

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

September 10, 2007

IN RE:

**PETITION OF TENNESSEE WASTEWATER
SYSTEMS, INC. TO RECLASSIFY SPECIFIC
RESORT AREAS IN SEVIER COUNTY FROM
RESIDENTIAL TO COMMERCIAL**

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**DOCKET NO.
06-00259**

ORDER GRANTING MOTION TO STRIKE

This matter is before the Hearing Officer upon *Tennessee Wastewater Systems, Inc.'s Motion to Strike or, in the Alternative, to file Reply Brief* that was submitted on September 7, 2007. The *Motion to Strike* was precipitated by the unexpected submission of *Smokey Cove Log Home Resorts, Lynn Hedrick's and HP Development's Response to Tennessee Wastewater Systems, Inc's Post-Hearing Brief ("Response Brief")* on September 6, 2007. The *Motion to Strike* states:

The "Notice of Filing Briefs" issued by the Hearing Officer on August 22, 2007, provided for the filing of post-hearing briefs on August 28, 2007. It did not provide for "Response" briefs. Nevertheless, counsel for Mr. Hedrick filed both a post-hearing brief and, yesterday, a "Response" to the post-hearing brief filed by TWS. The Response brief should be struck and given no consideration in this case. In the alternative, TWS asks that the Authority accept this short reply from TWS.

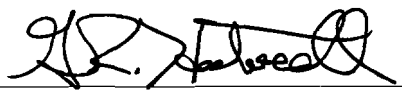
At the July 9, 2007 Hearing in this docket, the panel determined that post-hearing briefs would be due one week after the decision regarding the settlement agreement. The decision approving the settlement agreement was rendered late in the day during the Authority Conference on August 20, 2007. The *Reminder Notice of Filing Briefs* issued by this Hearing

Officer on August 22, 2007 reminded the parties “to file Post-Hearing and/or Supplementary Post-Hearing Briefs no later than **4:00 p.m. on Tuesday, August 28, 2007.**” This notice allowed the parties more than 7 days following the Directors’ decision on the settlement agreement to file post-hearing briefs, and anticipated that Smoky Cove might timely supplement its brief, which was originally filed on July 30, 2007.

Neither the panel, nor the Hearing Officer through this *Reminder Notice*, made provision for response or reply briefs, therefore the *Motion to Strike* is granted, and both the *Response Brief* submitted on September 6, 2007 and the *Reply Brief* submitted on September 7, 2007 are hereby struck from the record and shall be given no consideration in the determination of this matter.

IT IS THEREFORE ORDERED THAT:

Tennessee Wastewater Systems, Inc.’s *Motion to Strike* is granted and the *Response Brief* submitted on September 6, 2007 and the *Reply Brief* submitted on September 7, 2007 are struck from the record.



Gary Hotvedt, Hearing Officer