

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

August 8, 2008

IN RE:)	
)	
PETITION OF LYNWOOD UTILITY CORPORATION)	DOCKET NO.
FOR APPROVAL OF A COST RECOVERY)	08-00060
MECHANISM FOR DEFERRED ODOR ELIMINATION)	
COSTS)	

**ORDER RESUSPENDING PROPOSED RATE INCREASE
FOR ADDITIONAL NINETY DAYS**

This matter initially came before Chairman Eddie Roberson, Director Sara Kyle and Director Ron Jones of the Tennessee Regulatory Authority (the "Authority"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on May 5, 2008 for consideration of the *Petition* filed by Lynwood Utility Corporation ("Lynwood") on April 17, 2008 for approval of a cost recovery mechanism for deferred odor elimination costs having an effective date of May 17, 2008.¹ During the Authority Conference, the panel voted unanimously to suspend the effective date of the proposed rate increase for ninety days, from May 17, 2008 to August 14, 2008, to convene a contested case proceeding and to appoint the Authority's General Counsel or his designee to act as the Hearing Officer for the purpose of hearing preliminary matters, setting a procedural schedule to completion and preparing the matter for a hearing before the panel.

On May 6, 2008, the Consumer Advocate and Protection Division of the Office of the Attorney General ("Consumer Advocate") filed a *Complaint and Petition to Intervene*. On May

¹ Lynwood did not include a proposed effective date for the odor elimination surcharge to begin. The earliest that surcharge could take effect would be thirty (30) days from the filing date, or May 17, 2008.

30, 2008, a *Notice of Status Conference* was issued, and on June 5, 2008, the status conference was held, at which time the Hearing Officer, hearing no objection from Lynnwood, granted the Consumer Advocate's petition to intervene. On June 24, 2008, the parties informed the Hearing Officer that they were working on informal discovery. On July 10, 2008, Lynnwood filed copies of documents that it provided to the Consumer Advocate. On August 4, 2008, the Hearing Officer was informed that discovery was still ongoing. As such, the proposed rate increase is re-suspended an additional ninety (90) days, through November 12, 2008. The parties shall, however, file a proposed procedural schedule no later than September 8, 2008.

IT IS THEREFORE ORDERED THAT:

1. The proposed rate increase is re-suspended an additional ninety (90) days, through November 12, 2008; and
2. The parties shall file a proposed procedural schedule no later than September 8, 2008.



Gary Hotvedt, Hearing Officer