

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

March 9, 2007

IN RE:

LYNWOOD UTILITY CORPORATION TO CHANGE  
AND INCREASE RATES AND CHARGES

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DOCKET NO.  
07-00007

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ORDER ESTABLISHING A PROCEDURAL SCHEDULE

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This matter came before the Hearing Officer on February 23, 2007, at which time a Status Conference was convened in this docket for the purpose of establishing a procedural schedule and discussing preliminary matters, including discovery and the issuance of a Protective Order.

**BACKGROUND**

On January 4, 2007, Lynwood Utility Corporation (“Lynwood” or “Company”) filed its *Petition* in which the Company requests that the Authority set a hearing and determine, after the presentation of evidence, that the increased rates proposed by Lynwood are fair and reasonable and are necessary to provide adequate sewer service to its customers and a fair rate of return to the Company.<sup>1</sup> On January 16, 2007, the Consumer Advocate and Protection Division of the Office of the Attorney General (“Consumer Advocate”) filed a Petition to Intervene, alleging that its participation in this proceeding is necessary to determine whether the proposed rates would be “just and reasonable under the circumstances.”<sup>2</sup> On February 2, 2007, the Hearing Officer issued an *Order Suspending Tariff, Granting Petition to Intervene and Setting a Status Conference* setting a Status Conference for February 16, 2007 to establish a procedural schedule and address

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<sup>1</sup> *Petition* at 1 (January 4, 2007).

<sup>2</sup> *Petition to Intervene*, p. 2 (January 16, 2007).

other preliminary matters. At the request of the Petitioner and pursuant to the agreement of the parties, the Status Conference was rescheduled by the Hearing Officer for February 23, 2007 pursuant to a *Notice of Rescheduling the Status Conference* issued on February 14, 2007.

### **STATUS CONFERENCE**

The Status Conference was convened on February 23, 2007 at 1:00 p.m. In attendance at the Status Conference were the following parties represented by counsel:

Lynwood Utility Corporation – **Donald L. Scholes, Esq.**, Branstetter, Stranch & Jennings, PLLC, 227 Second Avenue North, Fourth Floor, Nashville, TN 37201-1631.

Consumer Advocate and Protection Division – **Ryan McGehee, Esq.**, Office of the Attorney General, 425 5<sup>th</sup> Ave. N, John Sevier Building, P.O. Box 20207, Nashville, TN 37202.

### **Procedural Schedule**

In voting to convene a contested case proceeding, the panel assigned to this docket instructed the Hearing Officer to proceed to establish a procedural schedule which would contemplate a hearing and deliberations on the merits of the *Petition* within six months of the *Petition's* filing date.<sup>3</sup> During the February 23, 2007 Status Conference, the Hearing Officer and the parties discussed two proposed procedural schedules, after which the parties reached agreement on the Procedural Schedule attached as **Exhibit A** to this Order.

The goals of the procedural schedule are to move this docket toward deliberations on the issues raised by the *Petition* no later than June 4, 2007 and to provide the parties a reasonable and adequate amount of time to conduct discovery, prepare and submit pre-filed testimony and prepare for Hearing. The Hearing Officer is appreciative of the efforts of the parties in proposing a procedural schedule that expedites the process and provides for thorough discovery and preparation.

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<sup>3</sup> While Tenn. Code Ann. § 65-5-103(a) allows nine months for the investigation by the TRA, Tenn. Code Ann. § 65-5-103(b)(1) permits the Company to place the proposed rates into effect under bond after six months.

The Procedural Schedule, attached as **Exhibit A**, governs principally discovery and the filing of testimony. The Procedural Schedule does not include a precise hearing date at this time. Any hearing date is subject to the approval of the panel. As with any schedule, the effectiveness of this Procedural Schedule is directly dependent upon the extent of cooperation or delay on the part of the parties in meeting the individual benchmark dates.

**PROTECTIVE ORDER**

During the Status Conference on February 23, 2007, the Hearing Officer requested that the parties agree upon and submit a proposed Protective Order for review by March 2, 2007 for consideration by the Hearing Officer. On March 2, 2007, the parties requested additional time to submit a proposed Protective Order. On March 7, 2007, a proposed agreed protective order was submitted by the parties. The Hearing Officer will enter a Protective Order in this docket separate from this Order following review of the proposed protective order.

**IT IS THEREFORE ORDERED THAT:**

The Procedural Schedule, attached to this Order as **Exhibit A**, is adopted and is in full force and effect.

  
J. Richard Collier, Hearing Officer

**LYNWOOD UTILITY CORPORATION TO CHANGE  
AND INCREASE RATES AND CHARGES  
TRA DOCKET NO. 07-00007**

**PROCEDURAL SCHEDULE**

<b>March 2, 2007</b>	<b>1<sup>st</sup> Round of Discovery Due</b>
<b>March 8, 2007</b>	<b>Discovery Objections Due</b>
<b>March 14, 2007</b>	<b>Status Conference – 1 p.m.</b>
<b>March 27, 2007</b>	<b>Discovery Responses Due</b>
<b>April 13, 2007</b>	<b>Intervenor’s Pre-Filed Testimony Due</b>
<b>April 17, 2007</b>	<b>2<sup>nd</sup> Round of Discovery Due</b>
<b>April 23, 2007</b>	<b>Discovery Objections Due</b>
<b>April 26, 2007</b>	<b>Status Conference – 1 p.m.</b>
<b>May 1, 2007</b>	<b>2<sup>nd</sup> Round Discovery Responses Due</b>
<b>May 11, 2007</b>	<b>Pre-filed Rebuttal Testimony Filed</b>
<b>May 16, 2007</b>	<b>Pre-Hearing Conference</b>
<b>May 17 – 18 or May 21- 22 (Tentative)</b>	<b>Hearing on the Merits (Subject to Approval of Panel)</b>

**EXHIBIT A**