

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

April 25, 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 GRANTING AGREED MOTION TO STAY PROCEDURAL SCHEDULE  
AND SETTING STATUS CONFERENCE

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This matter is before the Hearing Officer upon the *Agreed Motion to Stay the Procedural Schedule* (“*Agreed Motion*”) filed on April 10, 2007 by the Consumer Advocate and Protection Division of the Office of the Attorney General (“Consumer Advocate”) and Lynwood Utility Corporation (“Lynwood” or the “Company”).

**BACKGROUND**

On January 4, 2007, Lynwood filed its *Petition* in which the Company requested 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 23, 2007, during a regularly scheduled Authority Conference, the panel assigned to this docket appointed General Counsel or his designee to serve as Hearing Officer for the purpose of preparing the case for hearing and establishing a procedural schedule that would contemplate a hearing and deliberations on the merits of the *Petition* within six months of the *Petition’s* filing date.<sup>2</sup> On

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

<sup>2</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 from the filing date.

February 2, 2007, the Hearing Officer issued an *Order Suspending Tariff, Granting Petition to Intervene and Setting a Status Conference*. A Status Conference was held on February 23, 2007<sup>3</sup> during which the parties reached agreement on a Procedural Schedule. The Procedural Schedule established dates for discovery and the filing of testimony and included a tentative hearing date in May, 2007.

#### **MOTION TO STAY THE PROCEDURAL SCHEDULE**

On April 10, 2007, the parties filed the *Agreed Motion* stating that they were working together to resolve certain discovery issues and that the Company required additional time to produce the information requested by the Consumer Advocate. Because the Consumer Advocate would not be able to file Direct Testimony without first reviewing the additional discovery material due from the Company, the parties requested that the procedural schedule be stayed and that a new procedural schedule be established.

The Hearing Officer notes that, according to the Procedural Schedule, discovery responses were due from the Company on March 27, 2007. The Consumer Advocate's prefiled testimony was to be filed on April 13, 2007. As of the date of this Order, certain discovery responses from the Company, as well as the filing of the Consumer Advocate's testimony, remain outstanding. For these reasons, the Hearing Officer finds that the Procedural Schedule must be revised to incorporate new dates for discovery and the filing of testimony. In addition, the suspension of the Procedural Schedule requires that a new hearing date be set.

#### **IT IS THEREFORE ORDERED THAT:**

1. The *Agreed Motion to Stay the Procedural Schedule* is granted and the Procedural Schedule, as well as the proposed hearing date, are suspended until a new procedural schedule is established.

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<sup>3</sup> The Status conference was originally scheduled for February 16, 2007 but was reset for February 23, 2007 at the parties' request.

2. A Status Conference is hereby set for **Monday, May 7, 2007 at 1:00 p.m.** for the purpose of revising the procedural schedule, establishing a hearing date and discussing prehearing matters, including any discovery issues.

  
J. Richard Collier, Hearing Officer