

**IN THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE:

**PETITION OF BERRY'S CHAPEL
UTILITY, INC. TO CHANGE AND
INCREASE RATES AND CHARGES**

DOCKET NO. 11-00198

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 by Berry's Chapel Utility, Inc., f/k/a Lynwood Utility Corporation's ("Berry's Chapel/Lynwood") Petition to increase rates. 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 utility 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/Lynwood is a public utility regulated by the Authority and provides wastewater service to consumers located in Williamson County, Tennessee. Approximately 800 residential consumers and two non-residential consumers, Walnut Grove Elementary School and Berry's Chapel Church of Christ, receive waste water service from Berry's Chapel/Lynwood.

3. On November 15, 2011, Berry's Chapel/Lynwood filed in the Authority a Petition to change and increase the rates and charges paid by consumers for wastewater service. The petition seeks an increase in rates by \$398,853.00. This represents a rate increase of 76% for the households, the elementary school and church served by Lynwood/Berry's Chapel.

4. The rate increase sought by Berry's Chapel/Lynwood may not be just and reasonable and requires investigation. In this matter, the Consumer Advocate seeks to represent the interests of the households and non-residential customers served by Berry's Chapel/Lynwood.

5. The Consumer Advocate submits there are several outstanding regulatory matters which have not been addressed and which affect the interest of consumers and the basic tenets of utility regulation. Those consumers that paid the illegal \$20 monthly rate increase/surcharge which the Authority concluded in Docket 11-00005 should not have been charged, have not received the refunds to which they are entitled. The credit proposed by Berry's Chapel/Lynwood in Docket 11-000180 will not provide a dollar for dollar refund for the majority of consumers that paid the illegal surcharge.

6. The merger of Berry's Chapel and Lynwood was never approved by the Authority, a violation of Tenn. Code Ann. §§ 65-4-112, 65-4-113. Thus, Berry's Chapel, the entity filing this rate case, has no certificate of convenience and necessity to provide wastewater treatment services.

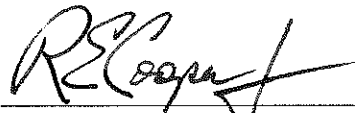
7. Moreover, Berry's Chapel/Lynwood has not complied with a settlement agreement approved by the Authority in Docket 08-00060 which authorized a volumetric surcharge for odor control costs for a specific amount over a specific period. The expense amount and time period for the recovery of "odor control" measures have long since been

exceeded. Berry's Chapel/Lynwood continues to charge an illegal volumetric surcharge which is not authorized by the Authority. It is not in public interest to allow a public utility to remain in breach of an order of the Authority while granting a 76% increase in rates paid by consumers.

8. Only by participating in this proceeding can the Consumer Advocate work adequately to protect the interests of 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: Dec. 5th, 2011.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Petition to Intervene was served via U.S. Mail or electronic mail upon:

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This the 5th day of Decemb, 2011.



RYAN L. MCGEHEE