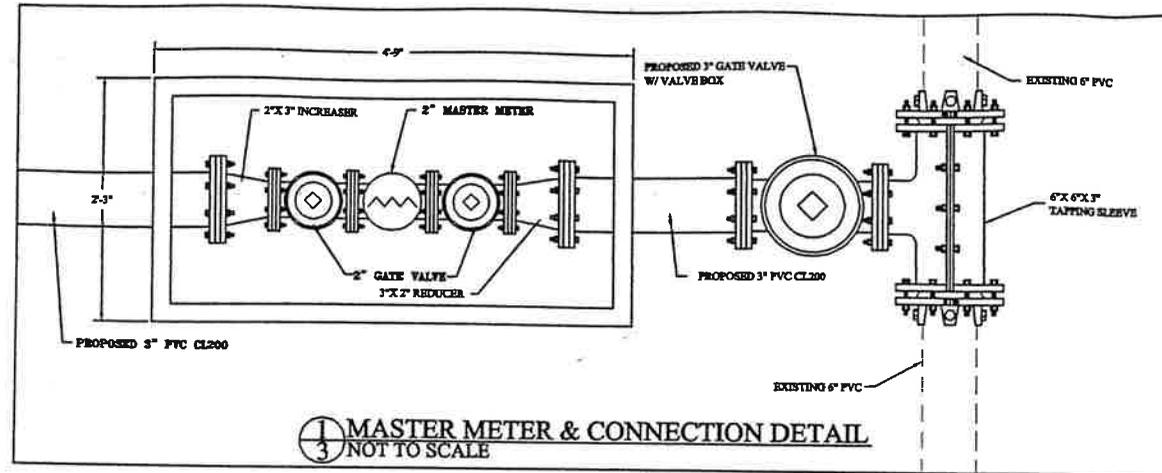
DATE:
5/7/98

JOB NO.
809801

SHEET 4 OF 5



80980104



GENERAL NOTES

1. WATERLINE SHALL BE IN STRICT COMPLIANCE WITH THE STANDARD WATERLINE SPECIFICATIONS.
2. A COPY OF THE PROJECT PLANS AND SPECIFICATIONS WITH THE APPROVAL SEAL OF THE DEPARTMENT OF ENVIRONMENT AND CONSERVATION WILL BE WITH THE CONTRACTOR DURING EXCAVATION AND INSTALLATION AT ALL TIMES.
3. ALL PROPERTY LINES ARE APPROXIMATELY LOCATED FROM PROPERTY TAX MAPS. ALL EXISTING WATERLINES ARE APPROXIMATELY LOCATED.
4. MINIMUM DEPTH OF COVER SHALL BE 30 INCHES.
5. REMOVE ALL ROCK FROM TRENCH BOTTOM OR BED WITH CRUSHED STONE MATERIAL.
6. ALL BACKFILL MATERIAL WITHIN 12 INCHES OF THE PIPE SHALL BE CLEAN AND FREE OF ROCKS, ROOTS, OR OTHER SUCH AS MAY DAMAGE THE PIPE.
7. ALL RIGHT-OF-WAYS FOR PROPOSED WATER LINES WILL BE OBTAINED BY THE OWNER PRIOR TO CONSTRUCTION.
8. THE OWNER WILL OBTAIN UTILITY RIGHT-OF-WAY FOR ALL CROSSINGS OF STATE HIGHWAYS FROM THE TENNESSEE DEPARTMENT OF TRANSPORTATION.
9. THE CONTRACTOR IS TO ASSURE THAT ALL ENVIRONMENTAL CONTROLS ARE INSTALLED AND MAINTAINED THROUGHOUT THE DURATION OF THE PROJECT AND PER EPC 02270 OF THE SPECIFICATIONS.

NO.	DATE	DESCRIPTION	BY

DETAILS
SCALE: AS NOTED

MULTI-COMMUNITY
INCORPORATED
WALTER MORRIS ROAD
WATERLINE
SMITH COUNTY, TENNESSEE

PROFESSIONAL
ENGINEERING
SERVICES, INC.
74 COOK STREET
SPARTA, TN 38583
(931) 836-3764

DRAWN BY:
K.B.N.
DESIGNED BY:
R.E.W.
CHECKED BY:
R.E.W.



444-4581

MULTI COMMUNITY WATER PROJECT, INC. CONTRACT
SMITH COUNTY, TENNESSEE

THIS AGREEMENT made and entered into by and between MULTI COMMUNITY WATER PROJECT, INC. a nonprofit Tennessee corporation and herein after called the "MULTI COMMUNITY WATER PROJECT, INC", and:

NAME OF APPLICANT Thomas or Connie Minick
PREMISES LOCATION Walter Morris Rd Community
MAILING ADDRESS FOR BILLING 95 Ben Green Rd Lebanon, TN 37090
hereinafter referred to as "CONSUMER" or "APPLICANT"

WITNESSETH:

The undersigned Applicant hereby applies to MULTI COMMUNITY WATER PROJECT, INC. for water service at the premises designated above and agrees to take and pay for water at such rates as may be now or hereafter fixed by the MULTI COMMUNITY WATER PROJECT, INC. for the aforesaid Service.

Meter to be installed at a later date upon the request of Applicant

Rec'd by [Signature]
Cash _____
Check \$2000.00
Bank _____

It is understood that the agreement of the MULTI COMMUNITY WATER PROJECT, INC. to furnish water shall be subject however, to the terms, stipulations and conditions hereinafter set forth.

1. The Applicant agrees to make a deposit of \$ N/A for connection charge, which shall make him bound by and obligate himself to observe all the rules and regulations that are now and may hereafter be prescribed by the said MULTI COMMUNITY WATER PROJECT, INC. its successors or assigns relative to water service, including the time, method and manner of installing and maintaining equipment, payment of bills, discontinuance of service, etc. MULTI COMMUNITY WATER PROJECT, INC. reserves the right to require deposit in an amount determined by MULTI COMMUNITY WATER PROJECT, INC. from any Consumer. Acceptance of deposit by MULTI COMMUNITY WATER PROJECT, INC. does not irrevocably obligate MULTI COMMUNITY WATER PROJECT, INC. to furnish water to Consumer, nor shall the MULTI COMMUNITY WATER PROJECT, INC. be liable in damages to any Consumer for failure to furnish water to Consumer. Nor shall there be any contract to furnish water of any particular quantity for use to Consumer.
2. Water shall be used to supply only the premises covered by this contract. Use of water to supply any other residence or premises is prohibited. Use of water to supply two separate houses or facilities on same location is prohibited unless required by governmental regulation, court order or MULTI COMMUNITY WATER PROJECT, INC.'s lending agency.
3. All bills for service as well as service charges, taxes or penalties that are not or may hereafter be prescribed by the District in its water service regulations shall be promptly paid.
4. The District shall furnish the necessary meters for the furnishing of water service. Consumer shall permit no one to tamper with or work on a water meter. The Applicant agrees to install such water service lines as he may require at his own expense. MULTI COMMUNITY WATER PROJECT, INC. will connect meter at property line. Additional service line shall be installed at Consumers expense. Location of service lines will be determined by MULTI COMMUNITY WATER PROJECT, INC. after initial construction. All charges for boring under public roads or ways shall be at Consumers expense.
5. The District shall have the right to enter upon the premises at any time for the purpose of servicing its equipment, reading meters, discontinuing service, removing meters or for any other reason necessary and/or incidental to the conduct of its business as a water system distributor. Consumer does hereby grant MULTI COMMUNITY WATER PROJECT, INC. easement for use in connection with its water distribution system.

Exhibit 2

6. If water service is discontinued either by request of Consumer or by the MULTI COMMUNITY WATER PROJECT, INC. and within twelve (12) months thereafter the Consumer requests water service be resumed at same address, there will be service charge, established by MULTI COMMUNITY WATER PROJECT, INC. payable prior to turning on the water. If request for resumption of service is made after twelve (12) months, Consumer shall be considered as new Applicant.
 7. District shall not be liable to Consumer for any damage that may be caused to his plumbing or property by high pressure low pressure or fluctuations in pressure in MULTI COMMUNITY WATER PROJECT, INC.'s water distribution system. Neither shall MULTI COMMUNITY WATER PROJECT, INC. be liable for any damages for any interruption of service.
 8. Consumer shall be responsible for obtaining any easement necessary to run water service line over adjacent land owner's property. Same shall be provided at no expense to MULTI COMMUNITY WATER PROJECT, INC.
 9. Consumer agrees not to allow or permit any connection whereby the public water supply provided by MULTI COMMUNITY WATER PROJECT, INC. is connected with any other water supply system whether public or private, either inside or outside of any building or buildings, in such manner that a flow of water distributed into MULTI COMMUNITY WATER PROJECT, INC.'s water system is possible either through the manipulation of valves or because of ineffective check or back pressure valves or because of any other arrangements. Consumer understands and agrees that violation of this provision shall be sufficient ground, prima facie, to permit MULTI COMMUNITY WATER PROJECT, INC. to terminate contract, to refuse or discontinue services.
 10. The MULTI COMMUNITY WATER PROJECT, INC. shall have the right to inspect any installation or plumbing system before water service is furnished or at any later time. Any failure to inspect shall not render MULTI COMMUNITY WATER PROJECT, INC. responsible for any loss or damage which might have been avoided had such inspection been made.
 11. Consumer agrees to pay the minimum monthly water charge for a period of sixty (60) months from date water is made available. Consumer shall pay the metered amount of water used in addition to the minimum charge.
 12. It is expressly understood and agreed the MULTI COMMUNITY WATER PROJECT, INC. shall have the right to make and enforce all rules and regulations that may be necessary in its operation as a water service distributor and Consumer agrees to be bound by same.
 13. Consumer understands and agrees that this document is only an application for water service and shall not be effective as a contract until approved by an official of MULTI COMMUNITY WATER PROJECT, INC. authorized to execute contracts. If the service applied for cannot, in the opinion of MULTI COMMUNITY WATER PROJECT, INC., be supplied, the liability of the MULTI COMMUNITY WATER PROJECT, INC. to the Applicant shall be limited to the return of any deposit made by such Applicant less, project development costs as incurred by MULTI COMMUNITY WATER PROJECT, INC. and which may be determined by the Directors to be charged against the Applicant's deposit.
 14. If Consumer is commercial or industrial user, bill for service may be rendered weekly, semimonthly or monthly, at the option of the MULTI COMMUNITY WATER PROJECT, INC. Final bill due and payable at any location shall be due when premises become vacant.
- This application executed in duplicate, subject to acceptance by MULTI COMMUNITY WATER PROJECT, INC. ON THIS THE 24th day of Aug, 1998.

X Mrs. Mrs. Minick
 APPLICANT.

MULTI COMMUNITY WATER PROJECT, INC.
 Smith County, Tennessee

BY Margaret K. Hill
 TITLE Sec. Treasurer

Harris
v.
South Blount
UD



STATE OF TENNESSEE
Utility Management Review Board
James K. Polk State Office Building
505 Deaderick Street, Suite 1700
Nashville, Tennessee 37243-1402
Phone (615) 401-7879 Fax (615) 741-1551

RECEIVED

JUL 21 2016

DEPT: COMPTROLLER
OFFICE OF ADMINISTRATION

INFORMAL HEARING FORM

Customer Complaint, Tenn. Code Ann. § 7-82-702(a)(8)¹

Contact Information:

Complainant

Utility District

Name: _____

Utility District: _____

Telephone – Primary: _____

Telephone – Alternate: _____

Email: _____

Address: _____

Zip Code: _____

¹ Tenn. Code Ann. § 7-82-702(a)(8) provides: "Upon the failure of the board of commissioners of a utility district to adopt the rules and regulations required by § 7-82-402(b), regardless of exemptions or exclusions as may be enumerated in § 7-82-103, or any other section of this chapter or, upon the failure of a utility district to consider and resolve consumer complaints in accordance with such rules and regulations, establish an alternate mechanism for consideration and resolution of such complaints through an informal hearing process. In making its decision as to whether the complaint was resolved in accordance with the utility district's rules and regulations, the utility management review board shall also take into account the reasonableness of the utility district's application of its rules, policies, and cost of service as well as any evidence presented during the hearing. Any judicial review of any decision of the board will be held by common law certiorari within the county in which the hearing was held".

Jurisdiction:

Has complainant made a formal complaint with the Utility District?

Yes No

Please provide the date of the complaint and attach a copy of it to this form.

Date: _____

Allegation of Facts:

Provide a detailed account of facts that led to this complaint. Please lay the case out chronologically and highlight the most important facts.

WENT TO SOUTH BLOUNT WATER TO GET METER PUT ON, WAS TOLD IT WOULD BE 1500.00 CONNECTION FEE WATER WAS CONNECTED ALL READY THE METER BOX IS 3' IN MY YARD PRIVATE PROPERTY WAS PUT IN 1999, I TOLD THEM NOT TO PUT METER BOX IN YARD DID ANYWAY I ASK FOR REW. CAUSES OF ACTION: ON MY YARD SAID THEY DIDNT HAVE TO PAY ANYTHING THEN CHARGE

Did the utility district follow its policies or procedures?

\$30.00 to set meter where water is already connected they got federal grant to put water line in for tap in fee went to board meeting in July after they refused to put meter in without 1500.00 they came out dug line up on north side of rd cut water line.

Does the utility district lack policies and procedures that address this type of complaint? yes.

Relief Sought: water connected ALSO PAY FOR METER BOX BEING IN MY YARD.

Please provide detailed information related to the remedy(ies) that you are seeking.

I hereby certify that the information provided above is true and correct to the best of my knowledge.

Signature: X Ronald P. Harris Date: 7-3-16.

Please mail, e-mail, or fax copies of any documentation, such as bills, that the Board would need to review when hearing the case, to:

John Greer

Utility Board Specialist

505 Deaderick Street, Suite 1700, James K. Polk Building

Nashville, TN 37243

Phone: (615) 401-7879

Fax: (615) 741-1551

john.greer@cot.tn.gov

If you will be represented by an attorney, please provide his/her contact information below:

Name: _____
Telephone – Primary: _____
Telephone – Secondary: _____
Email: _____
Address: _____

Zip Code: _____

Under Tenn. Code Ann. § 7-82-702(a)(8), any judicial review of any decision of the Utility Management Review Board will be held by common law certiorari within the county in which the informal hearing was held.

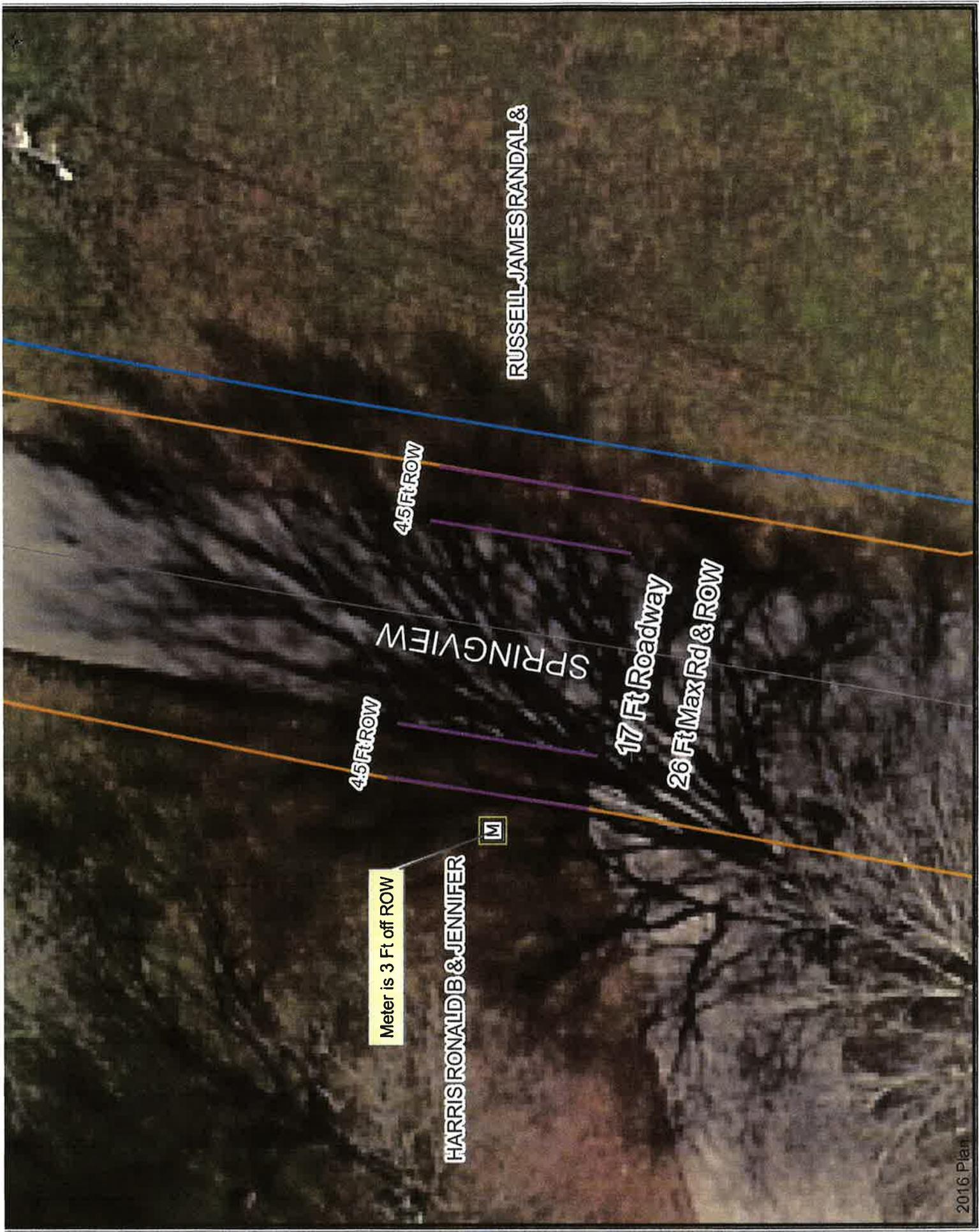
Went to South Blount Utility Dist. to
get Meter Set for water was told I would
have to pay 1500⁰⁰ Tap In fee water was AL ready
to meter Box turned on I spoke to AL the MANAGER
told him I would NOT pay 1500⁰⁰ went to Board Meeting
In June was told I would have to pay 1500⁰⁰ Tap in
fee. The Meter IS 3ft In my yard they will NOT
pay Rent saying they dont have to. The water Co.
CAME out on 6/17/15 9:56 AM dug the water line
up on other side of Rd. unhooked it. would have
Paid 30.⁰⁰ to set Meter. they dont have to pay
me for use of my Property from 1999. But I have
to pay what ever they say they need there
Permit Picket for Utility Co.

Thank you
Ronald B. Harris.

P.S. there is no utility right of way on my Deed
the County only has a 17ft Road Right Way

205 N Spring View Rd
Maryville TN 37801

Phone 865-982 2903



RUSSELL-JAMES RANDAL &

4.5 Ft ROW

SPRINGVIEW

17 Ft Roadway

26 Ft Max Rd & ROW

4.5 Ft ROW

Meter is 3 Ft off ROW

M

HARRIS RONALD B & JENNIFER



Call Today (865) 982-3560

Se

- HOME
- NEWS
- ABOUT US
- WASTE WATER
- PROJECTS
- DEVELOPERS
- PAY YOUR BILL
- C

Home >> Rates

Both commercial and residential customers follow the same Rate Schedule for our water customer charge will be \$17.92 per month and all water will be billed at a rate of \$5.96 p

Both homeowners and businesses pay a non refundable \$30.00 connection fee every time an acc must pay a non refundable \$100.00 connection fee every time an account is opened.

Additionally, other charges including, tap fees and/or special service area fees, may apply depend free to call our office with specific information requests.

Tap Fees

- 3/4" tap = \$1,500
- 1" tap = \$2,500
- 2" tap = \$5,000

+ 30.00 for meter

waste water tap = \$1500



© 2016 South Blount County Utility District
 808 W. Lamar Alexander Parkway
 Maryville, TN 37801
 (865) 982-3560

Powered by In10sity

Our office and drive-thru hours are Monday through Friday, 8:00 a.m. to 5:00 p.m. In the event of an after hours emergency, please call (865) 982.3560 for assistance.

We also have a 24-hour drop box for your convenience.

South Blount County Utility District is an Equal Opportunity Provider and Employer.

From: [Al Scott](#)
To: [John Greer](#)
Subject: Customer Complaint
Date: Monday, August 29, 2016 8:06:18 AM
Attachments: [INFORMAL HEARING FORM.pdf](#)
[Kizer Black Opinion-2016 PDF.pdf](#)
[Rules and Regs.pdf](#)
[Right-of-Ways.pdf](#)

Mr. Greer,

In the attachment you will find the following forms: 1) Informal Hearing Form 2) Legal Opinion 3) Rules and Regulations 4) Right-of-Way Letter.

Please let me know if you need anything additional.

Thank you.



A.L. Scott III
District Manager
South Blount County Utility District



STATE OF TENNESSEE
Utility Management Review Board
James K. Polk State Office Building
505 Deaderick Street, Suite 1700
Nashville, Tennessee 37243-1402
Phone (615) 747-5260 Fax (615) 741-1551

INFORMAL HEARING FORM

Customer Complaint, Tenn. Code Ann. § 7-82-702(a)(8)¹

Contact Information:

Complainant Utility District

Name: A.L. Scott

Utility District: South Blount County Utility District

Telephone – Primary: (865)982-3560

Telephone – Alternate: (865)924-6107

Email: alscott@southblountutility.org

Address: 808 W. Lamar Alexander Pkwy.

Maryville, TN 37802

¹ Tenn. Code Ann. § 7-82-702(a)(8) provides: "Upon the failure of the board of commissioners of a utility district to adopt the rules and regulations required by § 7-82-402(b), regardless of exemptions or exclusions as may be enumerated in § 7-82-103, or any other section of this chapter or, upon the failure of a utility district to consider and resolve consumer complaints in accordance with such rules and regulations, establish an alternate mechanism for consideration and resolution of such complaints through an informal hearing process. In making its decision as to whether the complaint was resolved in accordance with the utility district's rules and regulations, the utility management review board shall also take into account the reasonableness of the utility district's application of its rules, policies, and cost of service as well as any evidence presented during the hearing. Any judicial review of any decision of the board will be held by common law certiorari within the county in which the hearing was held".

Jurisdiction:

Has the Utility District Board of Commissioners heard the complaint at a public meeting?

Yes No

Please provide the date of the complaint and attach a copy of it (i.e. minutes of the meeting and/or written description of your remarks) to this form.

Date: June 7, 2016

Allegation of Facts:

Mr. Ronald Harris met with South Blount County Utility District's Customer Service representative in May 2016 to apply for water service at 205 N. Springview Road, Maryville, TN. After receiving the District's current rate schedule for tap fees, Mr. Harris requested a meeting with the District Manager, Al Scott. His concerns were the following: He did not think he should be required to pay South Blount Utility's current rates for a tap/service and he thought he should receive compensation since the meter box/service was set on his property without his permission in 2001.

The District Manager explained to Mr. Harris that rock was encountered on this project. At that time, prior management made the decision to have the contractor for this project preset the meter box/services. The District Manager also told Mr. Harris that he would need to pay the District's current fees for services, just as any other current customer would. After further investigation was when the District Manager discovered that the meter box/service was located outside the county right-of-way by three feet on Mr. Harris' property.

During a second meeting with Mr. Harris, the District Manager offered to either move the meter into the right-of-way if Mr. Harris would like to apply for service or remove it completely from his property. At that time, neither of these options were viable to Mr. Harris and he again asked for compensation for the meter being set on his property and also that he (Mr. Harris) should only be required to pay the scheduled fees that were valid in Year 2001. At this point, the District Manager told Mr. Harris that there was nothing further that he could assist him with, but that he was welcome to attend the June Board of Commissioner's meeting to present his concerns.

Due to these circumstances, the District Manager felt it would be in the District's best interest to request legal opinion from a local attorney, Kizer & Black Attorneys, PLLC, regarding this matter. Kizer & Black's legal opinion was that the meter box had a prescriptive easement due to the time frame and that there should be no compensation provided – only a formal easement for compensation.

Mr. Harris attended the June 7, 2016, Board of Commissioner's meeting and requested the Board to provide compensation for the meter box/service that is located on his property located at 205 N. Springview Road, Maryville, TN., and also to reduce the current schedule fees back to the Year 2001. The District Manager recommended to the Board of Commissioner's that Mr. Harris be given a formal easement for compensation or that South Blount Utility would relocate the meter box/service

into the right-of-way, if Mr. Harris would be willing to pay the current fees for service. The last option discussed would be to remove the meter box/service from Mr. Harris' property completely and then install a new one in the future, if at some point it was necessary. No action was taken by the Board of Commissioners. At the June 7, 2016 Board meeting, there was no reconciliation with Mr. Harris. He informed the South Blount Board of Commissioners and the District Manager that the District should stay off his property and that his attorney would be contacting South Blount Utility.

To avoid any possibilities of leaks on his property with the existing service, the District Manager felt it was in the District's best interests to disconnect the existing service from the water main (located on the North side of Springview Road). A new meter box/service will be installed in the right-of-way as soon as Mr. Harris pays the current scheduled fees.

Causes of Action:

Did the utility district follow its policies or procedures? Yes

Does the utility district lack policies and procedures that address this type of complaint?

At the present time, the South Blount County Utility District does not have a policy in place regarding preset meter boxes/services; however, a procedure will be decided upon and initiated for future reference. Preset meters have never been an issue at South Blount Utility in the past.

Relief Sought:

Please provide detailed information related to the remedy(ies) that you are seeking.

If Mr. Harris chooses to pay the current scheduled fees for service, a new meter box/service with meter will be installed in the right-of-way at 205 N. Springview Road, Maryville, TN.

KIZER & BLACK, ATTORNEYS, PLLC

329 CATES STREET

MARYVILLE, TENNESSEE 37801-4903

TELEPHONE: (865) 982-7650

FACSIMILE: (865) 982-5776

BEN W. KIZER
(1920-1996)

*ADMITTED IN GEORGIA

DAVID T. BLACK
MARTHA S. L. BLACK
JOHN T. MCARTHUR
J. KEVIN RENFRO
MELANIE E. DAVIS
MATTHEW C. HARALSON
P. ANDREW SNEED
KELLY LOVE MANNING*
G. KEITH ALLEY
CARLOS A. YUNSAN
ASHLEY E. BENTLEY

August 26, 2016

VIA EMAIL alscott@southblountutility.org

Al Scott
South Blount County Utility District
808 W. Lamar Alexander Pkwy.
Maryville, TN 37801

Re: Encroachment / Right of Way

Dear Al:

Back in May you called and emailed me for some advice and to tell me that approximately sixteen years ago a contractor for one of your large Rural Development projects installed a service line and meter box approximately three feet onto private property, without the property owner's permission. Apparently the property owner lived out of town but recently retired and moved back. The owner of the property has never had service with the district and is now seeking service at a reduced rate to compensate for the encroachment.

As we discussed in May, I believe giving the owner a reduced rate on his utilities sets a bad precedent. I also understand you have offered to remove the encroachment but the owner has refused to allow you to do so. It seems to me he is simply being unreasonable and trying to leverage this encroachment to his advantage.

I also told you that since the encroachment has been there for so long it may well constitute a prescriptive easement. In order to qualify for a prescriptive easement an encroachment must be adverse, notorious and continuous for a period of seven years and under color a title.

As we discussed, I do not think it makes economic sense to file suit to establish a prescriptive easement nor frankly do I believe it makes any sense for him to file suit for damages. His damages, if any, are minimal and I cannot imagine a court of law finding he is entitled to any damages since you have agreed to remove it and he has refused to allow that. I also understand there may be some question whether a right of way exists at 205 North Springview but that you have a letter from the county indicating the county had no objection to the construction of the water mains in the right of

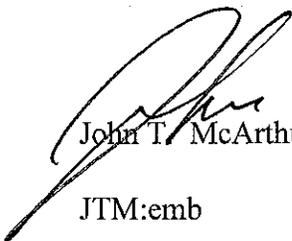
South Blount Utilities
August 26, 2016
Page Two

way for that project. It seems to me your offer to remove it is the reasonable solution or some minor compensation, should you decide to pay him anything, but I think it is a bad idea to provide him a reduced rate.

If you have any questions, don't hesitate to call.

I remain

Very truly yours,



John T. McArthur

JTM:emb



RULES AND REGULATIONS

REVISED MAY 3, 2016

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SOUTH BLOUNT COUNTY UTILITY DISTRICT

RULES AND REGULATIONS

I. SCOPE

These rules and regulations apply to the District and its existing and future customers. They apply to all services rendered by the District whether the services are based on contract, agreement or otherwise.

II. REVISIONS

These rules and regulations may be revised, supplemented or otherwise changed by the District's Board of Commissioners from time to time.

III. SEPARABILITY

If any part of these rules and regulations should be declared invalid or unconstitutional such declaration shall not affect the validity of the remaining parts.

IV. AVAILABILITY

A copy of the current rules and regulations of the District shall be available to the public during regular business hours at the District office and the District's web page.

1. DEFINITIONS

For the purpose of interpreting these rules and regulations the following definitions shall apply:

- A. "Commissioners" means the board of commissioners of South Blount Utility District.
- B. "District" means the South Blount County Utility District of Blount County, Tennessee.
- C. "Person" includes firms, corporations, partnerships, associations and other entities as well as individuals.
- D. "Customer" means any person who applies for water services or who receives water services from the District.
- E. "Household" means any one or more persons living together as a family or group.
- F. "Dwelling Unit" means any structure or portion thereof occupied by one or more persons of a single family for residential purposes. Apartment buildings and other structures occupied by more than one family shall be considered multiple dwelling units.
- G. "Business Unit" shall mean any structure or portion thereof occupied by a single business or enterprise. Shopping centers or other structures occupied by more than one business or enterprise shall be considered multiple business units.

H. "Service Connections" means the tap of the main and that portion of the line extending from the tap of the main to and including the meter and meter installation. This includes any meter set on fire lines.

I. "Customers Service Line" or "Service Line" designates the water line extending from the service connection to and within the improvements of the property.

J. "Tapping Fee" designates any charges made by the District to users or prospective users for the tap of the main and the installation of the service connection, including the meter, meter installation and the meter box. The customer acquires no legal title to, nor equity in, the facilities installed by reason of payment therefore.

K. "Main" designates the water lines of the District, of all sizes, up to but excluding the service connection. It includes the District's water lines laid in or on the public streets or highway or on their right-of-way and it includes certain water lines on private property by permission that have been installed or accepted by the District.

L. "Fire Hydrant Charges" shall be the term applied to charges made for water service for fire protection provided by any fire hydrants owned and maintained on a metered/unmetered basis by the District for the use by person or persons other than District personnel.

M. "Regular Billing Period" or the "Billing Period" for any designated calendar month means the billing period from which revenues are included in monthly financial and operating statements of the District for the calendar month in question.

N. "Penalty Date" shall mean the date which appears on the bill, except when some other date is expressly required by these Rules and Regulations or rate schedules or by an agreement approved by the District. The due date is the last date on which bills can be paid at net rates.

O. "Rules and Regulations" as used herein, shall include these rules and regulations and any addenda, attachments, supplements, and interpretations adopted from time to time by the commissioners.

2. GENERAL

Water service will be furnished subject to the Rules and Regulations of the District adopted by its Board of Commissioners. These Rules and Regulations may be amended at any regular or special meeting of the Board of Commissioners by vote of a majority of the members of the Board. Any amendment will take effect immediately unless the resolution adopting the amendment shall provide a different effective date. A copy of these Rules and Regulations shall at all times be kept in the District's office and shall be subject to inspection by any customer or any other member of the public during regular business hours. Upon request the District will make a copy of these Rules and Regulations. The District will charge a reasonable per page fee for furnishing printed copies. Should these Rules and Regulations conflict with any provision of the District's resolution authorizing the issuance of its Waterworks Revenue Bonds, the provisions of the bond resolution shall control with respect to the rights of such bondholders.

3. OBTAINING SERVICE

A. All persons applying for water service must sign an Application for Service and Water Service Contract agreeing to the District's charges for service and inspections set out in the Schedule of Rates and Charges and agreeing to abide by the District's Rules and Regulations. Upon the execution of the Application for Service and Water Service Contract, the applicant will pay the connection fee, and if applicable, the tap fee and any other amount designated by the District. The receipt of a prospective customer's Application for Service and Water Service Contract shall not obligate the District to render the service applied for. If the District is unable to provide service to the applicant, all fees paid will be refunded. If a customer decides not to take service and the District has already put in its tap and/or meter to serve the customer, the District may retain all or a portion of fees paid according to the District policy then in effect.

B. The prospective customer shall furnish such information as the District shall request so as to determine the terms to incorporate in the Application for Service and Water Service Contract.

C. When a customer is a property owner, the owner will remain responsible for the meter and appurtenances assigned to his or her property whether they continue as a customer or rent their property. Further, the property owner shall be responsible for the monthly water bill of any tenant or other non-owner whom he permits to occupy the property unless the owner shall first require such occupant to enter into his own Application for Service and Water Service Contract with the District.

C. In addition to all other requirements to obtain service, no service will be placed in the name of a tenant or other non-owner of property until the tenant or non-owner has entered into his own Application for Service and Water Service Contract.

D. The service purchased will be used only for the benefit of the designated premises and for no other property, persons, or purposes. Water service shall not be shifted or changed to any other property without the written permission of the District and then only upon such terms and conditions as provided by these Rules and Regulations or as determined by the Commissioners.

E. Service may be denied to anyone who owes an outstanding bill from prior service within the District until the customer pays the entire balance owed or makes arrangements satisfactory to the District to pay any outstanding bill for prior service.

F. Service will be denied to any person seeking service to property on which there are no existing tapping privileges until a tap fee has been paid including taps which have been repossessed by the District because of default in a Contract for Service.

G. A landlord who applies for water service at the landlord's service address to have water available to the service address between tenants shall execute a new Application for Service and Water Service Contract for the service address and pay a connection fee of \$30.00. The landlord shall pay for water used at the service address until the landlord cancels water service in accordance with the District's rules, the District terminates water service for nonpayment, or a new tenant places water service in his or her name by executing a new application for Service and Water Service Contract for the service address.

H. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water used, provided such temporary service can be feasibly provided in the discretion of the District. Temporary service is for a short duration, as determined by the District.

I. If an existing customer has purchased or a future customer chooses to purchase a dry tap to make water service available to the customer's property, the customer will be charged the District's minimum bill each month. If the customer fails to pay the minimum bill for the dry tap, water service will be discontinued in accordance with the District's rules on the discontinuance of service, and the meter will be removed. If a customer with a dry tap no longer desires to keep water service available to his or her property, the customer may notify the District that he or she no longer desires to pay the monthly minimum bills to keep water service available, and the District will remove the meter. The District will reinstate water service to the property where the meter has been removed upon the payment of the District's meter connection fee in the District's Schedule of Rates and Charges. If the customer making the request has an outstanding balance with the District, the customer must also pay any outstanding balance before water service is reinstated.

J. When the District is providing water service to premises occupied by a married couple who have filed for a divorce and one spouse requests that water service be changed to his or her name, the District will make no change in the service or account name without receiving a copy of a court order which either grants possession of the premises to the spouse requesting a service change or awards ownership of the premises to the spouse requesting the service change. If the service and account name for the premises is not in the name of the spouse entitled to possession of or ownership of the premises by court order, the District will put the service in the name of the spouse entitled to reside in the premises upon such spouse executing a new Application for Service and Water Service Contract, but the spouse will not be required to pay the applicable connection fee.

K. After the death of a Customer, the Customer and/or his or her estate shall remain liable for charges incurred until such time as the account is placed into the name of a replacement Customer. This change should occur within ninety (90) days of the date of the Customer's death. However, failure by the Customer to change the name on the account shall not affect liability for the account, and the District can continue to charge and collect on such account even after the ninety (90) day period has run. However, if the District discovers that the Customer's death has occurred and the Customer name change has not been timely effectuated, the District reserves the right to shut off service on the account after proper notice is given. However, all accounts, including that of a deceased customer, must be paid in full when due or service will be terminated in accordance with the District's policy in effect at that time.

4. SERVICE CONNECTIONS

A. Any person applying for services at a location requiring the installation of a service connection shall be required to pay the District, in accordance with its then current rate schedule.

B. Any person applying for water service shall be required to pay a meter setting fee in accordance with the District's then current rate schedule. Each prospective customer desiring new water or waste water services will sign the District's standard forms, a well user agreement, cross connection agreement, and a service

contract, and pay the District all required fees and amounts before water and or waste water services are provided.

C. All properties considered commercial by the District, in their sole judgment, shall have an approved Backflow Prevention Device installed on the service line behind meter, in a location approved by the District.

D. Standard residential taps shall be three-fourths (3/4") inch diameter. Larger connections shall be permitted as directed and prior approved by the District.

E. Each individual residential or commercial unit requires a separate meter.

F. Each living unit in an apartment complex and each unit in a mobile home park or trailer park will require a separate meter unless the property owner requests and the District approves the use of a master meter for a collection of residences. A mobile home park or trailer park is any tract of land containing mobile home or trailer parking facilities with water connections (hereinafter trailer connections), regardless of whether mobile homes or trailers shall be furnished or permanently parked at the sites of such trailer connection. If the owner elects individual metering, the owner shall be responsible for paying the connection fee and tap fee for each meter.

G. If the property owner elects to use a master meter for trailer park, mobile home park, or apartment complex installations, the meter shall be of the type required by the District, shall be purchased by the owner, and shall be installed by a licensed plumber paid by the owner to perform such installation. The installation shall be inspected by the District with inspection costs to be paid by the property owner. The owner will pay a tap fee as determined by the District and shall receive a monthly bill according to usage shown by the master meter.

5. METERS

A. The District reserves the right to inspect all new and existing customers for, but not limited to, air gaps on well lines, anti-backsiphonage spigots, cut-offs on customer lines and pressure reducing valves. All customers must allow the District unrestricted access to all such items and lines during normal business hours and otherwise during a suspected or actual emergency.

B. All meters and all connections to water mains shall be installed, tested, repaired and removed by the District or an approved contractor. All water distributed by the District shall be metered.

C. The District shall be responsible for the operation and maintenance of the water service line from the District's main line to and including the meter. Normally, the meter will be set at or near the property line on the street or highway right-of-way on which the main line is located. When a meter cannot be set at or near the property line, the customer will provide the District a suitable place for the location of the meter on the customer's property at the customer's expense. The District reserves the right to specify a suitable meter location on the customer's property.

D. The District will, at its own expense, make routine tests of meters when it considers such tests desirable. A customer who requests a meter test shall pay a testing fee in the amount of \$50.00. If the test shows an error outside of 4% of 100% accuracy the testing fee shall be refunded, and the meter will be repaired or replaced by the District. If the test shows no error or an error within 4% of 100% accuracy, then the testing fee will be forfeited to the District.

E. Meters, service connections, and other equipment furnished and maintained by the District are the property of the District. Any damage to the District's property caused by the customer, his family, his employees, or his invitees or agents shall be repaired and replaced at the customer's expense.

F. No person shall turn on or turn off any of the District's stop cocks, hydrants, spigots, fire plugs, or valves without prior permission or authority from the District.

6. METER LOCATIONS

For new installations the District's approval of meter locations should be obtained before prospective customer installs his lines. Insofar as is practical, meters shall be placed on or near the property line of the premises to be served at or near the street location near the main line. The District will attempt to locate meters at a location that is convenient to both the customer and the District; however the District reserves the right to specify the location of the meter. The costs of relocating meters for the convenience of the customer will be paid by the customer before the meter has been relocated. Meters placed by the District at a location that the District later deems unsatisfactory may be moved to a location more satisfactory at the discretion and expense of the District. Except as may be otherwise provided by separate written agreement between the District and the customer, the point of delivery shall be at the customer's side of the meter. All lines, piping and equipment beyond this point shall be the property and responsibility of the customer. The District shall not be liable or responsible for any injury, loss or damage to persons or property on account of any defect, use, misuse, or negligence in installation, maintenance, equipment, lines or pipes beyond the point of delivery. The District shall be responsible for its lines and equipment up to the point of delivery.

7. BILLING

The District will bill the customer monthly for water usage as indicated by meter readings in accordance with its then current rate schedule. There will be a 10% penalty on any water usage bill that remains unpaid by the due date. An Account with an unpaid balance forward as of the due date will have the service discontinued and the service will not be restored until the entire balance and assessed fees have been paid in full.

In the event a meter is found not to be in good working order or has stopped registering, the meter will be replaced.

Adjustments in billing may be considered for any leak or unintentional excessive water use by the customer, as solely determined by the District on a case-by-case basis, but no more than one time per calendar year. The District, at its option may make such adjustments should the District find that the customer has experienced a leak which the customer could not have reasonably been expected to find prior to billing. This regulation is not to be interpreted as an obligation on the part of the District to adjust any bill, but is intended

only to allow the District discretion to allow such adjustments where the District determines circumstances are such that they feel that an adjustment is warranted.

In the event a check is returned for insufficient funds, closed account or account has been frozen, an additional fee of \$17 will be placed on the customer's bill as well as the returned check amount.

If service is shut off due to non-payment or a returned check, an additional \$50 shut-off fee will be added to the customer's bill.

8. PLATTING REVIEW FEE

Any person or customer seeking water service from the District shall pay a platting review fee of \$25.00 to the District.

9. EXCESSIVE WATER USE

A. The District may grant one (1) leak adjustment per year per account.

B. Adjustments will be based off of (6) month of average billing from the customer's account. If the account does not have a basis of 6 months of average billing the District will use the average of 3000 gallons per month for the leak adjustment.

C. Any adjustment to the bill amount must take place after the leak or excessive water use has stopped or been repaired.

D. Customer must keep all payments current or the agreement to adjust the billing amount may be withdrawn by the District.

10. UNAUTHORIZED USE OF WATER AND TAMPERING WITH DISTRICT PROPERTY

A. No person or entity (hereafter person) shall, without the District's consent, (1) use the District's water without such water being metered, or (2) use the District's water without making application for service and paying all required fees, or (3) steal water from the District, or (4) tamper with the District's property. Tampering with District property shall include, but not be limited to, the following:

(a) Opening valves at the curb or meter that have been turned off by District personnel;

(b) Breaking, picking or damaging cut-off locks;

(c) By-passing meters in any way;

(d) Taking unmetered water from hydrants by anyone other than an authorized official of a recognized fire department, fire insurance company or utility for any purposes other than firefighting, testing or flushing of hydrants;

(e) Use of building or residential sprinkler system water service for any purpose other than fire protection;

(f) Removing, disabling or adjusting meter registers;

(g) Connecting without application or intentionally damaging water lines, valves or other appurtenances for the purpose of stealing or damaging District water or equipment;

(h) Moving the meter or extending service without permission of the District;

(i) Any other intentional act of defacement, destruction or vandalism to District property or act that affects the District's property; and

(j) Any intentional blockage or obstruction of District pipe or equipment.

B. When the District learns that water is being used by any person without the water being metered or without making application to the District for water service, the District will take all the steps necessary to terminate the unauthorized use of its water.

C. Tampering with District property or stealing water services shall be grounds for an immediate discontinuance of service.

D. The District's customers shall be responsible for any unauthorized use of the District's water from District facilities located on the customer's premises and for any tampering with District property by persons under such customer's care, custody, or control. In the event the District's customer is a builder or contractor, such builder or contractor shall be responsible for the unauthorized use of the District's water from District facilities or for the tampering with District property on the customer's premises and by subcontractors of the builder or contractor.

E. When unauthorized use or tampering occurs on premises served under a temporary meter or hydrant meter with a builder or contractor, the District shall terminate water service not only to the premises upon which the unauthorized use or tampering occurs but also to all other premises of such builder or contractor being served under a temporary meter.

F. In the event a person damages District property in obtaining water from the District without permission and proper authorization or in tampering with District property, such person shall pay the following to the District:

(a) All labor costs incurred by the District to repair any damage to the District's property. Labor costs are billed at \$50 per hour for each District employee used to repair any damage to the District's property or stop the unapproved use of water.

(b) The cost of any equipment and subcontractor used by the District to repair any damage to the District's property.

(c) The costs of all materials used by the District to repair any damage to the District's property; and

(d) The amount which the District pays an outside contractor in the event the District must hire an outside contractor to make or to assist in the repair of any damage to the District's property.

G. No person shall be permitted to purchase additional water from the District until all penalty charges and costs set forth in paragraph 6 and 7 or otherwise determined by the District are paid in full. In the event the

person is a customer of the District, all penalty charges and costs shall be added to the customer's bill. Water service will not be restored to such customer until all penalty charges and costs and other reconnection fees and charges are paid in full.

H. The District reserves the right to pursue any other remedies it may have under state law against persons responsible for the unauthorized use of the District's water or for tampering with District property.

11. EXTENSION OF WATER MAINS.

A. Applicants seeking the extension of water utility lines shall present to the District Manager a petition for the said extension of such lines. The petition shall include the following information:

1. A list that contains the name, address and phone number of each property owner/ applicant requesting service.
2. A list that contains the name, address and phone number of all other parties on the extension who may requesting service.
3. Date service is desired.
4. The signature of each property owner applicant.

B. After receipt of the fully completed petition, the District Manager will make a preliminary cost estimate of the extension and decide if the extension meets the following criteria:

1. Adequate capacity of the system or the line(s) to be connected to is available.
2. The extension is judged to be operationally feasible.
3. Adequate funds for construction of the extension are available to the District.
4. The amount of revenue expected to be generated by the extension is reasonable as compared to

cost.

C. After all required information is assembled the District Manager will present the request and findings to the District's Board at their next regularly scheduled board meeting.

D. It is at the Board's discretion to determine if water main extensions are economically feasible to the District. The Board may reject the request, or approve the extension under certain conditions. If the Board approves the extension, the applicants and others who may use water services on the new line will have to comply with requirements that may include one or more of the following:

1. Require that each potential user of water service, including but not limited to the applicants, pay all fees and charges (tap fees/contract for service) prior to the District beginning construction.
2. Pay an additional contribution per applicant and water connection for engineering expense, construction cost and other items.
3. Grant the District the necessary easement(s) in writing on all affected property.
4. Comply with any other requirement imposed by the District's Board.

E. Upon approval and completion of all requirements set by the Board, the District will proceed with extension design and installation, according to a schedule determined by the District Manager.

F. Approval of a water line extension and acceptance of fees and payments does not guarantee that the water line will be constructed. Sometimes factors such as soil conditions, other repairs or construction, financial or legal issues make construction delayed or undesirable.

If, in [its sole judgment,, the District decides to terminate the project and not complete the water line extension, the District will promptly return all amounts paid by those who were not connected to water service.

12. WATER SERVICE TO NEW DEVELOPMENTS

The term "development" is defined as any residential commercial development which increases the demand on the District's central distribution system, whether by increasing the intensity of use or by altering the use of land. Should the costs of construction be unusual or other unusual circumstances exist, the District may modify or add to these procedures. The determination of unusual circumstances will be made by the District on a case-by-case basis.

A. The developer or its representative must obtain an "Agreement for Proposed Development Water /Wastewater" from the District.

B. The developer must deliver to the District Manager a completed "Agreement for Proposed Development Water/Wastewater ", engineering report, a preliminary plat and other information as requested by the District; for review and determination of availability of service. Each plat must show all units (single family, duplex, commercial, etc.) that may potentially need water or District maintained waste water services in the development.

C. The developer must notify the District of any changes in the plans and information submitted with the application. Any approval or decision by the District is based on the information the developer has provided to the District at the time of the decision, and any subsequent change will be subject to reconsideration

Certain fees are charged to the developer to cover the District's cost of reviewing and inspecting the project, obtaining an engineering report on the feasibility of the project from the standpoint of hydraulics, making a preliminary determination of the on-site and off-site system improvements necessary to provide adequate service, and other District expenses related to a development.

D. The developer should obtain the approval of the District before beginning any water or waste water construction. When the District has reviewed and approved the plans and information submitted, and has completed an analysis of the proposed project, the District will approve the proposal, or disapprove the proposal with suggested changes to make the plan acceptable to the District. The developer will be notified of the preliminary conclusions of the District as to the feasibility of the service requested.

E. The costs and expenses incidental to the installation, connection, and inspection of all on-site and off-site water lines, pumping stations, storage tanks, and appurtenances (hereinafter referred to collectively as facilities or system improvements) as may be required by the District to serve residential and commercial developments, or any other type of expansion, shall be paid by the developer. In addition, the developer shall indemnify the District from any loss or damage that may directly or indirectly result from the installation of water facilities by the developer.

F. The developer must install all on-site and off-site water/wastewater system improvements as may be required by the District, to provide adequate service to the development, to maintain the current level of

water/wastewater service to existing customers and to meet the District's plan for the level of service to be made available in the general area of the development.

G. Before work of any type or nature is begun on any project, the Agreement for Proposed Development Water /Wastewater must be signed by the District Manager and the developer.

H. Notification of Construction: The District shall be notified at least forty-eight (48) hours before construction is to begin. Thereafter, the developer shall notify the District of every day during which construction will be in progress in order for the District's inspector to periodically be on the job site during construction.

I. Inspections: All water system improvement projects shall be subject to inspection during and upon completion of construction by an authorized representative of the District. Inspection may consist of full-time resident inspection or part-time inspection at the sole discretion of the District. Presence or absence of the inspector during construction does not relieve the developer from adherence to approved plans and specifications. Materials and workmanship found not meeting the District's requirements or approved plans and specifications shall be immediately brought into conformity with said plans and specifications at the developer's expense.

J. Final Inspection: An authorized representative of the District shall make a final inspection of the project after completion to determine acceptability of the work. Before this final inspection can be made, the owner, developer or engineer responsible for the project shall notify the District Manager in writing that the work has been completed in accordance with approved plans and specifications.

K. Final Acceptance: When the facilities qualify as public facilities by passing the District's final inspection. The developer shall be responsible to pay all fees and costs as described in the developer's agreement and to provide to the district a tabulation of all costs for the construction of the facilities, prior to the District's decision of final acceptance.

L. The date of final acceptance shall be that date on which the developer has fulfilled all conditions necessary for final acceptance, including passing a final inspection, submittal of "as-built" drawings, payment of all fees due, completion of all documents and forms required by the District, and the system additions having been placed into service by the District.

M. When the District requires a developer to oversize a water line, pump station, water storage tank or other water system improvement to meet a future need for water service outside the development, the District shall be responsible for paying the additional material costs and any incremental increase in labor costs for the over sizing of the water system improvements. The District shall determine amount of the additional material costs and the amount of any incremental increase in labor costs for the over sizing, and the amount of the additional material costs and the amount of any incremental increase in labor costs shall be included in the service agreements for the development.

N. A minimum exclusive easement fifteen (15) feet in width must be conveyed to the District for water and waste water main construction. All main lines which are to become the property of or are to be maintained by the District are to be located in the public right-of-way or within these exclusive easements on private

property. All exceptions are to be specifically approved by the District Manager. In all such cases where the District Manager approves water line construction within public rights-of-way, the developer shall obtain consent from the political entity having authority over such rights-of-way for such construction.

O. The expenses of obtaining, preparing and recording easements needed for water system improvements for the development will be paid by the developer, including, but without limitation, the consideration paid to the land owner. In the event the District exercises its power of eminent domain to acquire any such easement, the developer will pay all costs, expenses and damage awards for which the District becomes liable, on demand, including its attorney's fees.

P. The easement grant must be on such terms and in such form and content as approved by the District.

Q. The developer is responsible for acquiring all such easements for both on-site and off-site water and waste water system improvement construction prior to the commencement of this construction.

R. In the event real property must be acquired for the installation of a water storage tank, pumping station or other water or waste water system improvement for the development, the expense of obtaining, preparing and recording the real property will be paid by the developer, including, but without limitation, the consideration paid to the land owner. In the event the District must exercise its power of eminent domain to acquire any such real property, the developer will pay all costs, expenses and damage awards for which the District becomes liable, on demand, including its attorney's fees.

S. Before beginning construction, the developer or its contractor shall obtain all necessary permits as required by law. Such permits include, but are not limited to, those from state and county highway departments and any city in which the development is located.

13. STANDARD SERVICE

Water service is normally limited to quantities as determined by the physical limitations of the District's water distribution and storage systems and no specific quantities or rate of flow can be guaranteed. The quality of water will be determined by the District's source of supply and treatment facilities and chemical characteristics of such water shall be those resulting from the treatment of the water obtained from the source of supply as used by the District for its water system. Customer requirements for chemical characteristics other than those furnished by the District's normally treated water shall be the responsibility of the customer and not the District.

14. WATER FOR FIRE PROTECTION SERVICE

The District was created to provide potable water for its present and future customers. The District was not created to provide fire protection services to its customers or to areas where the District provides water service. Fire protection services are provided by municipalities, counties and volunteer fire departments within the District's service area.

The District has not designed its water system to provide fire flows sufficient to provide water for fire protection purposes in all areas served by the District. Therefore, the District does not guarantee that its

water system will have sufficient water to provide fire protection to its customers. The District does desire to cooperate with persons or governmental entities who may undertake to provide fire protection services. Under certain conditions the District will permit its customers to connect fire lines and fire hydrants to the District's water system. At the request of a customer, the District will cooperate with the customer to determine appropriate specifications and locations for fire lines and fire hydrants, and the District will install or inspect installation by approved fire system contractors. Such fire lines and fire hydrants at the expense of the customer in accordance with jointly approved specifications within public right-of-way or easements granted for this purpose. The fire protection facilities located on the customer's property shall be owned and maintained by the customer, and the customer shall be responsible for assuring that the facilities meet governmental requirements including any requirements of the Tennessee Department of Environment and Conservation. These fire protection facilities shall be used by the customer only in the event of an emergency for the purpose of fighting fire, containing chemical spills or like situations. All fire hydrants will be sealed by the District and may be inspected at intervals by the District. When a seal is broken, on account of fire or for any reason, the customer shall give the District written notice of such occurrence as soon as possible. The customer shall be responsible for any water loss occurring as a result of vandalism or metered consumption.

All fire protection customers shall pay current fees that are set by the District.

Notwithstanding the foregoing provisions, the District may from time to time in the exercise of its discretion, allow customers to utilize fire facilities for a public purpose provided such utilization is authorized in writing in advance. In the event fire hydrants located on unmetered lines are utilized, the customer will be charged for water used based upon the District's reasonable estimation of water usage.

15. TAPPING EXISTING MAIN AND MAKING SERVICE CONNECTION

Service connections will be laid by the District from the water main to the property line. Such service connections, including the meter installation, will be fitted with all necessary hardware and so installed as to be readily accessible at all times to the agents of the District.

When such service connections are completed, the District shall have ownership of and shall be responsible for the maintenance and upkeep of such service connections from the main line and to and including the meter and meter installation. The remaining portion, designated as the "service line" or "customer's service line" beyond the meter and meter installation (even though such remaining portion is not located within the customer's property line) shall belong to and be the responsibility of the customer. In all cases the service line shall be installed by the customer at the customer's expense and shall be and remain the exclusive property of the customer.

The customer's service line shall be of quality material, with a pressure reducer, stop valve, and waste cock. Water service to any customer may be discontinued and water service to any applicant may be refused or declined by the District if the service line is not supplied with a pressure reducer a stop valve and a waste cock. Not-with-standing anything else herein provided, and District shall not be responsible for the

maintenance and upkeep of the customer's service line located within the property line of the customer, even though the District's meter and meter installation are located within said property line.

16. CUSTOMER'S PIPING AND FIXTURES -- STANDARDS

All water piping beyond the meter shall be installed and maintained at the expense of the customer. By furnishing service to a customer, the District assumes no responsibility for seeing that the customer's piping and or plumbing fixtures comply with any local codes or regulations.

17. RIGHT OF ACCESS

A. The District shall have free access to that portion of the customer's premises necessary for reading meters and for testing, repairing, removing, or replacing equipment owned by the District. The customer shall be responsible for removing any obstruction which prevents the District access to its meter and equipment including shrubbery, structures, and pets. If an obstruction is not removed within 30 days from date of notification by certified mail, the meter will be removed and the applicable connection fee will be charged for reconnection.

B. In fulfilling its duty to protect the public water supply, the District shall have the right, but shall not be obligated, to inspect any customer's installation or plumbing system before water service is furnished or at any later time.

18. INSPECTIONS

The District shall have the right, but shall not be obligated to inspect any installation before water/wastewater is introduced at a later time. The District reserves the right to refuse service or discontinue service to any piping or plumbing installations not in accordance with special contracts or with these Rules and Regulations, or other requirements of the District; but any failure to exercise this right shall not render the District liable or responsible for any loss or damage resulting from defects in installations of piping or plumbing fixtures or from violations of any local codes or regulations or the provisions of any special contract or from accidents which may occur on the customer's premises.

19. NOTICE OF TROUBLE

Customers shall notify the District immediately should the water/wastewater service be unsatisfactory for any reason, or should there be any defects, trouble or accidents affecting the supply of water/wastewater services. Such notices, if verbal, should be confirmed in writing by the customer.

20. CROSS CONNECTIONS

The District has adopted the Tennessee Department of Environment and Conservation's Recommended Policy Governing Cross Connections. A copy of this Policy is kept available for public inspection in the District's office. This Policy provides that no person shall cause a cross-connection to exist without the approval of the Tennessee Department of Environment and Conservation for periodic inspections of all premises where cross-connections are likely to exist, and for prompt action to systematically correct all such cross-connections. No cross connections of any kind shall be permitted between the water supply from the District's mains and the

water supply from any other sources. A cross connection is defined as any physical connection whereby the District's water supply is connected with any other water system, whether public or private, either inside or outside of any building or buildings, in such a manner that a flow of water into the District's water supply is possible, either through a manipulation of valves or because of any defective check or back pressure valves, or by any other arrangement. The District shall not be obligated to connect to, or render water service to new buildings or to buildings or premises not now approved for water service until such time as a certification is made that no cross connection exists. Installation of approved Backflow Prevention Devices shall coincide with the Cross Connection Policy.

21. DAMAGE TO PROPERTY DUE TO WATER PRESSURE

It is the customer's sole responsibility to assure that they receive the proper pressure from their service lines. The District shall not be liable for any damage to a customer's plumbing or property caused by high pressure, or by fluctuations in pressure in the District's water mains.

22. DAMAGE TO PROPERTY DUE TO WASTEWATER BACKUP

~~The District shall be liable for the tank, equipment within and service line from the tank to the street. The customer is responsible for their service line from the tank to the dwelling. All customers are responsible to follow the District's guidelines and User Manual concerning any waste water system serviced by the District. The District will not be responsible for backups due to power outages or items and substances that are not approved or intended for an effluent collection systems.~~

The Customer accepts ownership of the tank, equipment within and service line from the tank to the street side connection box. All customers are responsible to follow the District's guidelines and User Manual concerning any waste water system serviced by the District. The District will not be liable for damages due to failure in the sewer system for which the District does not receive immediate notice or backups due to power outages.

23. PUMPING OF WASTE WATER TANKS

The District shall set a schedule and provide the normal routine pumping of septic tanks for customer's utilizing a waste water system maintained by the District. Should additional pumping be required the customer shall be billed and pay for the pumping expense.

24. INTERRUPTION OF SERVICE

A. The District will endeavor to furnish continuous water service, but it does not guarantee to any customer any fixed pressure or continuous service. Customers living in the areas as high as or higher than the reservoirs that feed the area must provide and maintain at their expense any equipment necessary to provide the standards of water service desired. The District shall not be liable for any damages for any interruption of service however caused except for willful default or neglect. If any customer requires an uninterrupted water service for life preserving or other dire purposes, such customer must notify the District and obtain permission to construct, at customer expense, a private holding tank or other such provisions as the District will permit to further assure a fixed pressure or continuous supply.

B. The District reserves the right to interrupt service without notice in connection with the operation, maintenance, repair, and extension of the District's water system or when public safety so requires. The District will use its best efforts to notify its customers of any service interruption which will or is likely to last ten hours or longer by public service broadcast through the District's website or local paper or commercial radio station.

C. The District shall not be liable for any loss or damage resulting from water cut off. If a customer wishes to avoid possible damage for cut off failures, the customer shall rely exclusively on privately owned cut offs and not on the District's cut off. The customer shall be responsible for insuring that his plumbing is properly drained and is kept properly drained after his water service has been cut off.

25. USE OF WATER

A. No customer shall allow waste of water caused by permitting faucets to run continuously "run off" from irrigation, the failure to properly maintain plumbing within the premises, or other wasteful practices or negligence.

B. No customer may directly or indirectly resell water purchased from the District, except with the prior written consent of the District.

C. In times of emergencies or in times of water shortage, the District reserves the right to enable the Drought Policy. A violation of such restrictions constitutes grounds for termination of water service to the premises or dwelling on which the violation occurs until such time as the emergency or water shortage ends.

26. TERMINATION

The District shall have the right to discontinue service or refuse to connect service to any person who has failed to comply with any provision of these rules or regulations or failed to pay timely any billings. Written notice of termination stating the scheduled date for termination of service will be mailed to the customer at the customer's last known address at least 13 days prior to the scheduled date for termination. In the event termination is scheduled because of nonpayment the last bill will state the amount due, the last date and place that payment may be made to avoid termination. Termination will not be made on any date immediately preceding a day when the District's business offices are scheduled to be closed, except for special arrangements. All special arrangements in default will be terminated on the next business day.

A customer wishing to dispute the District's stated reasons for termination may request a meeting with the District Manager to discuss the customer's case. Prior to the meeting with the District Manager the customer will have the right to examine the District's records pertaining to the customer's service.

After meeting with the District's Manager, if the customer feels the District has not followed District rules and policy, the customer may request a hearing by the District Board by submitting a WRITTEN REQUEST for a hearing during the District's offices regular business hours at the District's business offices on or before the end of the last business day immediately preceding the 5 days scheduled date for termination. Upon receipt

of written request for a hearing the District will schedule a hearing to be held at the District's office at the next scheduled Board meeting. At this hearing the customer will have the right to testify, and to present witnesses on the customer's behalf. The customer will have the right to be represented at the scheduled hearing. Hearing will be conducted by the board of commissioners for the District. The commissioners will hear the evidence and render a decision which will be reflected in their minutes. When a hearing is requested pursuant to this section the customer's service will not be terminated unless the board determines that valid reasons for termination exist and in no event will service be terminated until the board renders its decision. The decision of the District's board shall be final.

27. TERMINATION OF SERVICE BY CUSTOMER

The customer shall notify the District of its desire to cancel service in person, by telephone, or by mail/email shall give a cancellation date and a forwarding address. The customer will be responsible for all water/wastewater charges which accrue, including the minimum charge, through the cancellation date. When the customer does not give a cancellation date, the customer will be responsible for all water/wastewater charges which accrue, including the minimum charge, until the District actually receives the notice of cancellation and makes a final meter reading. When notice of cancellation is given by telephone, the District may request that the caller provide information to verify that the caller is the person whose name appears on the account where service is to be terminated. In the event the District fails to terminate service within 10 days after having received such notice from the customer, the customer will not be responsible for the water usage following the scheduled date for termination.

28. DISCONTINUANCE OR REFUSAL OF SERVICE

A. The District shall have the right to discontinue service or refuse to connect service for the nonpayment of the customer's monthly bill or any other charge and for a violation of or a failure to comply with any of the following:

- (a) The Rules and Regulations of the District;
- (b) The customer's application for service;
- (c) The customer's contract for service; or
- (d) The regulations of the Tennessee Department of Environment and Conservation.

B. Discontinuance of service by the District for any cause stated in these Rules and Regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract.

C. When service is disconnected for any reason listed above, service will not be reinstated until the next business day for any account which payment is made after 3:30p.m.

29. CUSTOMER COMPLAINT POLICY

A. Complaints concerning the availability of service, the quality of service performed, the amount of a bill, and all other complaints may initially be made to the District Manager or any regular clerical employee in the District's office.

B. Regular clerical employees and the Office Manager are authorized to make adjustments to bills provided the clerical employee or Office Manager can ascertain that a bill is erroneous because of a book keeping or accounting error.

C. When a clerical employee receives a complaint which the clerical employee either cannot resolve or is not authorized to resolve, the clerical employee shall submit the complaint to the Office Manager. When the Office Manager either cannot resolve or is not authorized to resolve the complaint, the complaint shall be referred to the District Manager to resolve.

D. If the complaining party desires review by the Board, the District Manager shall schedule the complaint for consideration at the Board's next meeting and shall inform the complaining party of the time and place of the meeting.

E. If the complaining party appears at a Board meeting to seek review of a complaint, the Board may defer hearing the complaint until a subsequent meeting when the Board determines additional information is needed to resolve the complaint which information can be obtained from the District's records.

F. When a customer or complaining party appears at a Board meeting to make a complaint without previously submitting the complaint to the District Manager, the Board may require the complaining party to present the complaint to the District Manager or other District employee in accordance with the procedures set forth in this rule so the Board may be fully informed of the facts before resolving the complaint. In its discretion, however, the Board may hear and consider such a complaint.

30. BOARD OF COMMISSIONERS MEETINGS

South Blount County Utility District and the Board of Commissioners are governed by the Tennessee Code Annotated (TCA). The monthly meeting of the District's Board of Commissioners will be held at 9:00 a.m. on the first Tuesday of each month unless otherwise posted. Before each meeting the Office Manager shall cause notice of the meeting to be posted on the District's website and shall have such notice printed on each monthly bill. All meetings are open to the public.

(Bill Dunlap)

BRANSTETTER, KILGORE, STRANCH & JENNINGS

ATTORNEYS AT LAW

227 SECOND AVENUE NORTH

FOURTH FLOOR

NASHVILLE, TENNESSEE 37201-1631

CECIL D. BRANSTETTER, SR.
C. DEWEY BRANSTETTER, JR.
RANDALL C. FERGUSON
R. JAN JENNINGS*
CARROL D. KILGORE
DONALD L. SCHOLES
JAMES G. STRANCH, III
JANE B. STRANCH

J. SCOTT ELLIS
*ALSO ADMITTED IN GA

TELEPHONE
(615) 254-8801

FACSIMILE
(615) 255-5419

December 1, 2000

Mr. Harold Corum
Rural Development
United States Department of Agriculture
4730 New Harvest Lane, Suite 300
Knoxville, TN 37918-7000

Re: \$673,000 Rural Utilities Services Loan

Dear Mr. Corum:

I have enclosed a letter dated February 9, 2000 from Bill Dunlap, Superintendent of Roads for Blount County, in which he grants permission for the District to install the water lines for this project in County right-of-way. I neglected to attach this to the right-of-way certificate. If you need anything further on this issue, please let me know.

Sincerely yours,

Don Scholes
DON SCHOLES

Enclosure

c: Isom Lail

BKSJ File No.: 00-114

Blount County Highway Dept.

Wednesday, February 9, 2000

Mr. Harold Corum
Rural Development USDA
4730 New Harvest Lane
Suite 300
Knoxville, TN. 37918

Dear Mr. Corum:

We have reviewed the referenced project and have no objections to the construction of waterlines within the county road right of ways. We have worked with SBCUD many times in the past on similar projects and have always had a good accord.

If you have any questions, please do not hesitate to contact us.

Sincerely,

Blount County Road Department



Bill Dunlap
Superintendent of Roads
Blount County, Tennessee

BD/ne

Blount County Highway Dept.
415 Louisville Road
Alcoa, Tennessee 37701
Phone: (865) 982-4652
Fax: (865) 681-8938



HARRIS RONALD B & JENNIFER

Meter is 3 Ft off ROW

4.5 Ft ROW



SPRINGVIEW

4.5 Ft ROW

17 Ft Roadway

20 Ft Max Rd & ROW

RUSSELL JAMES RANDAL &



From: [Al Scott](#)
To: [John Greer](#)
Subject: Customer Complaint
Date: Monday, August 29, 2016 8:12:43 AM
Attachments: [JUNE MINUTES.pdf](#)

Mr. Greer,

I apologize for leaving the June minutes out of the prior attachment.



A.L. Scott III
District Manager
South Blount County Utility District

CSRF ✓

**SOUTH BLOUNT COUNTY UTILITY DISTRICT
BOARD OF COMMISSIONERS MEETING
June 7, 2016**

Meeting opened at 9am with a motion by Morton to approve May minutes, seconded by Evans.

Commissioners present: Virginia Morton, Tom Abbott and Ray Evans.

Motion was made by Evans to approve the Vaughn Road water line extension. Two Tap Fees must be collected prior to this construction. This 250 feet water line extension will be constructed during the line replacement that is scheduled in February/March 2017, motion was seconded by Abbott. Roll call vote of yes, motion passed.

Scott discussed change in insurance providers from Selective to Berkley. The new premium will be \$94,000.00 with a savings of \$900.00. Motion was made by Abbott to approve new insurance provider, seconded by Evans. Roll call vote of yes, motion passed.

Scott requested an increase of \$38,000.00 in the budget allowance for the purchase of additional radio read meters at a reduced cost. Motion was made by Abbott to increase budget allowance from \$100,000.00 to \$138,000.00, seconded by Evans. Roll call vote of yes, motion passed.

Scott addressed change to Item #22 (Damage To Property Due To Wastewater Backup) of the Rules and Regulations Policy. Motion was made by Abbott to approve the change, seconded by Evans. Roll call vote of yes, motion passed.

Scott presented Debt Obligation Report for the 2016 Bond Refunding to commissioners. No action taken.

Scott presented Water Model Master Plan, total cost of \$39,465. Motion was made by Evans to approve Water Model Master Plan/Hydraulic Study, seconded by Abbott. Roll call vote of yes, motion passed.

Miscellaneous

Complaint Statistics

June 3, 2016 -
September 29, 2016

Complaints Received by
Staff: 69

Training Approvals

From: [Betsy Knotts](#)
To: ["Dave Schryver"](#)
Cc: [John Greer](#); [Stephanie Maxwell](#)
Subject: RE: APGA Request for Continuing Education Credits
Date: Friday, April 29, 2016 2:46:30 PM

Mr. Schryver,

I have reviewed your request for Tennessee Comptroller approval of commissioner training. The following training sessions scheduled to be held at the American Public Gas Association (APGA) Annual Conference , July 25-27, 2016, are approved:

1. Chairman's Update (.5 hr.)
2. Overview of Gas Supply and Demand (0.75 hr.)
3. Congressional View on Energy Issues U.S. (0.75 hr.)
4. Making a Difference (0.75 hr.)
5. Cultivate & Promote an Energy Literate Society (.25 hr.)
6. Deescalating the Energy Wars: Communicating the Essential Role of Natural Gas (1 hr.)
7. The New Normal: Leadership and Preparedness in the 21st Century (1.5 hrs.)
8. Operations and Safety (0.75 hr.)
9. Government Relations and Elected Officials (.75 hr.)
10. The President's Report (.75 hr.)

These 10 sessions appear to cover board governance, financial oversight, policy-making responsibilities, and other topics reasonably related commissioner duties, as required by Tennessee law. Feel free to call me if you have any questions.

Betsy Knotts
Assistant General Counsel
Comptroller of the Treasury
Suite 1700, James K. Polk Building
505 Deaderick St.
Nashville, TN 37243
Phone: (615) 401-7954

From: Dave Schryver [mailto:dschryver@apga.org]
Sent: Tuesday, April 26, 2016 11:43 AM
To: Betsy Knotts <Betsy.Knotts@cot.tn.gov>
Subject: APGA Request for Continuing Education Credits

Ms. Knotts, please find attached the American Public Gas Association's request for approval of a total of 7.25 hours of continuing education credits for utility district commissioners who attend our Annual Conference which is scheduled for July. We understand that only the actual time the commissioners attend each session is eligible for continuing education credit. Thank you for your

consideration. Dave

Dave Schryver
Executive Vice President
American Public Gas Association
201 Massachusetts Avenue, NE, Suite C-4
Washington, DC 20002
202-464-0835

[**ABOUT APGA**](#)

[**Read about natural gas in your home or business**](#)

PLEASE JOIN US AT THESE UPCOMING APGA EVENTS:

2016 Government Relations Conference and Board and Committee Meetings

May 1-4, 2016 | Hotel Monaco | Alexandria, Va. | <https://www.apga.org/events/grc>

2016 APGA Annual Conference

July 24-27, 2016 | Newport Marriott | Newport, R.I. | <https://www.apga.org/newport>

From: [Betsy Knotts](#)
To: [Brown, Jane](#)
Cc: [Stephanie Maxwell](#); [John Greer](#)
Subject: RE: Request for Commissioner Training Approval
Date: Friday, September 09, 2016 8:34:11 AM

Mr. Hodges,

I have reviewed your request for Comptroller approval of a 1 hour training session taught by Mr. Dwight Work on October 24, 2016, in which he will discuss the legal and practical responsibilities of the board and its members in being a good steward of rate payer monies. The content of the training session appears to cover board governance, financial oversight, policy-making responsibilities, and other topics reasonably related commissioner duties, as required by the state law, so it is approved for 1 hour of commissioner training credit. Please note that **the content of each hour long training session must take up at least 50 minutes and any open-ended Q&A must be limited to 10 minutes.**

Betsy Knotts

Senior Counsel for Public Finance
Comptroller of the Treasury | Office of General Counsel
James K. Polk Building, Suite 1700 | Nashville, TN 37243 - 1402
betsy.knotts@cot.tn.gov | (615) 401-7954

From: Brown, Jane [mailto:jbrown@mtng.com]
Sent: Thursday, September 08, 2016 12:09 PM
To: Betsy Knotts <Betsy.Knotts@cot.tn.gov>
Cc: Hodges, Jim <jhodges@mtng.com>
Subject: Request for Commissioner Training Approval

Ms. Knotts,
Please see the attached letter of request. Please let us know if you need anything further.

Thank you,

Jane Brown

Executive Assistant



P.O. Box 670
Smithville, TN 37166
615.597.0501 p
615.597.6331 f

From: [Betsy Knotts](#)
To: [Susan Lloyd](#)
Cc: [John Greer](#); [Stephanie Maxwell](#)
Subject: RE: Utility District Commissioner Training
Date: Friday, August 12, 2016 2:03:27 PM

Ms. Lloyd,

I have reviewed your request for Comptroller approval of utility district commissioner training and all supplemental information submitted to me by e-mail. The training sessions listed below are approved for one hour of credit each because their content appears to cover board governance, financial oversight, policy-making responsibilities, and other topics reasonably related commissioner duties, as required by the state law. **Please note that the content of the hour long training session must take up at least 50 minutes and any open-ended Q&A must be limited to 10 minutes.**

1. Mr. Brian Lewis, Public Sector Occupational Safety Specialist with TOSHA, will provide TOSHA updates. (1 hr. Credit)
2. Lt Don Boshears with the Tennessee Highway Patrol will present a program on Distracted Driving and the consequences for businesses and for individuals. (1 hr. Credit)
3. Mr. Craig Ingram with Tennessee 811 (also known as Tennessee One-Call) will explain updates that impact the natural gas industry. (1 hr. Credit)

Please let me know if you have any further questions. Thank you.

Betsy Knotts

Senior Counsel for Public Finance

Comptroller of the Treasury | Office of General Counsel

James K. Polk Building, Suite 1700 | Nashville, TN 37243 - 1402

betsy.knotts@cot.tn.gov | (615) 401-7954

From: Susan Lloyd [mailto:sllloyd@orud.org]
Sent: Tuesday, August 09, 2016 7:07 AM
To: Betsy Knotts <Betsy.Knotts@cot.tn.gov>
Subject: RE: Utility District Commissioner Training

Happy Tuesday morning!

Oak Ridge Utility District Safety Day will be held on Wednesday, August 24, 2016.

In separate emails (size considerations) I am attaching PowerPoint slides for the TOSHA and TN One Call presentations. Lt. Boshears was not able to share his slides because of proprietary logos. He did, however, provide a bullet list of topics he will cover (attached here). Also attached is our agenda for the day.

Please let me know if you need additional information to make your decision.

Sincerely,

Susan Lloyd

Administrative Assistant

Oak Ridge Utility District

Direct: 865-220-6095

Main: 865-483-1377

slloyd@orud.org

From: Betsy Knotts [<mailto:Betsy.Knotts@cot.tn.gov>]

Sent: Monday, July 18, 2016 8:53 AM

To: Susan Lloyd <slloyd@orud.org>

Cc: John Greer <John.Greer@cot.tn.gov>

Subject: RE: Utility District Commissioner Training

Thank you, Susan. Please provide me with a copy of the agenda and supporting documentation (like powerpoint slides). Please also let me know the date of the training.

Betsy Knotts

Senior Counsel for Public Finance

Comptroller of the Treasury | Office of General Counsel

James K. Polk Building, Suite 1700 | Nashville, TN 37243 - 1402

betsy.knotts@cot.tn.gov | (615) 401-7954

From: Susan Lloyd [<mailto:slloyd@orud.org>]

Sent: Monday, July 18, 2016 7:27 AM

To: Betsy Knotts <Betsy.Knotts@cot.tn.gov>

Subject: Utility District Commissioner Training

Dear Ms. Knotts,

Each year the Oak Ridge Utility District dedicates a full day to emphasize our dedication to safety with all employees and Board Members attending. We are requesting three of our presentations be granted credit as Utility District Commissioner Training.

Each presentation is scheduled for one hour.

1. Mr. Brian Lewis, Public Sector Occupational Safety Specialist with TOSHA, will provide

TOSHA updates.

2. Lt Don Boshears with the Tennessee Highway Patrol will present a program on Distracted Driving and the consequences for businesses and for individuals.
3. Mr. Craig Ingram with Tennessee 811 (also known as Tennessee One-Call) will explain updates that impact the natural gas industry.

Please do not hesitate to contact me if there are questions or if you desire additional information. We thank you in advance for your favorable consideration.

Susan Lloyd

Administrative Assistant

Oak Ridge Utility District

Direct: 865-220-6095

Main: 865-483-1377

slloyd@orud.org

Next UMRB Meeting

December 1st, 2016

10:00 Am CST

LP 31