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June 12, 2013

Chairman James Allison
Tennessee Regulatory Authority
460 James Roberston Parkway
Nashville, Tennessee 37243

RE: Lynwood Utility Corporation Case No. 11-00065

Dear Chairman:

On behalf of the Consumer Advocate and Protection Division of the Office of the Attorney General ("Consumer Advocate"), I am writing for the record to express our concerns and opposition to the settlement agreement reached in this matter by the Investigative Staff of the Tennessee Regulatory Authority ("TRA", "Authority") and Berry's Chapel Utility, Inc. ("Berry's Chapel"). As you know, the Consumer Advocate has pursued refunds for consumers since Berry's Chapel first implemented illegal charges on the bills of consumers in 2010.

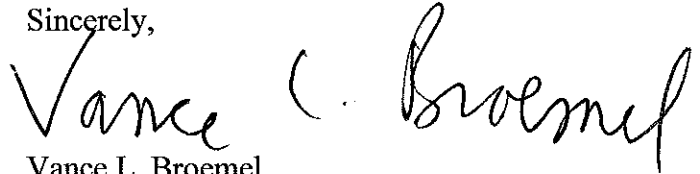
While the Consumer Advocate is not officially a party to this docket, it has sought intervention in this matter for over a year and has participated in settlement discussions with the parties. However, the Consumer Advocate cannot agree to the proposed settlement agreement. Given the state of the record, I felt it important that as the Hearing Panel considers the *Petition to Intervene* filed by the Consumer Advocate on April 12, 2012, there be some formal indication in the record of the Consumer Advocate's position.

The proposed settlement agreement reduces the amount of consumer refunds arising for unauthorized charges from \$146,121 to \$73,680 with a series of offsetting expenses the Consumer Advocate has questioned.¹ The refunds the proposed settlement forgoes represent a significant amount of money for the customers of Berry's Chapel, approximately \$85.00 per

¹ See, for example, the filings of the Consumer Advocate in Docket 13-00052.

customer based on the number of customers served. The customers of Berry's Chapel already pay some of the highest waste-water rates in the state.² Asking them to forgo additional moneys obtained from them without legal authority is not in the public interest. While this not an exclusive list of the concerns or arguments for opposing proposed settlement agreement, the Consumer Advocate considered it prudent to indicate to the Hearing Panel the position the Consumer Advocate would take should the Petition to Intervene be granted.

Sincerely,

A handwritten signature in black ink that reads "Vance L. Broemel". The signature is written in a cursive, flowing style.

Vance L. Broemel
Senior Counsel
Office of the Attorney General
Consumer Advocate and Protection Division
P.O. Box 20207
Nashville, Tennessee 37202-0270

² Allen & Hoshall, *Tennessee Water and Sewer Survey*, June 2010; Docket 11-00198, Direct Testimony of Dave Peters, April 23, 2012, p. 16.