

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)

PETITION TO INTERVENE

Robert E. Cooper, Jr., Attorney General and Reporter for the State of Tennessee, by and through the Consumer Advocate and Protection Division of the Office of the Attorney General ("Consumer Advocate"), pursuant to Tenn. Code Ann. § 65-4-118, respectfully petitions the Tennessee Regulatory Authority ("TRA" or "Authority") to grant the Consumer Advocate's intervention into this proceeding on behalf of the public interest because consumers may be adversely affected. For cause, Petitioner would show as follows:

1. The Consumer Advocate is authorized by Tenn. Code Ann. § 65-4-118 to represent the interests of Tennessee consumers of public utilities services by initiating and intervening as a party in proceedings before the Authority in accordance with the Uniform Administrative Procedures Act and Authority rules.

2. Berry's Chapel Utility, Inc., f/k/a Lynwood Utility Corporation ("BCUI/Lynwood") is a public utility regulated by the Authority and provides wastewater

service to consumers located in Williamson County, Tennessee. Approximately 800 residential customers and two non-residential customers receive waste water service from BCUI/Lynwood.

3. BCUI/Lynwood notified the Authority that effective September 1, 2010 it had merged the former Lynwood Utilities Corporation into Berry's Chapel Utility, Inc., creating an entity that was a not-for-profit corporation. BCUI/Lynwood asserted that this corporate transformation removed the utility from the regulatory jurisdiction of the TRA. The Consumer Advocate filed a Petition with the Authority challenging this declaration and TRA Docket 11-00005 was opened.

4. During the time it claimed to be unregulated by the TRA, BCUI/Lynwood undertook to unilaterally alter the terms of its tariff, including adding to consumers' bills, among other things, a \$20.00 per month charge not approved by the TRA.

5. After allowing the parties to file briefs and argue their positions, the TRA ruled on August 5, 2011 that BCUI/Lynwood was, and at all relevant times had been a utility under the regulation of the TRA. The TRA ordered BCUI/Lynwood to immediately stop charging the \$20.00 per month fee and also directed that a new docket be opened to address the issues raised by the TRA's holding in Docket No. 11-00005. This includes dealing with all money actually collected by BCUI/Lynwood by virtue of the now disallowed \$20.00 per month fee. This Docket was opened as a result of that direction.

6. The Consumer Advocate has consistently maintained, and the TRA has confirmed that BCUI/Lynwood is, and has always been, a regulated utility. Despite this fact, BCUI/Lynwood unilaterally altered its tariff and collected money from consumers to which it was not entitled. The disposition of those funds and their proper return to the consumers who

paid them is among the items within the scope of this Docket. It is in the interest of the public as well as the consumers of BCUI/Lynwood who paid the unauthorized charges to have the money so collected returned to those who paid it.

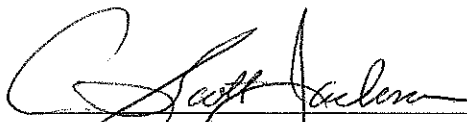
7. Only by participating in this proceeding can the Consumer Advocate work to insure that all unauthorized charges collected from consumers are returned and to otherwise represent the interests of all consumers.

WHEREFORE, Petitioner respectfully asks the Authority to grant the Petition to Intervene.

RESPECTFULLY SUBMITTED,



ROBERT E. COOPER, JR. (BPR #010934)
Attorney General and Reporter
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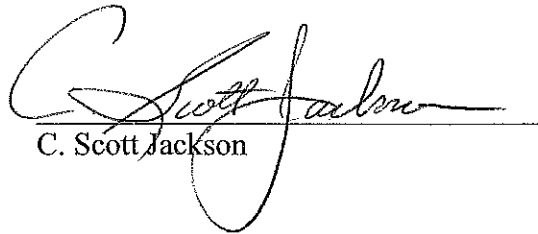
Dated: 4/12/2012

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via U.S. Mail or electronic mail on April 12, 2012, upon:

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