

IN THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

IN RE:)
)
INVESTIGATION AS TO WHETHER)
A SHOW CAUSE ORDER SHOULD BE)
ISSUED AGAINST BERRY'S CHAPEL)
UTILITY, INC., AND/OR LYNWOOD) DOCKET NO. 11-00065
UTILITY CORPORATION FOR)
VIOLATION OF TRA RULE AND)
TENNESSEE STATUTES, INCLUDING BUT)
NOT LIMITED TO, TENN. CODE ANN.)
§§ 65-4-112, 65-4-113, 65-4-201, AND 65-5-101)

**PARTY STAFF'S THIRD REPSONSES TO FIRST DISCOVERY REQUEST OF THE
CONSUMER ADVOCATE AND PROTECTION DIVISION TO THE TENNESSEE
REGULATORY AUTHORITY PARTY STAFF**

Comes now the Tennessee Regulatory Authority Party Staff ("Party Staff") and provides amended responses to the Consumer Advocate Division's Discovery Requests. These answers supersede all prior responses to Discovery Requests 6, 7, 8, 9, and 13 and are made pursuant to the Hearing Officers ruling on August 12, 2013.

6. Please provide details of all consumers contacted determining that there is no longer an odor problem (*i.e.*, please provide details including but not limited to who was contacted along with the person's contact information, when the contact occurred, what the consumer was asked about odor problems, and what the consumer said about odor problems).

RESPONSE: Staff contacted no consumers regarding the odor issue. Since January 1, 2010, there has been only one complaint against Berry's Chapel Utility Inc. or its predecessor Lynwood Utility, Corp. filed with the Tennessee Regulatory Authority relating to odor. It was filed on July 21, 2011, by [REDACTED].

7. Please provide details of all consumers contacted inquiring if they have any issues with receiving less than 100% recovery of illegal and unauthorized charges from the utility.

RESPONSE: Party Staff contacted no consumers regarding the issue of refund amounts.

8. Please identify the party to the settlement who is representing consumers and/or other ratepayers.

RESPONSE: The Tennessee Regulatory Authority. See paragraphs 12 through 24 of the Party Staff's *Initial Brief in Support of the Settlement Agreement*.

9. Please identify and explain the TRA Staff's rights, interest, and/or claims in the flood damage costs and odor control costs.

RESPONSE: See paragraphs 12 through 30 of the Party Staff's *Initial Brief in Support of the Settlement Agreement*.

13. When the TRA Directors opened Docket No. 11-00065, Director Hill Stated the docket was to "address the ramifications of the decision in 11-00005." Please explain by what authority the TRA Party Staff has included in the Settlement Agreement the recovery of attorney's fees for flood damage (Settlement Agreement, ¶¶ 12-13) and odor control expenses (Settlement Agreement, ¶¶ 11, 13).

RESPONSE: See paragraphs 12 through 30 of the Party Staff's *Initial Brief in Support of the Settlement Agreement*.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that I have served a copy of the foregoing document on the following persons by U.S. Mail:

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This the 14th day of August, 2013.



Shiva K. Bozarth