

Docket 10-00108



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Office of
Democratic Caucus Chair

August 3, 2010

Eddie Roberson, Director
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Dear Mr. Roberson;

I'm writing in response to testimony filed by the Consumer Advocate Division in this case. The CAD testimony suggests that the TRA has some "permissive" authority to deny Market regulation in Rate Groups 1 and 2 even if the applicants successfully meet the competitive test.

The CAD is simply incorrect in its reading of the statute. As the sponsor of the legislation, it was my intent and the intent of my cosponsor Representative Gerald McCormick to create a market test for the applicant, and, if the applicant meets the test, the TRA must grant the application for market regulation. Period.

Curiously, the CAD testimony dwells on many policy-based arguments regarding whether market regulation should be granted. Those policy concerns were debated before the General Assembly, and were settled by legislators when this legislation was passed. They are irrelevant in this forum.

To meet the intent of the law, this case should focus solely on the administrative process of determining whether the competitive test has been satisfied. Please ensure that this letter is properly entered for the record in this docket.

Sincerely,

Mike Turner

51st LEGISLATIVE DISTRICT