

STATE OF TENNESSEE

Office of the Attorney General



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April 1, 2013

Mr. Henry Walker, Esq.  
Bradley Arant Boult Cummings LLP  
1600 Division Street, Suite 700  
PO Box 340025  
Nashville, Tennessee 37203

RE: Lynwood Utility Corporation Case No. 11-00065

Dear Mr. Walker:

On behalf of the Consumer Advocate and Protection Division of the Office of the Attorney General ("Consumer Advocate"), I am writing you to ensure the record in the above referenced Show Cause matter reflects our position on the matter of refunds for customers illegally charged a \$20.00 surcharge. The Consumer Advocate has requested since 2011 that customers be refunded in full immediately for all amounts illegally collected by Berry's Chapel.

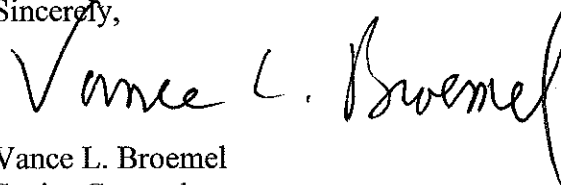
The letter Berry's Chapel recently sent to customers notifying them of Berry's Chapel's decision on how it planned to refund the illegally collected surcharges could be interpreted as the Consumer Advocate providing agreement with all aspects of the letter. In particular, your March 28, 2013 letter to the Authority states the timing of the refunds over an 18 month period was based on a discussion and agreement with the TRA Staff assigned to this Docket. The Consumer Advocate wants the record to show that we do not agree with the 18 month period for repayment to customers.

While we support the effort of Berry's Chapel to provide refunds to those customers that paid the illegal surcharges, the timing for the refunds is stretched out over an 18 month period. The customers were illegally charged by Berry's Chapel two years ago and customers paid up to \$100.00 over a five-month period, which Berry's Chapel has had the benefit of and not paid customers any interest for the period it is holding its customers' money. The Consumer

Advocate believes Berry's Chapel needs to find a better way to pay the rate payers sooner since it wrongfully collected these illegal surcharges.

These concerns and matters may be points the TRA Directors assigned to the Hearing Panel in Docket No. 11-00065 will wish to ultimately consider. In light of the time and resources that have been committed to Berry's Chapel over the last two years and the number of dockets convened to bring Berry's Chapel into compliance with Tennessee law and the rules of the Authority, the Consumer Advocate will not seek to oppose the agreement between the TRA Staff and Berry's Chapel as to the amount of the refund but will simply ask the TRA Directors to shorten the length of time the refunds are to be provided back to customers to no more than a year.

Sincerely,

A handwritten signature in black ink that reads "Vance L. Broemel". The signature is written in a cursive style with a large, stylized "V" at the beginning.

Vance L. Broemel  
Senior Counsel  
Office of the Attorney General  
Consumer Advocate and Protection Division  
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